

**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

TERESA CRAWFORD, VASU  
ABHIRAMAN, LORETTA MIRANDOLA,  
ANITA TUCKER, DEMOCRATIC  
NATIONAL COMMITTEE, and  
DEMOCRATIC PARTY OF GEORGIA,  
INC.,

Petitioners,

v.

STATE ELECTION BOARD,

Respondent.

Civil Case No. \_\_\_\_\_

**VERIFIED PETITION FOR DECLARATORY RELIEF**

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## INTRODUCTION

1. Just 42 days before the general election, the State Election Board (“SEB”) has adopted a rule that the Attorney General has concluded is very likely unlawful and that the Secretary of State has cautioned strongly against. As explained below, the Attorney General and the Secretary of State are right, and this Court should swiftly block the rule’s implementation before it can go into effect and wreak havoc on the general election.

2. The new “Hand Count Rule” adds an additional hurdle to Georgia’s established process for collecting and tabulating ballots. At thousands of precincts across the state, trios of poll workers will be required to hand count the total number of voted Election Day ballots to verify that they match machine-calculated totals. If the poll workers identify an “inconsistency” between their count and the machine count (a term that is left undefined), they must “correct” it if possible (another term that is left undefined).

3. The Rule violates Georgia law for numerous reasons. It improperly adds a new requirement to the Election Code beyond what the General Assembly contemplated and conflicts with the statutes the General Assembly did enact—in particular, by shifting part of the responsibility to oversee the tabulation of ballots from the county board to workers at individual precincts. More broadly, SEB has exceeded its rulemaking authority, which is limited to rules and regulations that are “conducive to the fair, legal, and *orderly conduct* of primaries and elections” and “obtain uniformity.” O.C.G.A. §§ 21-2-31(1), (2) (emphasis added). If the Hand Count Rule is allowed to go into effect, the general election will not be orderly and uniform—large counties will face significant delays in reporting vote counts, election officials will struggle to implement new procedures at the last minute, poll workers will not have been trained on the new Rule because it was adopted too late, and the security of the ballots themselves will be put at risk. Finally, SEB failed to follow the bedrock administrative law procedures that limit

unelected agencies' ability to unilaterally make policy—i.e., the requirement to provide notice before taking an action and the requirement to provide a contemporaneous statement of reasons for that action.

4. The Hand Count Rule is so improper on its face that both Georgia's chief elections officer and chief law enforcement officer felt compelled to speak out in opposition prior to the Rule's adoption. The Attorney General's office took the highly unusual step of explaining that the Hand Count Rule "very likely exceed[s] the Board's statutory authority and ... appear[s] to conflict with the statutes governing the conduct of elections." Ex. A at 1-2. Even beyond these problems, the Attorney General's office noted that "the passage of *any rules* concerning the conduct of elections are disfavored when implemented as close to an election as" the Hand Count Rule at issue here. *Id.* at 2.

5. The Secretary of State's office (via its General Counsel) similarly singled out the Hand Count Rule as one of the "most concerning rules under consideration," because it would "require tremendous personnel resources and time," "could lead to significant delays in reporting," and "needlessly introduce the risk of error, lost ballots, or fraud." Ex. B at 2. And, like the Attorney General, the Secretary's office warned that it is "[i]t is far too late in the election process for counties to implement new rules and procedures"—particularly when "many poll workers have already completed their required training." *Id.* at 1.

6. None of this could have come as a surprise to SEB, which—despite the Attorney General's and Secretary of State's opposition—adopted the Hand Count Rule by a 3-2 vote on September 20, 2024. Attached to the petition that initially proposed the Hand Count Rule was a message from the Secretary of State's office informing counties that having "poll workers hand

count ballots at each polling location on election night is not something your poll workers should do” because it conflicted with the Election Code and raised “security” concerns. Ex. C at 9.

7. In sum, the Hand Count Rule is contrary to the Election Code, exceeds the Board’s rulemaking authority (not least because it changes the rules of the game in the ninth inning) and violates foundational limits on agencies that are intended to avoid precisely the scenario here—an unelected body unilaterally making significant changes to the law without notice or explanation. To protect the sanctity of the state’s laws and to prevent election night chaos, this Court should declare that the Hand Count Rule exceeds SEB’s statutory authority and enjoin that rule from going into effect.

#### **PARTIES**

8. Petitioner Teresa K. Crawford is a duly appointed member of the five-member Fulton County Board of Registration and Elections, which is responsible for overseeing all elections for Fulton County. Ms. Crawford is one of the two nominees of the Fulton County Democratic Party. Ms. Crawford was sworn into office on July 8, 2021, and, as required by O.C.G.A. § 21-2-70(15)(B), took an oath of office affirming that she would, “at all times truly, impartially, and faithfully perform [her] duties *in accordance with Georgia laws*” (emphasis added).

9. Under Georgia law, “[s]uperintendent’ means: (A) [e]ither the judge of the probate court of a county or the county board of elections, the county board of elections and registration, the joint city-county board of elections, or the joint city-county board of elections and registration, if a county has such.” O.C.G.A. § 21-2-2(35).

10. The Fulton County Board of Registration and Elections is a “superintendent” under O.C.G.A. § 21-2-2(35), and is therefore bound by the computation, canvassing, and tabulation requirements set forth in O.C.G.A. §§ 21-2-70(9) and 21-2-493. As a superintendent,

the Fulton County Board of Registration and Elections is also responsible for ensuring the poll workers it employs comply with the Hand Count Rule.

11. Petitioner Vasu Abhiraman is a duly appointed member and serves as Vice Chair of the five-member DeKalb County Board of Registration and Elections, which is responsible for overseeing all elections for DeKalb County. Mr. Abhiraman is one of the two nominees of the DeKalb County Democratic Party, having been appointed to the position by the Chief Judge of the Stone Mountain Judicial Circuit in DeKalb County on June 26, 2023. Mr. Abhiraman was sworn into office on July 20, 2023, and, as required by O.C.G.A. § 21-2-70(15)(B), took an oath of office affirming that he would, “at all times truly, impartially, and faithfully perform [his] duties *in accordance with Georgia laws*” (emphasis added).

12. The DeKalb County Board of Registrations and Elections is a “superintendent” under O.C.G.A. § 21-2-2(35), and is therefore bound by the computation, canvassing, and tabulation requirements set forth in O.C.G.A. §§ 21-2-70(9) and 21-2-493. As a superintendent, the DeKalb County Board of Registrations and Elections is also responsible for ensuring the poll workers it employs comply with the Hand Count Rule.

13. Petitioner Loretta Mirandola is a duly appointed member of the five-member Gwinnett County Board of Registrations and Elections, which is responsible for overseeing all elections for Gwinnett County. Ms. Mirandola is one of the two appointees of the Gwinnett County Democratic Party, having been appointed to the position on November 8, 2023. Ms. Mirandola was sworn into office on December 26, 2023, and, as required by O.C.G.A. § 21-2-70(15)(B), took an oath of office affirming that she would, “at all times truly, impartially, and faithfully perform [her] duties *in accordance with Georgia laws*” (emphasis added).

14. The Gwinnett County Board of Registrations and Elections is a “superintendent” under O.C.G.A. § 21-2-2(35), and is therefore bound by the computation, canvassing, and tabulation requirements set forth in O.C.G.A. §§ 21-2-70(9) and 21-2-493. As a superintendent, the Gwinnett County Board of Registrations and Elections is also responsible for ensuring the poll workers it employs comply with the Hand Count Rule.

15. Petitioner Anita Tucker is a duly appointed member and serves as Assistant Secretary of the five-member Forsyth County Board of Voter Registrations & Elections, which is responsible for overseeing all elections for Forsyth County. Ms. Tucker is one of the two appointees of the Forsyth Democratic Party, having been appointed to the position on February 16, 2022. Ms. Tucker was sworn into office on March 1, 2022, and, as required by O.C.G.A. § 21-2-70(15)(B), took an oath of office affirming that she would, “at all times truly, impartially, and faithfully perform [her] duties *in accordance with Georgia laws*” (emphasis added).

16. The Forsyth County Board of Voter Registrations & Elections is a “superintendent” under O.C.G.A. § 21-2-2(35), and is therefore bound by the computation, canvassing, and tabulation requirements set forth in O.C.G.A. §§ 21-2-70(9) and 21-2-493. As a superintendent, the Forsyth County Board of Registrations and Elections is also responsible for ensuring the poll workers it employs comply with the Hand Count Rule.

17. Petitioner Democratic National Committee (“DNC”) is the principal committee of the Democratic Party, dedicated to electing Democratic candidates and protecting voters’ rights. DNC has a core interest in ensuring proper and legal administration of elections. That interest is harmed when ballots cast for Democratic candidates are lost or discarded through hand counts unauthorized by law. This interest is also harmed when election results from particular counties or precincts are improperly delayed, as will occur under the Hand Count Rule. Such delays

introduce opportunities for bad-faith actors to claim that fraud has affected election results—a result that would undermine public confidence in the results and in the election of Democratic candidates specifically. Finally, DNC’s interests are harmed when ballots are left unsecured or removed from the chain of custody established by the General Assembly, as this introduces a real risk that the ballots will be tampered with or lost.

18. Petitioner Democratic Party of Georgia, Inc. (“DPG”) is a political party as defined by O.C.G.A. § 21-2-2(25), and is the official Democratic Party organization in Georgia. DPG is dedicated to electing Democratic candidates in the state and protecting Georgians’ voting rights. As stated in its charter, DPG is “committed to the wisdom and efficacy of the will of the majority” and seeks to “protect and enhance political freedom of all people and to encourage the meaningful participation of all citizens within the framework of the United States Constitution and the laws of the United States and the State of Georgia.” Charter and Bylaws of the Democratic Party of Georgia, Preamble (Aug. 28, 2021).

19. Like the DNC, DPG has a core interest in ensuring proper and legal administration of elections. That interest includes ensuring that ballots cast for Democratic candidates (including by DPG members) are securely handled and tabulated. That interest is harmed when, for example, ballots cast for Democratic candidates are lost or discarded through hand counts. This interest is also harmed when election results from particular counties or precincts are delayed, as will occur under the Hand Count Rule. Such delays introduce opportunities to claim that fraud has affected election results, undermining public confidence in the results and in the election of Democratic candidates specifically. Finally, DPG’s interests are harmed when ballots are left unsecured or removed from the chain of custody established by the General Assembly, which introduces the risk that ballots will be tampered with or lost.



20. DPG has a further interest in ensuring that its members who serve as election officials (*e.g.*, election superintendents, as members of county Boards of Registration and Elections, and poll managers, assistant poll managers, and poll clerks) know their legal obligations with respect to their respective duties after polls close.

21. Respondent SEB is a Georgia state board and is attached for administrative purposes to the Secretary of State's office. SEB is an agency within the meaning of the Georgia Administrative Procedure Act ("APA"). *See* O.C.G.A. §§ 21-2-30 to -36. SEB is authorized "[t]o formulate, adopt, and promulgate [only] such rules and regulations," as are "consistent with law" and "as will be conducive to the fair, legal, and orderly conduct of primaries and elections." *Id.* § 21-2-31(2). SEB regularly conducts business in Fulton County at its principal office, 2 Martin Luther King, Jr. Drive, Suite 802, Floyd West Tower, Atlanta, Georgia 30334.

### STANDING

22. Petitioners reallege and incorporate herein by reference each and every allegation of paragraphs 1 through 21 inclusive.

23. Petitioners Crawford, Abhiraman, Mirandola, and Tucker (collectively, "the Board Member Petitioners") each have standing because the relief sought would "guide and protect the *petitioner/s* from uncertainty and insecurity with respect to" the interaction between the Hand Count Rule and their duty to comply with O.C.G.A. §§ 21-2-436, 21-2-483, and 21-2-420, which do not authorize the required hand count. *Cobb County v. Floam*, 319 Ga. 89, 97 (2024) (emphasis in original). The Board Member Petitioners will also have to divert their time and resources to educating fellow election officials on the appropriate role of poll managers, assistant poll managers, and poll clerks after polls close, which will take time away from working on essential board functions.

24. The Board Member Petitioners separately each have standing because O.C.G.A. § 21-2-33.2 allows SEB to take over a county elections board if it determines that the county board violated three election laws or rules during the last two election cycles, or that there is clear and convincing evidence of “nonfeasance, malfeasance, or gross negligence” in two elections within two years. The Board Member Petitioners require immediate guidance on the interaction between the Hand Count Rule and their statutory duties to ensure that they do not run afoul of O.C.G.A. § 21-2-33.2, triggering a “strike” and risking an exercise of SEB’s takeover authority. Avoiding a violation of O.C.G.A. §§ 21-2-436, 21-2-483, and 21-2-420—and, in turn, a strike under O.C.G.A. § 21-2-33.2—provides an additional reason that “the relief sought by” the Board Member Petitioners has “some *immediate legal effect on the parties’ conduct*,” *Perdue v. Barron*, 367 Ga. App. 157, 163 (2023) (emphasis in original).

25. DNC and DPG each have associational standing. The Georgia Supreme Court has explained that “associational standing permits an organization ... to sue on behalf of its members when: (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization’s purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” *Black Voters Matter Fund, Inc. v. Kemp*, 313 Ga. 375, 387 (2022). This three-part test is satisfied here because (1) DNC members who live and vote in Georgia have standing to sue SEB in their own right, as do DPG members who live and vote in the state (including the DPG-appointed election superintendents); (2) DNC and DPG each seek, through this litigation, to ensure that votes cast for Democratic candidates in November are properly secured and counted and that their members serving as election superintendents and poll workers know their legal obligations; and (3) neither the claims asserted nor the relief requested by petitioners require the

participation of either organization's members in this lawsuit, because both present purely legal issues.

26. In particular, DPG has associational standing to bring suit on behalf of its members because of the legal uncertainty introduced by the Hand Count Rule. This uncertainty includes whether and how DPG members currently serving on county Boards of Registration and Elections and as poll managers, assistant poll managers, and poll clerks can meet the requirements of the Hand Count Rule consistent with their statutory obligations.

27. DNC and DPG also each have standing independent from their members because each organization has been and will be injured directly by the Hand Count Rule.

28. First, DNC and DPG are injured when ballots containing votes for Democratic candidates are hand counted in violation of Georgia law. Hand counting will cause significant delays and may interfere with the election of Democratic candidates if ballots cast for such candidates are among those delayed, discarded, or lost during hand counts.

29. Second, DNC and DPG are injured when citizens are denied their fundamental right to vote. Each organization's mission is to ensure that citizens can exercise their political freedoms through meaningful participation in the framework of the U.S. Constitution. Ballots that are lost or discarded during hand counts are not counted. That denies the person who cast that ballot their fundamental right to vote.

30. Third, the confusion that the Hand Count Rule introduces has already caused and will continue to cause a diversion of DNC's and DPG's resources. When poll workers hand count ballots, DNC and DPG must each expend resources on monitoring the process to ensure that it is timely and securely completed, and that votes are properly counted—responsibilities that are not normally a part of either DNC's or DPG's mission. By the same token, time and

money spent on the Hand Count Rule (including responding to calls from voters and local officials confused about the rule's requirements) will deny those same resources to activities that are a core part of the DNC/DPG missions, *e.g.*, increasing Democratic voter turnout.

### **JURISDICTION AND VENUE**

31. SEB is subject to the jurisdiction of this Court pursuant to Georgia Constitution Article VI, § 4, ¶ I and O.C.G.A. § 50-13-10. Actions brought pursuant to O.C.G.A. § 50-13-10 “shall be in accordance with Chapter 4 of Title 9, relating to declaratory judgments,” including sections 9-4-2 and 9-4-3.

32. Venue is proper under O.C.G.A. §§ 9-10-30, 21-2-30(j), and 50-13-10(b).

### **FACTUAL ALLEGATIONS**

#### **A. Georgia's Process For Computation, Canvassing, And Tabulation**

33. In enacting the Georgia Election Code, the General Assembly created a comprehensive, integrated system of election administration that ensures qualified voters cast proper votes and that such votes are accurately counted and officially reported on an expedited timeline. *See generally* O.C.G.A. §§ 21-2-1 through 21-2-604. On knowledge and belief, the system created by the General Assembly has worked effectively and efficiently in avoiding errors and fraud.

34. All Georgia counties use a touch screen voting machine for in-person voting on Election Day. O.C.G.A. §§ 21-2-300(a)(1)-(3); 21-2-2(7.1). When checking in at the polls, voters confirm their identity and receive a microchipped card with their specific ballot. Ga. Comp. R. & Regs. § 183-1-12-.11(2)(a), (b). Voters take the card to a machine and insert it to display their ballot, then mark their selections on the screen. Ga. Comp. R. & Regs. § 183-1-12-.11(2)(b). When finished, voters print a scanner ballot, then feed that ballot into a digital

scanner. *Id.* The ballot is “cast” when scanned. *See id.* (after scanning the printed ballot reflecting voter’s choices, voter returns access card to poll officer).

35. As relevant here, the Code provides that once ballots are cast and polling locations close, county superintendents must start the process of counting, canvassing, tabulating, and certifying Election Day votes. O.C.G.A. § 21-2-493(a); *see also id.* §§ 21-2-490 through 21-2-504. This continues until all ballots have been counted and tabulated, and the official results released to the public. O.C.G.A. § 21-2-493(a). Per a law enacted last year, superintendents *must* also report the total number of ballots cast within their jurisdiction to the Secretary of State and the public by 11:59 P.M. on Election Day. O.C.G.A. § 21-2-421.

36. Despite this challenging timeline, the superintendents’ counting, canvassing, and tabulation of the official results cannot start until the poll manager for each precinct transmits the precinct election materials to the superintendent. The Code lays out specific sets of steps that the poll manager must follow before transmitting can begin.

37. In describing these steps, the Election Code at times distinguishes between precincts using “paper ballots” on the one hand, and precincts using automated devices like voting machines or optical scanners on the other. *Compare* O.C.G.A. §§ 21-2-430 to 440 (paper ballots), *with, e.g.*, O.C.G.A. §§ 21-2-450 to 457 (voting machines). Beginning with the 2020 election, no Georgia precincts may use “paper ballots” marked by hand for Election Day voting (with limited exceptions for emergencies and provisional ballots). *See* O.C.G.A. § 21-2-300(a)(2) (requiring use of scanning ballots marked by electronic ballot markers); SEB Rule 183-1-12-.01; *Curling v. Raffensperger*, 50 F.4th 1114, 1119 (11th Cir. 2022). Although there are minor variations between the provisions governing automated devices, those differences are

immaterial here—for the reasons explained below, *nothing* in the statutes governing Georgia’s current voting procedures permits the process required by the Hand Count Rule.<sup>1</sup>

38. For example, under the provisions governing optical scanners, the poll manager must “[u]pon the completion of voting ... prepare and sign a ballot recap form” that shows “(1) The number of valid ballots; (2) The number of spoiled and invalid ballots; and (3) The number of unused ballots.” O.C.G.A. § 21-2-484. The recap form and any “defective, spoiled, and invalid ballots” are sealed in envelopes. *Id.* Those envelopes are placed in a separate envelope container that, “along with the voted ballots,” is then “sealed by the manager” in a ballot container “so that it cannot be opened without breaking the seal.” “The manager and one poll officer shall then deliver the ballot container and the envelope container, if applicable, to the tabulating machine center or other place designated by the superintendent and shall receive a receipt therefor.” *Id.*

39. Once received at “the tabulating center, the seal on each container of ballots shall be inspected, and it shall be certified that the seal has not been broken before the container is opened.” O.C.G.A. § 21-2-483(c). “The ballots of each polling place shall be plainly identified and cannot be commingled with the ballots of other polling places.” *Id.* After tabulation, the superintendent then completes and signs an additional ballot recap form. *Id.* § 21-2-483(d).

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<sup>1</sup> All Georgia precincts now must use “electronic ballot markers” for election day voting. O.C.G.A. § 21-2-300. Electronic ballot markers are required by statute to produce a “paper ballot” for security and transparency purposes. *Id.* § 21-2-300(a)(2). But the ballots produced by these machines are not “paper ballots” as defined in O.C.G.A. §§ 21-2-430 to 21-2-440 because they are not given to voters as blanks to be filled out. The Georgia Supreme Court has indicated that the statutes governing “paper ballots” can be applied to precincts using automated devices in one limited circumstance—where a candidate dies shortly before election. *See Rhoden v. Athens-Clarke County Board of Elections*, 310 Ga. 266, 269-271 (2020) (noting that Election Code provisions governing use of automated devices did not address how to treat the death of a candidate).

Finally, the “official returns of the votes cast on ballots at each polling place shall be printed by the tabulating machine,” and the “returns thus prepared shall be certified and promptly posted.” *Id.* § 21-2-483(h).

40. Similarly detailed provisions govern poll workers’ duties with respect to other kinds of automated devices. *See, e.g.*, O.C.G.A. §§ 21-2-454; 21-2-455; 21-2-456.

41. After the official precinct-level results are consolidated, tabulated, and certified, the county superintendent then transmits the results to the Secretary of State. O.C.G.A. § 21-2-493(a), (k).

42. Beyond the measures laid out above, the Code ensures that ballots are accurately counted by mandating that superintendents perform certain precinct-level cross-checks and instructing them on how to resolve any numerical discrepancies detected by those cross-checks. *See, e.g., id.* §§ 21-2-493(e)–(h). If there are discrepancies, a superintendent may order a recount or recanvass under certain circumstances before the superintendent proceeds with certification. *See* O.C.G.A. § 21-2-495.

43. During the county-level canvassing process, the superintendent reviews various pieces of precinct-level information, including the number of electors in each precinct, *see id.* § 21-2-493(b), the number of persons who voted in each precinct, *id.*, the number of ballots cast in each precinct, *id.*, the unsealed and sealed returns of votes from each precinct, *id.* §§ 21-2-493(g)–(h), and, for each precinct using automated devices, the records from the general returns showing the machine counters and the internal records showing the machine counters prior to the start of the election, *id.* § 21-2-493(f). The county superintendent is then tasked with “compar[ing] the registration figure with the certificates returned by the poll officers showing the number of persons who voted in each precinct or the number of ballots cast” and if there is a

discrepancy, to “investigate[]” the issue. O.C.G.A. § 21-2-493(b). If, for example, it appears that the vote total for any candidate or question exceeds the number of electors or the total number of persons who voted in the precinct, no votes shall be recorded until this investigation occurs. *Id.*

44. The computation, canvassing, and tabulation of official results must be completed as quickly as possible, because election officials must certify results “not later than 5:00 P.M. on the Monday following the date on which such election was held.” O.C.G.A. § 21-2-493(k). This year, that deadline falls on November 12, 2024.

**B. Georgia’s Process For Securing Ballots And Chain Of Custody Requirements**

45. The Election Code also ensures that proper votes cast by qualified voters are accurately counted and reported through a comprehensive security and chain-of-custody scheme. *See generally* O.C.G.A. §§ 21-2-1 through 21-2-604.

46. For example, in elections where optical scanners are used, the General Assembly has provided that poll managers must seal ballot containers at individual precincts, then securely deliver those containers with another poll officer to a centralized tabulation center. O.C.G.A. § 21-2-484. Counting must be open to the public and performed only by persons under the direction of the superintendent. O.C.G.A. §§ 21-2-483(a)-(b). Ballot containers are inspected at the tabulating center and “it shall be certified that the seal has not been broken before the container is opened.” *Id.* § 21-2-483(c). The ballots of each polling place must be plainly identified and cannot be commingled with the ballots of other polling place ballot counting. *Id.* After tabulation of the votes, the superintendent completes and signs a ballot recap form showing the number of valid ballots, the number of spoiled and invalid ballots, and the number of unused ballots. *Id.* § 21-2-483(d).



47. Similarly, in elections where voting machines are used, as soon as the polls close, “the poll officers shall immediately lock and seal the operating lever or mechanism of the machine so that the voting and counting mechanism will be prevented from operation.” O.C.G.A. § 21-2-454(a). The poll officers then sign a certificate stating, among other things, that the machine was locked and sealed. *Id.* As soon as possible after the ballot count, the superintendent must have the voting machines placed in storage, where they will remain locked against voting for as long as may be necessary or advisable because of any existing or threatened contest over the result of the election. *Id.* § 21-2-457.

### **C. Attacks On Voting Machines**

48. While some advocates have suggested ballots should be counted by hand for accuracy reasons, studies have shown that ballot scanners are more accurate. *See, e.g.,* Orey et al., *How Ballot Tabulators Improve Elections*, Bipartisan Policy Center (Apr. 25, 2022), <https://bipartisanpolicy.org/explainer/how-ballot-tabulators-improve-elections/>; Goggin & Byrne, *An Examination of the Auditability of Voter Verified Paper Audit Trail (VVPAT) Ballots* (Jan. 2007), <https://accurate-voting.rice.edu/wp-content/uploads/2007/08/evt07-goggin.pdf>. Election Experts Oppose Hand-Counting Ballots. Here’s why, CBS News, <https://www.cbsnews.com/pittsburgh/news/hand-counting-ballots-explained/> (discussing study finding “poll workers who counted ballots by hand were off by as much as 8%”).

49. The Secretary of State’s office agrees, informing SEB that counting ballots by hand (which includes leaving them unsecured during hand counts) is much more likely to introduce “error, lost ballots, or fraud” than would occur if ballots scanners are used. *See* Ex. B at 2; *cf. Collier v. Board of Comm’rs*, 240 Ga. App. 605, 605-606 (1999) (county voting registrar removed from office for mishandling absentee ballots, including by opening them and accidentally leaving some in a desk drawer).

50. Indeed, a group of former elected officials and lawyers, including numerous Republicans, opposed the Hand Count Rule for this very reason. They explained that “[h]and counts are less accurate, more expensive, and slower than machine counts.” Ex. D at 2 (emphasis omitted). Voting machines “can better handle the high-capacity workload of an election, and they excel at the ‘tedious and repetitive tasks’ with which humans generally struggle.” *Id.* at 3. Voting machines are also “fully vetted,” and certified for accuracy by the U.S. Election Assistance Commission. *Id.*

#### **D. The Origins Of The Hand Count Rule**

51. On June 6, 2024, a member of the Fayette County Board of Elections named Sharlene Alexander filed a petition to amend SEB Rule 183-1-12-.12(a)(5). *See generally* Ex. C. The petition proposed that SEB adopt a “long-standing tradition in Fayette County” of having “three sworn poll officials” hand count the total number of paper ballots and compare that total against the ballot “scanner[’s] count.” *Id.* at 4.

52. Ms. Alexander said that the petition was spurred by an October 2022 email from the Secretary of State’s Elections Director instructing that “*hav[ing] poll workers hand count ballots at each polling location on election night is not something your poll workers should do*” based both on existing law and “to ensure maximum security for the voted ballots.” Ex. C at 9 (emphasis added). The same email further instructed that the process of “removing ballots from ballot boxes and sealing them in transport containers.... should be done efficiently, transparently, and immediately after the poll.” *Id.*

53. During a subsequent on-the-record discussion of her petition, Ms. Alexander stated that the hand count procedure in her county involved removing all the ballots from a ballot scanner and placing them in a “big pile.” Ex. E at 221:1. Then, three poll workers start “pulling those ballots out of the pile” and “quickly” count them into “stacks of fifty.” *Id.* at 221:2-4. The

stacks are then “push[ed]” to the next person to count the stack until all three poll workers have hand counted the same number of ballots. *Id.* at 221:6-8.

54. Ms. Sara Ghazal, an SEB member who voted against the Hand Count Rule, noted that most counties employing precinct-level hand counting had been plagued by problems and delays. *Id.* at 226:1-21.

55. On August 19, 2024, SEB member Janelle King proposed an oral amendment to Ms. Alexander’s petition. Ex. F at 134:17-139:7.

56. Ms. King’s additions allow the poll manager or assistant poll manager to start the hand count the day after election day (a determination left to their discretion) “and finish during the week designated for county certification.” Ex. G at 3. She also proposed that “[i]f the counting of ballots takes place at any time or place other than the polling location, the supervisor of elections must immediately communicate the date, time, and place of such action with all candidates on the ballot and the county chair of both major political parties no later than 10:00 pm on Election Day.” *Id.*

57. When SEB considered Ms. King’s amendment on the record, Ms. King acknowledged that there were “valid concerns” regarding the Hand Count Rule, such as fatigue of poll workers, increased staffing, and increased costs. Ex. F at 134:7-16.

#### **E. Adoption of the Hand Count Rule**

58. On August 21, 2024, SEB publicly posted the Hand Count Rule for notice and comment. Ex. G at 1. The text in the notice of proposed rulemaking tracks Ms. King’s amendment exactly, and adds the material bolded below to Rule 183-1-12-.12(a)(5):

The poll manager and two witnesses who have been sworn as poll officers as provided in O.C.G.A. § § 21-2-94 and 21-2-95 shall unseal and open each scanner ballot box, remove the paper ballots from each ballot box, **record the date and time that the ballot box was emptied and present to three sworn precinct poll officers to independently count the total number of ballots removed from the**

**scanner, sorting into stacks of 50 ballots, continuing until all of the ballots have been counted separately by each of the three poll officers. When all three poll officers arrive at the same total ballot count independently, they shall each sign a control document containing the polling place, ballot scanner serial number, election name, printed name with signature and date and time of the ballot hand count. If the numbers recorded on the precinct poll pads, ballot marking devices [BMDs] and scanner recap forms do not reconcile with the hand count ballot totals, the poll manager shall immediately determine the reason for the inconsistency; correct the inconsistency, if possible; and fully document the inconsistency or problem along with any corrective measures taken.** A separate container shall be used for the **hand counted** paper ballots from each ballot box and the container shall be labelled with the polling place, ballot scanner serial number, the number assigned to the ballot scanner for that election, the **scanner** counts of the ballots from the tabulation tape, and the hand count ballot total as certified by the three poll officials. The container shall be sealed and signed by the poll manager and **two of the three hand count poll officers** such that it cannot be opened without breaking the seal. The poll manager and two witnesses shall sign a label affixed to the container indicating that it contains all the **hand counted ballots** from the indicated scanner box and no additional ballots.

*Id.* at 2.

59. These changes mean that (1) the poll manager and two poll officers in each precinct must hand count the total number of ballots, (2) reconcile their independent counts, (3) attest to an agreed hand count total, (4) compare the hand count total to that of the precinct poll pads, the ballot marking devices, and scanner recap forms, and, (5) if the counts do not reconcile, “immediately determine the reason for the inconsistency” and “correct the inconsistency, if possible; and fully document the inconsistency or problem along with any corrective measures taken.” Ex. G at 2.

60. The proposed rule also added four subsections to the end of Rule 183-1-12-.12(a)(5). Ex. G at 3. These subsections state that the “decision about when to start the process described in [the Hand Count Rule] is up to the Poll Manager or Assistant Poll Manager,” authorize poll managers to begin the hand count process after election day when

scanners have more than 750 ballots, provide procedures for such post-election day counting, and require that post-election day counting occur at “the County election office.” *Id.*

61. The rulemaking announcement stated that a “public hearing w[ould] be held on Friday, September 20” in order to “provide the public an opportunity to comment upon and provide input into the proposed rule amendments.” Ex. G at 1.

62. A range of individuals and organizations submitted comments to SEB on the Hand Count Rule. The overwhelming majority of comments from county officials and voting rights experts opposed the enactment of the rule.

63. For example, on September 16, the Secretary of State’s general counsel submitted a letter noting that the Secretary had “received an overwhelming number of comments from county election officials expressing concern about the [SEB] changing Georgia’s election rules” shortly before an election and singling out the Hand Count Rule as one of “[t]he most concerning rules under consideration.” Ex. B at 1-2. The Hand Count Rule, the Secretary’s office explained, (1) “would require tremendous personnel resources and time,” (2) “could lead to significant delays in reporting,” (3) “would disrupt existing chain of custody protocols under the law” and (4) and “needlessly introduce the risk of error, lost ballots, or fraud.” *Id.* at 2.

64. The very next day, the Georgia Association of Voter Registration and Election Officials (GAVREO)—which represents local election officials—sent a similar letter to SEB opposing the Hand Count Rule (among other proposed rules). Ex. H at 1. The letter emphasized that GAVREO had stepped in because the rules under consideration “are poorly written, inefficient, would not accomplish their stated goals, or go directly against state law.” *Id.* In particular, GAVREO was concerned that the Hand Count Rule had the “potential to delay

results; set fatigued employees up for failure; and undermine ... confidence” in the outcome of the election. *Id.* at 2.

65. On September 19, 2024, the Georgia Attorney General’s office took the extraordinary step of advising SEB that the Hand Count Rule was likely illegal and beyond the agency’s authority. Ex. A at 4. The Attorney General explained that there are “no provisions in the statutes cited in support of these proposed rules that permit counting the number of ballots by hand at the precinct level prior to delivery to the election superintendent for tabulation.” *Id.* at 6. The Hand Count Rule was thus not “tethered to any statute” and the “precise” kind of regulation “that agencies cannot do.” *Id.* at 4.

66. The Attorney General also urged SEB not to adopt *any* new rules so close to the election. Ex. A. The Attorney General’s Office warned that “the passage of any rules concerning the conduct of elections are disfavored when implemented ... close to an election” due to the heightened risk of “voter confusion.” *Id.* at 2.

67. The Attorney General’s office reminded SEB that the agency “itself has utilized [a similar] principle” when defending against challenges to laws close in time to elections. Ex. A at 2, *citing In re Ga. Senate Bill 202*, 622 F.Supp.3d 1312, 1343-44 (N.D. Ga. 2022) (“[State Defendants, which include the members of the State Election Board] argue that the Court should withhold relief under the *Purcell* doctrine and the Eleventh Circuit’s application of that doctrine in *League* because in-person early voting for the general election will begin in mid-October, and a late change to the law will pose a significant risk of voter confusion and harm to the electoral process.”). Ex. A at 2. The Attorney General’s office thus advised SEB to “consider how the passage of any rules well-within the period where courts have agreed that *Purcell* applies may affect the application of the principle in the future.” *Id.*

68. Finally, on the same day as the Attorney General’s letter was delivered, DPG submitted comments urging SEB to reject the proposed rule. Ex. I at 3. DPG stated that the Hand Count Rule “[is] ripe for human error, vulnerable to abuse, and would add considerably to the workload demanded of election workers.” *Id.* DPG explained that the proposed rule did not account for a situation in which “election workers express fatigue or an inability to hand count votes on Election Day but the Poll Manager decides to initiate the process anyways.” *Id.* at 4. DPG asked “[w]hat happens if the hand counts are not completed on time? Are those votes thrown out? Would the delay provide County Boards of Election with a pretext to vote against certification on the mistaken belief that they are entitled to do so as part of their ‘reasonable inquiry’ under the Board’s recently adopted rules?” *Id.* And DPG explained that the Hand Count Rule provides county administrators “no time to implement and train workers on the[] new procedures.” *Id.*

69. On September 20, 2024, SEB adopted the Hand Count Rule in a 3-2 vote. *See* Ex. J at 2.

70. In its comments, DPG had requested that SEB “issue a concise statement of the principal reasons for and against [the Hand Count Rule’s] adoption and incorporate therein its reason for overruling the consideration urged against its adoption.” Ex. I at 8. SEB failed to provide such a statement, even though it is expressly required by O.C.G.A. § 50-13-4(a)(2) (“Upon adoption of a rule, the agency ... shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.”).

71. The Hand Count Rule becomes effective 20 days after it is filed with the Secretary of State’s office, O.C.G.A. § 50-13-6(a). According to the Secretary of State’s office, it could become effective as early as October 14, 2024. Ex. B at 1.

### **THE HAND COUNT RULE IS INVALID**

72. The Hand Count Rule is unlawful for multiple, independent reasons. First, it should be declared invalid because it has no basis in the Georgia Election Code. To the contrary, it improperly adds requirements to Georgia’s comprehensive statutory scheme—requirements that also conflict with other parts of the Code. Second, SEB lacks the statutory authority to impose the Hand Count Rule because the rule is antithetical to the fair and orderly administration of the general election. Even beyond the sheer delay caused by imposing another step in the tabulation process, the Rule was adopted far too late in the election cycle and raises a serious risk that poll workers who have not had the opportunity to be properly trained will make mistakes—either causing further delay or, worse, losing or mishandling valid ballots. Third, in passing the Hand Count Rule, SEB improperly disregarded its procedural obligations under the Georgia APA to provide an adequate explanation for its ruling and sufficient advance notice of its intent to enact a new rule.

#### **A. The Hand Count Rule Improperly Adds Requirements To The Election Code That Conflict With The General Assembly’s Comprehensive Canvassing, Computation, And Tabulation Scheme**

73. The comprehensive Georgia Election Code—which includes detailed processes regarding canvassing, computing, and tabulating ballots at the county and state levels—does not provide for hand counts at the precinct level in the manner contemplated by the Hand Count Rule. Adding such a requirement (and doing so in a manner in conflict with the statutory requirement that any new rule from SEB encourage fair and orderly elections) exceeds SEB’s rulemaking authority.



**1. The Hand Count Rule Adds Requirements That Go Beyond The Existing, Comprehensive Statutory Scheme For Canvassing, Computation, And Tabulation**

74. Article III, Section I of the Georgia constitution provides that the legislative power of the state is vested exclusively in the General Assembly. SEB accordingly has “no inherent powers and no lawful right to act except as directed by the [enabling] statute.” *South Co-operative Foundry Co. v. Drummond*, 76 Ga. App. 222, 224-25 (1947).

75. Here, SEB’s authority to promulgate rules is limited “to carry[ing] into effect a law already passed” or otherwise “administer and effectuate an existing enactment of the General Assembly.” *HCA Health Servs. of Ga., Inc. v. Roach*, 265 Ga. 501, 502 (1995); *see also Ga. Dep’t of Cmty. Health v. Dillard*, 313 Ga.App. 782, 785 (2013) (“[A]n administrative rule which exceeds the scope of or is inconsistent with the authority of the statute upon which it is predicated is invalid.”).

76. Nothing in the Election Code permits the kind of hand counting contemplated by the Hand Count Rule.

77. The Election Code specifies only two forms of hand counting prior to county superintendents’ certification of results. The first occurs during the tabulation of *paper* ballots marked by hand—a process that, as discussed, has nothing to do with the automated devices affected by the Hand Count Rule, O.C.G.A. §§ 21-2-435(c), 21-2-437(a). The second occurs at the tabulation center in those limited circumstances where a tabulating machine cannot read a ballot due to damage or unclear markings. *Id.* §§ 21-2-483(f), (g).

78. In enacting the Hand Count Rule, SEB engineered a third form of pre-certification hand counting with no statutory basis for doing so. While SEB’s notice of proposed rulemaking cited three Election Code provisions as “authority” for the Hand Count Rule, *see* Ex. G at 3,

SEB provided no supporting explanation for this assertion and none of the provisions support its position.

79. *First*, SEB cited O.C.G.A. §21-2-483(a), which provides that in “elections in which optical scanners are used, the ballots shall be counted at the precinct or tabulating center under the direction of the superintendent.” O.C.G.A. §21-2-483(a). It further provides that only persons “deputized by the superintendent” shall touch ballots, containers, papers, or machines used in the count. *Id.*

80. This provision is inapposite. While some machine scanning of ballots may be permitted at the precinct in cases where optical scanners are used, O.C.G.A. §21-2-483(a) provides that any such counting is under the direction of the *superintendent*, not a poll manager. More broadly, O.C.G.A. §21-2-483(c) envisions counting will take place at a tabulating center. O.C.G.A. §21-2-483(c) (“and the ballots shall be prepared for *processing by the tabulating machines*” (emphasis added)); *see also* Ex. A at 5 (Attorney General’s office noting that Section 21-2-483 “details [counting] procedures *at* the tabulation center”) (emphasis added).

81. *Second*, SEB cited O.C.G.A. § 21-2-436, but that statute is only applicable to precincts using paper ballots marked by hand. *See also* Ex. A at 6 (Attorney General’s office noting that Section 21-2-436 “contemplates the duties of poll officers ... in precincts in which *paper ballots* are used, not ballot scanners or voting machines” (emphasis added)). The Hand Count Rule, in contrast, applies only to voting “conducted via ballots marked by electronic ballot markers and tabulated by ballot scanners” and “through the use of an optical scanning voting system.” *See* Rule 183-1-12-.01.

82. *Third*, SEB cited O.C.G.A. §21-2-420(a), which states that “the poll officials in each precinct shall complete the required accounting and related documentation for the precinct

and shall advise the election superintendent of the total number of ballots cast at such precinct and the total number of provisional ballots cast.” O.C.G.A. § 21-2-420(a). Nothing in the Election Code itself defines the “required accounting” so broadly as to encompass hand counting. In particular, as the Attorney General’s office informed SEB, “neither the statutes that prescribe the duties of poll officers after the close of the polls for precincts using voting machines, *see* O.C.G.A. § 21-2-454, nor the precincts using optical scanners, *see* O.C.G.A. § 21-2-485, suggest that the General Assembly contemplated that a hand count of the ballots would be part of the “required accounting.” *See* Ex. A at 6.

**2. The Hand Count Rule Conflicts With Numerous Provisions Of The Comprehensive Statutory Scheme For Canvassing, Computation, And Tabulation**

83. The Hand Count Rule is also in direct conflict with at least six Election Code provisions.

84. *First*, the Hand Count Rule requires that poll workers around the state create an election-related form—*i.e.*, a “control document” for recording the results of a hand count. *See* Rule 183-1-12-.12. But under O.C.G.A. § 21-2-50(a)(5), only the Secretary of State has the authority to create “all blank forms” to be used in any election. *See* O.C.G.A. § 21-2-50(a)(5); *see also* Ex. B at 1 (letter from Secretary’s Office to SEB citing Section 21-2-50 for the proposition that “the form of the ballot is exclusively within the control of the Secretary of State under Georgia law.”).

85. *Second*, the Hand Count Rule transfers a portion of the superintendent’s statutory responsibilities over the computation and canvassing of the ballots, O.C.G.A. § 21-2-493(a), to poll managers. SEB—like any other agency—is not authorized to shift statutory responsibility from one official to another. *See Dep’t of Human Res. v. Anderson*, 218 Ga. App. 528, 529 (1995) (regulation invalid where it purported to give court veto-power over certain Georgia

Department of Human Resources decisions that were left to the Department’s discretion by statute).

86. *Third*, and relatedly, the Hand Count Rule interferes with county superintendents’ authority to “compare the registration figure with the certificates returned by the poll officers showing the number of persons who voted in each precinct or the number of ballots cast” and if there is a discrepancy, to “investigate[]” the issue. O.C.G.A. § 21-2-493(b). This is because the Hand Count Rule requires *poll managers* to “immediately determine the reason for the inconsistency” in hand count totals and “correct the inconsistency, if possible; and fully document the inconsistency or problem along with any corrective measures taken.” Rule 183-1-12-.12. In other words, even if the Hand Count Rule could be read as maintaining the statutory balance of power between county superintendents and poll managers, it gives poll managers the first (and perhaps only) opportunity to address numerical inconsistencies in the ballot tallies. This is improper because that duty rests solely with county superintendents, not poll managers. O.C.G.A. § 21-2-493(b).

87. *Fourth*, the Hand Count Rule conflicts with the statutory requirement that the superintendent report to the Secretary of State—and post in a public place—the “number of ballots cast at the polls on the day of the ... election” by “not later than 11:59 pm following the close of the polls *on the day of a[n] ... election.*” O.C.G.A. § 21-2-421(a)(1) (emphasis added). In contrast, the Hand Count Rule requires only that Poll Managers and Assistant Poll Managers finish their count “during the week designated for county certification.” Ex. G at 4. In other words, the Hand Count Rule purports to give poll workers the ability to (perhaps unintentionally) prevent the superintendent from timely notifying the Secretary and the public regarding the number of ballots received.

88. *Fifth*, the Hand Count Rule sets up a conflict with the statutory requirement that the superintendent finish computation and canvassing by 5:00 P.M. on the Monday following the election in order to certify the results. O.C.G.A. § 21-2-497. Again, the Hand Count Rule allows poll workers to finish their count “during the week designated for county certification.” Ex. G at 4. If the hand counts are not completed until the end of that week (for example, in large counties), it may be impossible for the county superintendent to complete his or her statutorily-required tabulation by the certification deadline. This could result in the superintendent certifying results without ballots from precincts delayed by the hand count requirement—thereby denying voters their fundamental right to vote.

89. *Sixth*, the Hand Count Rule requires all poll managers and poll officers to handle ballots regardless of their relationship with the county supervisor. Rule 183-1-12-.12(a)(5). This cannot be squared with the requirement in O.C.G.A. § 21-2-483(a) that only those deputized by the superintendent may handle ballots. O.C.G.A. § 21-2-483(a).

**B. The Hand Count Rule Exceeds SEB’s Statutory Authority, Which Is Limited To Promulgating Rules That Promote “Fair ... And Orderly Conduct” And “Uniformity” During The Primaries And Elections**

90. The Hand Count Rule does not just impermissibly add new requirements to existing law. It also is fundamentally inconsistent with the SEB’s statutory obligation to enact rules that promote “fair ... and orderly conduct” and “uniformity” during the primaries and elections. O.C.G.A. §§ 21-2-31(1), (2).

91. For example, the Hand Count Rule’s scope is unclear, as it does not specify what measures a poll manager may or should take to perform a correction. *See* Ex. G at 2–3. The term “correct” is amorphous and susceptible to numerous interpretations and abuses. The lack of clarity for how to “correct” discrepancies in a hand count poses a significant risk of inconsistencies across precincts, mishandling of ballots, failure to count ballots, and confusion

among poll managers. At a minimum, the failure to define the word “correct” means that the regulation is incomplete, and an incomplete regulation does not promote “orderly conduct” or “uniformity” in election administration.

92. The Hand Count Rule also imposes significant and unfair burdens on election workers. Ms. Alexander—the Fayette County resident who first suggested the Hand Count Rule—described a vote-counting process in her county that was little more than a scramble. In her own telling, a hand count would require “pull[ing] the ballots out of the scanner” and placing the ballots “in a big pile” from which three poll workers would “just start pulling those ballots out of the pile” to “quickly” count the ballots “into stacks of fifty.” Ex. E at 220:22-221:4. Then the poll worker “would push them to the next person” who would re-count the stack and so on until all three poll workers had counted each stack and confirmed they had “hand-counted” the same number of ballots. *Id.* at 221:6-12.

93. The Hand Count Rule also undermines the comprehensive security and chain of custody scheme established by the General Assembly. The Hand Count Rule requires individual poll managers at thousands of locations across Georgia to open sealed ballot boxes, and then remove, reorganize, and pass around ballots. *See* Ex. G at 2; *see also* Ex. E at 220:25-221:13 (Alexander). Experience teaches that such unguided handling of ballots poses a substantial risk that the ballots will be lost or (perhaps inadvertently) tampered with. *Cf. Collier v. Bd. of Comm’rs*, 240 Ga. App. 605, 605-06 (1999). At a minimum, the ballots could be folded, torn, or otherwise damaged in a manner that makes future tabulation difficult (e.g., during a recount, if necessary).

94. Indeed, the Secretary of State’s office has historically cautioned counties *not* to hand count ballots because “[i]n order to ensure maximum security for the voted ballots, poll

workers should not prolong the process of removing ballots from ballot boxes and sealing them in transport containers.” Ex. C at 9. This process must instead “be done efficiently, transparently, and immediately after the polls have closed and votes have been cast.” *Id.* The Hand Count Rule encourages the opposite, raising the prospect that ballots will be placed in a “big pile” outside of any secure storage, for potentially hours or days. Ex. E at 221:1.

95. As the Secretary of State’s office has explained, “having poll workers handle ballots at polling locations after they have been voted introduces a new and significant risk to chain of custody procedures. Georgia law already has secure chain of custody protocols for handling ballots, and efforts to change these laws by unelected bureaucrats on the eve of the election introduces the opportunity for error, lost or stolen ballots, and fraud.” SOS Release (Aug. 15, 2024), <https://sos.ga.gov/news/raffensperger-defends-georgias-election-integrity-act-last-minute-changes-delaying-election>.

96. The many flaws in the Hand Count Rule have been made infinitely worse by the timing of its enactment—just six weeks before the November election. Barring judicial intervention, it will take effect as early as October 14, 2024—only 22 days before the election. *See* Ex. B at 1.

97. Federal courts have long recognized that election administration issues and basic fairness concerns generally weigh against making significant changes to the law in close proximity to elections. *See, e.g., Purcell v. Gonzalez*, 549 U.S. 1, 4-5 (2006); *see also DNC v. Wis. State Legis.*, 141 S. Ct. 28, 30 (2020) (Gorsuch, J., concurring) (noting the danger posed by changing “longstanding election rules” shortly before or while voting is underway); *Republican Party of Pa. v. Degraffenreid*, 141 S. Ct. 732, 735 (2021) (Thomas, J., dissenting) (“Changing the rules in the middle of the game is bad enough. Such rule changes by officials who may lack

authority to do so is even worse.”). Thus, for example, the Eleventh Circuit has invoked *Purcell* in barring changes to election rules for the City of Miami just “three months before ... voters go to the polls,” *Grace, Inc. v. City of Miami*, 2023 WL 5286232, at \*1 (11th Cir. Aug. 4, 2023), and SEB itself has previously argued that “late change[s] to the [election] law ... pose a significant risk of voter confusion and harm to the electoral process.” Ex. A at 2.

98. While *Purcell* binds only “lower *federal* courts,” *Republican National Committee v. Democratic National Committee*, 589 U.S. 423, 424 (2020) (emphasis added), its logic regarding the importance of avoiding voter confusion shortly before an election applies to the facts of this case.

99. Here, the Hand Count Rule changes longstanding election rules regarding the security, counting, canvassing, and tabulation of ballots. *See supra* pp. 25–29. And Georgia’s Attorney General, Secretary of State, and local election officials alike have urged SEB to cease its last-minute rulemakings—including its passage of the Hand Count Rule—precisely because of the concerns raised under the *Purcell* doctrine.

100. The Secretary’s office, for example, has stated that “[i]t is far too late in the election process for counties to implement new rules and procedures, and many poll workers have already completed their required training.” Ex. B at 1. Similarly, the Attorney General’s Office has cautioned against “the passage of any rules well-within the period where courts have agreed that *Purcell* applies. Ex. A at 2. And GAVREO requested a rulemaking pause because the “2024 General Election is less than 50 days away.” Ex. H at 1.

101. Imposing onerous and untested procedures within a month of election day is not “conducive to the fair, legal, and orderly conduct of primaries and elections” under any meaning of the term. *See* O.C.G.A § 21-2-31(2).



**C. SEB Violated The Georgia APA By Failing To Provide An Explanation For The Hand Count Rule Or Proper Notice Of Its Intent To Adopt The Rule**

**1. SEB Failed To Provide A Statement Of Reasons For Its Decision To Enact The Hand Count Rule**

102. The Hand Count Rule is independently invalid because it violates a key notice and comment requirement embedded in the Georgia APA.

103. The APA provides that, prior to the adoption of a rule:

The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, *if requested to do so by an interested person* either prior to adoption or within 30 days thereafter, *shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration* urged against its adoption.

O.C.G.A. § 50-13-4(a)(2) (emphases added).

104. Failure to comply with the statement of reasons requirements is fatal to any regulation. As the Court of Appeals held in *Outdoor Advertising Association of Georgia, Inc. v. Department of Transportation*, “[i]nasmuch as we have concluded that [the agency] violated mandated precepts of the APA in its attempt to adopt amendments to [its] rules and regulations, we must ... hold that the amendments are invalid.” 186 Ga. App. 550, 554 (1988). The court expressly noted that one of the agency’s failures was the violation of O.C.G.A. § 50-13-4(a)(2) “because the board did not consider the written and oral comments concerning the proposed amendments[.]” *Id.*

105. The same is true here. Petitioner DPG asked for its comments to be considered as to each challenged rule. *See* Ex. I. Nonetheless, SEB has not issued any statement as to why DPG’s comments on the Hand Count Rule were disregarded. That failure requires invalidation of the Hand Count Rule.

## 2. SEB Did Not Provide Adequate Notice Of Its Vote On The Hand Count Rule

106. The Hand Count Rule is also invalid because it violates the Georgia APA’s notice requirement:

No rule adopted after April 3, 1978, shall be valid unless adopted in *exact compliance* with subsections (a) and (e) of this Code section and in substantial compliance with the remainder of this Code section.

O.C.G.A. § 50-13-4(d) (emphasis added).

107. O.C.G.A. § 50-13-4(a) provides that, prior to the adoption of a rule, the agency shall “[g]ive at least 30 days’ notice of its intended action.”

108. Failure to stringently comply with this requirement is fatal. Again, when an agency violates the Georgia APA “in [an] attempt to adopt amendments to [its] rules and regulations, ... the amendments are invalid. *Outdoor Advertising*, 186 Ga. App. at 554.

109. The *Outdoor Advertising* rule applies here. SEB’s notice informed the public only that the September 20, 2024 meeting would provide “an opportunity to comment upon and provide input into the proposed rule amendments,” including the Hand Count Rule. Ex. G at 1. Nothing in the notice suggested that SEB would actually reach a final decision on the Hand Count Rule at the September 20 hearing.

### **COUNT I – DECLARATORY JUDGMENT THAT THE HAND COUNT RULE IS INVALID**

110. Petitioners reallege and incorporate herein by reference each and every allegation of paragraphs 1 through 109 inclusive.

111. Because the Hand Count Rule conflicts with the General Assembly’s comprehensive scheme for securing, counting, canvassing, and tabulating ballots and SEB lacks authority to displace or interfere with that legislative scheme, the Hand Count Rule is invalid. *See* O.C.G.A. § 21-2-31 (SEB rulemaking must be “consistent with law”).

112. Promulgating the Hand Count Rule on the eve of the election is also not “conducive to the fair, legal, and orderly conduct of primaries and elections,” O.C.G.A. § 21-2-31(2), and will cause confusion among both voters and election officials, *Grace*, 2023 WL 5286232, at \*1. Under the facts of this case, SEB lacks statutory authority to implement such sweeping changes with Election Day in sight—*i.e.*, after poll workers have been trained, election day procedures have been designed, and voters have begun casting ballots.

113. Separately, the Hand Count Rule is not authorized by statute because SEB neither “issue[d] a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption,” nor “consider[ed] fully all written and oral submissions respecting the proposed rule.” O.C.G.A. § 50-13-4(a)(2).

114. Finally, the Hand Count Rule is not authorized by statute because SEB failed to give the statutorily required notice that it would vote on the Hand Count Rule at its September 20 meeting.

115. Petitioners therefore seek a declaration that the Hand Count Rule is invalid as contrary to law and violates Georgia’s Administrative Procedure Act. *See* O.C.G.A. § 50-13-10.

116. Petitioners face injury from the Hand Count Rule, and require relief to avoid the confusion, disorder, and burdens that have been and will continue to be caused by the Hand Count Rule.

### **PRAYER FOR RELIEF**

**WHEREFORE, petitioners respectfully request that the Court:**

- (1) Declare that the Hand Count Rule is invalid and an unlawful exercise of SEB’s authority;
- (2) Declare that the Hand Count Rule fails to comply with the procedural requirements of the Georgia Administrative Procedure Act;

- (3) Enter a permanent injunction against the enforcement of the Hand Count Rule; and
- (4) Grant any other relief the Court deems necessary or proper.

*Signatures follow on the next page.*

Respectfully submitted this 30th day of September, 2024.

/s/ Manoj S. Varghese

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*Attorneys for the Democratic  
National Committee*

*\* Pro hac vice application forthcoming*

**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

TERESA CRAWFORD, VASU  
ABHIRAMAN, LORETTA MIRANDOLA,  
ANITA TUCKER, DEMOCRATIC  
NATIONAL COMMITTEE, and  
DEMOCRATIC PARTY OF GEORGIA,  
INC.,

Petitioners,

v.

STATE ELECTION BOARD,

Respondent.

Civil Case No. \_\_\_\_\_

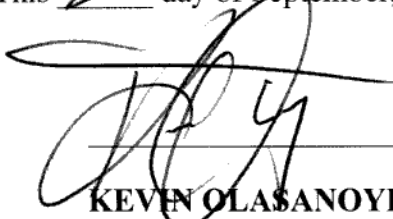
**VERIFICATION OF PETITION FOR DECLARATORY RELIEF**

Comes now Kevin Olasanoye, who states as follows:

1. I am over the age of 18 and competent to provide this verification.
2. I am the Executive Director of the Democratic Party of Georgia, Inc., a Petitioner in this action.
3. I have authorized the filing of the foregoing Petition for Declaratory Relief on behalf of the Democratic Party of Georgia, Inc.
4. I have reviewed the foregoing Petition for Declaratory Relief, and to the best of my knowledge and belief, all the factual allegations contained therein are true and correct.

*[Signatures appear on the following page]*

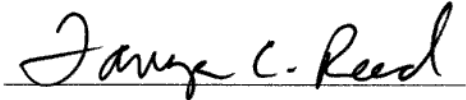
This 29<sup>th</sup> day of September, 2024.



**KEVIN OLASANOYE**  
Executive Director  
Democratic Party of Georgia, Inc.

Sworn to me and subscribed before me,

this 29<sup>th</sup> day of September, 2024.



**NOTARY PUBLIC**  
My commission expires:





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## GEORGIA DEPARTMENT OF LAW

40 Capitol Square SW  
Atlanta, Georgia 30334-1300

CHRISTOPHER M. CARR  
ATTORNEY GENERAL

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(404) 656-3300

### **ATTORNEY-CLIENT PRIVILEGED INFORMATION**

September 19, 2024

#### **MEMORANDUM:**

TO: John Fervier  
Chairman  
State Election Board

FROM: Elizabeth Young  
Senior Assistant Attorney General

RE: Request for Comments on Proposed Rules in Advance of September 20,  
2024 State Election Board Meeting

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This memorandum is in response to the Board's request for comments from our office regarding the proposed rules to be considered by the Board at its September 20, 2024 meeting.

As an initial matter, this office does not typically engage in a broad review of an agency's proposed rules to ensure that the agency's proposed rules are consistent with law. As an administrative board with rulemaking authority, it is the Board's obligation to formulate its proposed rules to be consistent with law and conducive to the fair, legal and orderly conduct of primaries and elections. O.C.G.A. § 21-2-31(2). The Board should evaluate the legality of any proposed rule prior to publication and voting. Should the Board desire specific legal advice concerning any proposed rule or action, the Board should seek such advice in writing addressed to this office. This office cannot search through email correspondence to which it is simply copied to determine whether or not the Board has made a passing comment to seek legal advice on any particular topic. In addition, seeking unspecified comment on any proposed rule is unhelpful. In its request for legal advice, the Board should specify the matter upon which it seeks legal advice and ask a specific question to be answered through the Chair. This is the best manner in which to seek advice and allows this office to answer those questions on which the Board needs advice and avoids any misinterpretation of the Board's request and allows for an efficient and deliberate response.

In the instant matter, in an effort to assist the Board, we make this limited exception to our usual practice to offer the following expedited comments upon the rules proposed for

consideration at the September 20 meeting based on the Board's request. We make this exception here because a review of the proposed rules reveals several issues including that several of the proposed rules, if passed, very likely exceed the Board's statutory authority and in some instances appear to conflict with the statutes governing the conduct of elections. Where such is the case, and as outlined below, the Board risks passing rules that may easily be challenged and determined to be invalid.

Please note the following:

As a general matter, the passage of any rules concerning the conduct of elections are disfavored when implemented as close to an election as the rules on the September 20 agenda. The United States Supreme Court in *Purcell v. Gonzalez* recognized that “[c]ourt orders affecting elections, especially conflicting orders, can themselves result in voter confusion and consequent incentive to remain away from the polls. As an election draws closer, that risk will increase.” 549 U.S. 1, 4-5 (2006). Federal courts have thus generally refrained from enjoining state election laws in the months prior to an election. *See Merrill v. Milligan*, 142 S. Ct. 879 (2022) (Kavanaugh, J., concurring); *see also League of Women Voters of Florida, Inc. v. Fla. Sec’y of State*, 32 F.4th 1363 (11th Cir. 2022) (*Purcell* applies when voting was set to begin in less than four months). The Board itself has utilized the *Purcell* principle in defense of certain Senate Bill 202 provisions. *See In re Ga. Senate Bill 202*, 622 F.Supp.3d 1312, 1343-44 (N.D. Ga. 2022) (“[State Defendants, which include the members of the State Election Board] argue that the Court should withhold relief under the *Purcell* doctrine and the Eleventh Circuit’s application of that doctrine in *League* because in-person early voting for the general election will begin in mid-October, and a late change to the law will pose a significant risk of voter confusion and harm to the electoral process.”). Thus, the Board should also consider how the passage of any rules well-within the period where courts have agreed that *Purcell* applies may affect the application of the principle in the future.

**I. The Board’s general rule-making power is limited to rules that do not exceed or conflict with the Georgia Election Code.**

“[T]he General Assembly is empowered to enact laws of general application and then delegate to administrative officers or agencies the authority to make rules and regulations necessary to effectuate such laws.” *Jackson v. Composite State Bd. of Med. Examiners of Ga.*, 256 Ga. 264, 265 (1986). The test of validity of an administrative rule is twofold: (1) is it authorized by statute, and (2) is it reasonable? *Georgia Real Estate Comm. v. Accelerated Courses in Real Estate, Inc.*, 234 Ga. 30, 32-33 (1975).

The Board’s power to adopt rules is solely derived from statutes passed by the General Assembly. The General Assembly has granted the Board authority to promulgate rules and regulations as will be conducive to the fair, legal, and orderly conduct of primaries and elections, *see* O.C.G.A. § 21-2-31(2); and further to promulgate rules and regulations to obtain uniformity in the practices and proceedings of superintendents, registrars,

deputy registrars, poll officers, and other officials, as well as the legality and purity in all primaries and elections. O.C.G.A. § 21-2-31(1).

However, a broad grant of statutory authority to promulgate rules is not an unlimited grant of authority. See *Ga. Real Estate Comm'n v. Accelerated Courses in Real Estate, Inc.*, 234 Ga. 30, 32-33 (1975) (administrative rules must be both authorized by statute and reasonable) (discussing *Eason v. Morrison*, 181 Ga. 322 (1935)). Only the General Assembly has the constitutional authority to legislate. See *HCA Health Services of Ga., Inc. v. Roach*, 265 Ga. 501, 502 (1995). Although the General Assembly may grant “administrative authority to promulgate rules for the enforcement of the General Assembly’s enactments” to agencies like the Board, the agency’s authority can only extend to “adopt rules and regulations to carry into effect a law already passed” or otherwise “administer and effectuate an existing enactment of the General Assembly.” *Id.* Thus, a regulation that adds extra requirements or procedure where the statute speaks plainly on a matter is inconsistent with the statute and may likely be subject to a legal challenge. See *Dep’t of Hum. Res. v. Anderson*, 218 Ga. App. 528, 529 (1995) (agency regulation that added a requirement before a modification order of child support took effect was inconsistent with the clear authority of the statute).

Operating where there is *no* statute is also similarly impermissible: while agencies have implied powers “as a reasonably necessary to execute the express powers conferred,” *Bentley v. State Bd. of Med. Examiners of Ga.*, 152 Ga. 836, 836 (1922), the Supreme Court of Georgia has recently warned that “for a government entity whose authority on the relevant point is purely a creature of statute, the absence of statutory authority is the absence of legal authority to act.” *Camp v. Williams*, 314 Ga. 699, 709 (2022) (Bethel, J., concurring). See also *Gebrekidan v. City of Clarkston*, 298 Ga. 651, 654 (2016) (“[T]he General Assembly speaks through its silence as well as its words; the broad scope and reticulated nature of the statutory scheme indicate that the legislature meant not only to preclude local regulation of the various particular matters to which the general law directly speaks, but also to leave unregulated ... the matters left unregulated in the interstices of the general law.”).

Thus, the Board’s authority to promulgate rules and regulations is limited to the administration or effectuation of the statutes in the Georgia Election Code. The Board should therefore take all precaution to ensure that any rule adopted and promulgated by the Board neither conflicts with nor expands any statute; otherwise, the Board runs substantial risk of intruding upon the General Assembly’s constitutional right to legislate. When such intrusion occurs, the Board rule is highly likely to be ruled invalid should it be challenged.

Finally, to the extent that a proposed rule merely mirrors the language of a statute without more, it does not accomplish anything. To the extent that a rule mirrors a statute but adds or alters the statute’s requirements, the rule will likely be subject to an easy legal challenge.

## II. Proposed Rules

There are several proposed rules before the Board that appear to either impermissibly conflict with or otherwise expand the scope of Georgia statutes.

1. Proposed Rules 183-1-12-.01 and 183-1-12-.19

These rules seek to change the form of the ballots and require that the Secretary of State and the counties post “freely accessible link[s]” to a list of electors prior to advance voting and maintain such data files for free download for a minimum of ten consecutive years, respectively. Thus, the proposed rules seek to direct actions that are, by statute, within the purview of the Secretary of State. *See* O.C.G.A. § 21-2-50(a)(1), (15); O.C.G.A. § 21-2-225(c). As such, the proposed rules do not fall within the Board’s regulatory power under O.C.G.A. § 21-2-31 thus very likely exceeds the Board’s scope of authority to promulgate.

2. Proposed Rule 183-1-13-.05

This rule seeks to expand the enumerated locations where poll watchers may be designated beyond those places identified in the statute. O.C.G.A. § 21-2-408(c), which the original rule, Ga. Comp. R. & Regs. 183-1-13-.05, tracks almost exactly, specifically provides that poll watchers may be designated by the superintendent to serve in “the check-in area, the computer room, the duplication area, and such other areas as the superintendent may deem necessary to the assurance of fair and honest procedures in the tabulating center.” Under the canon of statutory construction “expression *unius est exclusio alterius*” (“the mention of one thing implies the exclusion of another”), a list of items in a statute is presumed to exclude items not specifically listed, and the omission of additional locations from the statute is regarded by the courts as deliberate. *See, e.g. Barnes v. State Farm Fire & Cas. Co.*, 2024 Ga.App. LEXIS (Aug. 26, 2024).

The proposed rule goes beyond the statutorily-designated list of places a superintendent may decide to place poll watchers and instead supplants the superintendent’s discretion with the Board’s own. This too does not carry into effect a law already passed by the General Assembly but rather expands upon the statute; the rule, if adopted, would then very likely be subject to legal challenge as invalid.

3. Proposed Rule 183-1-14-.11

This rule goes beyond merely administering or effectuating an existing statute by adding additional requirements that would make it inconsistent with the statute. The proposed rule purports to require that absentee ballots be mailed “by United States Postal Service or other delivery service which offers tracking[.]” However, the General Assembly did not specify the use of tracking for the mailing of absentee ballots. *See* O.C.G.A. § 21-2-

384(a)(2) (“[T]he board of registrars or absentee ballot clerk shall *mail or issue* official absentee ballots to all eligible applicants....”) (emphasis added).

The proposed rule further requires that county boards of registrars maintain as public record the tracking records for each ballot mailed to the electors. However, the Board has no authority to promulgate rules regarding the classification or retention of documents. *See* O.C.G.A. § 21-2-31 (promulgate rules for the fair, legal, and orderly conduct of elections). Thus, promulgation of the rule would very likely go beyond the scope of the Board’s authority and be subject to challenge as invalid

4. Proposed Rule 183-1-12-.21

This rule seeks to expand on the reporting requirements set forth in O.C.G.A. § 21-2-385(e). The statute already provides a fairly detailed process by which county boards of registrars or absentee ballot clerks must report information regarding the ballots issued, received, or rejected during the advance voting period. *See* O.C.G.A. § 21-2-385(e). The proposed rule seeks to go beyond the statute to require, among other expansions, additional information regarding the substance of the ballots (i.e., the number of political party or nonpartisan ballots cast). However, the General Assembly did not include that information as information that must be reported pursuant to O.C.G.A. § 21-2-385(e). Accordingly, the rule, if promulgated, would similarly likely go beyond the scope of the statute and the Board’s authority.

5. Proposed Rules 183-1-12-.12(a)(5) and 183-1-14-.02(8), (13)

These rules refer to the process of hand-counting ballots on Election Day and during the advance voting period, respectively, to produce a vote total to compare to the ballot count produced by the ballot scanners. Crucially, these Proposed Rules purport to amend provisions to allow for hand-counting ballots at the precinct-level, which would appear to occur prior to submission to the election superintendent and consolidation and tabulation of the votes. *Compare* Ga. Comp. R. & Regs. 183-1-12-.12(a) (“After the Polls Close”) with Ga. Comp. R. & Regs. 183-1-12-.12(b) (“Consolidation of Results”); Ga. Comp. R. & Regs. 183-1-14-.02(8) (“At the close of voting on any day *during the advance voting period...*”); Ga. Comp. R. & Regs. 183-1-14-.02(13) (“The ballot scanner and ballot containers shall then be secured *until time for the tabulation of votes.*”).

However, the statutes upon which these rules rely do not reflect any provision enacted by the General Assembly for the hand-counting of ballots prior to tabulation.

For example, O.C.G.A. § 21-2-483 details procedures *at* the tabulation center: in primaries and elections in which optical scanners are used, after the seal on each container of ballots is inspected and verified as not having been broken, the container with the ballots is opened, the ballots are removed, “and the ballots shall be prepared for processing by the *tabulating machines.*” O.C.G.A. § 21-2-483(c) (emphasis added).

Then, “[u]pon completion of the tabulation of the votes, the superintendent shall cause to be completed and signed a ballot recap form[.]” O.C.G.A. § 21-2-483(d). O.C.G.A. § 21-2-436 is similarly inapplicable; that statute contemplates the duties of the poll officers after the close of polls in precincts in which *paper ballots* are used, not ballot scanners or voting machines.

O.C.G.A. § 21-2-420(a) does provide that “the poll officials in each precinct shall complete the required accounting and related documentation for the precinct and shall advise the election superintendent of the total number of ballots cast at such precinct and the total number of provisional ballots cast.” However, neither the statutes that prescribe the duties of poll officers after the close of the polls for precincts using voting machines, *see* O.C.G.A. § 21-2-454, nor the precincts using optical scanners, *see* O.C.G.A. § 21-2-485, suggest that the General Assembly contemplated that a hand-count of the ballots would be part of the “required accounting.”

There are thus no provisions in the statutes cited in support of these proposed rules that permit counting the number of ballots by hand at the precinct level prior to delivery to the election superintendent for tabulation. Accordingly, these proposed rules are not tethered to any statute—and are, therefore, likely the precise type of impermissible legislation that agencies cannot do. *See HCA Health Services of Ga., Inc., supra.*

We hope that this expedited informal analysis is helpful to the Board. Should there be further questions directed to this office as described herein, we will endeavor to assist the Board further.

cc: Mrs. Sara Tindall Ghazal (via email correspondence)  
Dr. Janice W. Johnston (via email correspondence)  
Mr. Rick Jeffares (via email correspondence)  
Mrs. Janelle King (via email correspondence)  
Mr. Michael Coan (via email correspondence)

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## Office of the Secretary of State

*Brad Raffensperger*

SECRETARY OF STATE

*Charlene McGowan*

GENERAL COUNSEL

September 16, 2024

Mr. John Fervier  
Chairman, Georgia State Election Board  
[jfervier.seb@gmail.com](mailto:jfervier.seb@gmail.com)

Mr. Chairman,

This letter is in response to your request for comment from the Secretary's office on the 11 proposed new rules and 2 petitions on the agenda for the next State Election Board meeting on September 20, 2024. We have received an overwhelming number of comments from county election officials expressing concern about the Board changing Georgia's election rules and procedures with the General Election only 50 days away.

The Board should be mindful of upcoming deadlines. The deadline for counties to mail UOCAVA ballots is **September 21** and counties will begin mailing absentee ballots on **October 7**. Advanced voting starts on **October 15** and counties are conducting preparations for in-person voting such as logic & accuracy testing. The earliest possible date new rules could take effect if passed is **October 14**, which is **22 days** before the General Election when ***Georgia voters will already be voting***.

It is far too late in the election process for counties to implement new rules and procedures, and many poll workers have already completed their required training. If the Board believes that rules changes are important for an election, the process should begin much sooner to allow for smooth implementation and training and include the input of election officials.

To underscore the absurdity of the timing of the Board's actions, the amendment to Rule 183-1-12-.01 would change the form of absentee/provisional/emergency ballots, which have ***already been printed***, and counties will have already begun mailing absentee ballots to voters before any rule change would take effect. It is simply impossible to implement this change for 2024. And even if it were, the Board lacks the legal authority to pass this rule because the form of the ballot is exclusively within the control of the Secretary of State under Georgia law. O.C.G.A. § 21-2-50(a)(1), (15).

The two petitions under consideration would similarly interfere with the Secretary's legal authority. The proposed amendments to Rule 183-1-12-.19 interfere with the Secretary of State's exclusive authority over the state's voter registration database and conflict with the provisions of O.C.G.A. § 21-2-110, § 21-2-111, and § 21-2-225.

The most concerning rules under consideration would require hand-counting of ballots for every day of advance voting (Rule 183-1-14-.02(8)) and on Election Day (Rule 183-1-12-.12(a)(5)). As election officials have repeatedly told the Board, these new procedures would require tremendous personnel resources and time, and could lead to significant delays in reporting. These new procedures would disrupt existing chain of custody protocols under the law and needlessly introduce the risk of error, lost ballots, or fraud. Election workers are prohibited from tabulating ballots before the close of the polls on Election Day, which would be compromised by the viewing and counting of ballots during advance voting. There are strict legal prohibitions against the tabulation and reporting of results during early processing of absentee by mail ballots. O.C.G.A. § 21-2-386. There are no similar security and ballot secrecy controls in the proposed amendment to Rule 183-1-14-.02(8).

Other rules such as expanded poll watcher access and posting of certain reports on county websites are not objectionable, but we share the concerns of counties that there is insufficient time to implement and train elections workers on new policies now that they have already been trained. The General Assembly recently expanded poll watcher access with our support this past session with the passage of H.B. 1207. And the Elections Division already provides the absentee voter file and other data on the Secretary's website.

The U.S. Supreme Court's *Purcell* principle cautions that last-minute changes to election procedures harm both voters and elections officials in the orderly administration of an election. As Justice Kavanaugh wrote, it is a "bedrock tenet of election law" that "[w]hen an election is close at hand, the rules of the road must be clear and settled" to avoid "unfair consequences for candidates, political parties, and voters." *Merrill v. Milligan*, 142 S. Ct. 879 (2022).

The Secretary's office would welcome the opportunity to return to the normal course of business of working with the Board and GAVREO on common-sense rules that benefit voters and are consistent with law, after the election. But for now, the Board should heed the words of Justice Kavanaugh and pause any further rulemaking to ensure that the rules are "clear and settled" and avoid "unfair consequences" in the 2024 General Election.

Sincerely,

*Charlene S. McGowan*

General Counsel

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# SHARLENE ALEXANDER

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460 Anthony Drive, Tyrone GA 30290  
CoachPatriot@pm.me  
(678) 458-4528

June 6, 2024

Georgia State Election Board  
2 MLK Drive  
Suite 802 Floyd West Tower  
Atlanta, Georgia 30334

## **PETITION FOR AMENDMENT TO ELECTION RULES (Hand Count of Ballots at the Precinct)**

Mr. John Fervier, Chairman,

Mrs. Sara Tindall Ghazal,

Mrs. Janelle King,

Dr Janice W. Johnston,

Mr Rick Jeffares

This petition for amendment to an election rule enhances election integrity by providing a checkpoint outside of the electronic system, more accurate results, reducing the opportunity for collusion to sabotage election results and reducing Dominion and electronic voting system error complaints leading to 'stolen election' theories. As a Member of the Fayette County Board of Elections, and as a CPA and former Expert Trial Witness on Embezzlements, I believe this addition to the election process will greatly enhance the integrity of the outcome in each election.

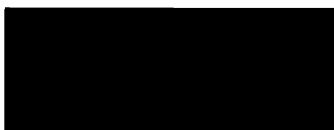
# SHARLENE ALEXANDER

460 Anthony Drive, Tyrone GA 30290  
CoachPatriot@pm.me  
(678) 458-4528

As such, I hereby submit this petition for your consideration according to SEB Rule 183-1-1-.01(3):

**1. The name and post office address of the Petitioner:**

**Sharlene Alexander**



**2. The full text of the rule requested to be amended:**

**Rule 183-1-12-.12(a)5**

“The poll manager and two witnesses who have been sworn as poll officers as provided in O.C.G.A. §§ 21-2-94 and 21-2-95 shall unseal and open each scanner ballot box, remove the paper ballots from each ballot box, and place the paper ballots into a durable, portable, secure and sealable container to be provided for transport to the office of the election superintendent. A separate container shall be used for the paper ballots from each ballot box and the container shall be labelled with the polling place, ballot scanner serial number, the number assigned to the ballot scanner for that election, the count of the ballots from the tabulation tape, and the date and time that the ballot box was emptied. The container shall be sealed and signed by the poll manager and the same two witnesses such that it cannot be opened without breaking the seal. The poll manager and the two witnesses shall sign a label affixed to the container indicating that it contains all of the correct ballots from the indicated ballot box and no additional ballots.”

TO BE AMENDED IN BOLD AND UNDERLINED TEXT:

“The poll manager and two witnesses who have been sworn as poll officers as provided in O.C.G.A. §§ 21-2-94 and 21-2-95 shall unseal and open each

# SHARLENE ALEXANDER

460 Anthony Drive, Tyrone GA 30290  
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scanner ballot box, remove the paper ballots from each ballot box, **record the date and time that the ballot box was emptied and present to three sworn precinct poll officers to independently count the total number of ballots removed from the scanner, sorting into stacks of 50 ballots, continuing until all of the ballots have been counted separately by each of the three poll officers. When all three poll officers arrive at the same total ballot count independently, they shall each sign a control document containing the polling place, ballot scanner serial number, election name, printed name with signature and date and time of the ballot hand count. If the numbers recorded on the precinct poll pads, ballot marking devices [BMDs] and scanner recap forms do not reconcile with the hand count ballot totals, the poll manager shall immediately determine the reason for the inconsistency; correct the inconsistency, if possible; and fully document the inconsistency or problem along with any corrective measures taken.** A separate container shall be used for the **hand counted** paper ballots from each ballot box and the container shall be labelled with the polling place, ballot scanner serial number, the number assigned to the ballot scanner for that election, the **scanner** count of the ballots from the tabulation tape, **and the hand count ballot total as certified by the three poll officials.** The container shall be sealed and signed by the poll manager **and two of the three hand count poll officers** such that it cannot be opened without breaking the seal. The poll manager and two witnesses shall sign a label affixed to the container indicating that it contains all of the **hand counted ballots** from the indicated scanner box and no additional ballots.

### 3. The reason such rule should be amended:

Prior to October 6, 2022, it was a long-standing tradition in Fayette County and other polling places that the paper ballots were removed from scanners at the precinct, the ballots were then hand counted by three sworn poll officials for total number of ballots removed from the scanner, then this hand counted total was reconciled against the scanner count to ensure that all cast ballots were accounted for. By performing this precinct hand count of totals only, any discrepancies can be immediately investigated with all parties, ballots, electronic voting systems remaining in the same space and the difference usually explained. The urgency of a need to reconcile counts immediately at the polling place are substantiated in SEB Rule 183-1-12-.12(a)2, which states "If the numbers recorded on the recap form do not reconcile with each other, the poll manager shall immediately determine the reason for the inconsistency; correct the inconsistency, if possible; and fully document the inconsistency or problem along with any corrective measures taken." With this amendment, SEB Rule 183-1-12-.12(a)2 would read "if the numbers recorded on the recap forms do not reconcile with each other **and the total of hand counted paper ballots**, the poll manager shall immediately determine the reason for the inconsistency; correct the inconsistency, if possible; and fully document the inconsistency or problem along with any corrective measures taken. The hand counted ballots are then sealed and transported by two people via chain-of-custody to the tabulation center.

This practice of hand counting the ballots at each precinct was halted in most counties when Blake Evans, Director of Elections at the Office of the Secretary of State issued an email memorandum on October 6, 2022 (attached). As a result of halting this process, the total ballots hand count is never reconciled against the scanner total and if a ballot count or recount were to occur sometime after the ballots leave the precinct, it may be difficult or impossible to determine the cause

of any discrepancy. In addition, SEB Rule 183-1-12-.12(a)2 is subject to interpretation as to whether the poll manager is required to hand count the number of paper ballots removed from the scanner or simply report the number of printed ballots on the scanner screen or the totals tape.

The proposed amendment to rule Rule 183-1-12-.12(a)5 to require a hand count at each precinct to ensure that the number of ballots placed under seal for transport to the tabulation center matches the chain-of-custody results form, and if there is a discrepancy with the scanner total, then that discrepancy will be immediately investigated by elections officials.

**4. Any and all pertinent facts as to the Petitioner's interest in the matter.**

The following vote tabulation errors and reported results could have been found and corrected if the above checks-and-balances hand count of total paper ballots were performed in every county :

1] November 3, 2020 Presidential Election in Fayette County cited by the State Elections Board for criminal investigation [SEB 21-197 transcript]: One memory card containing 2,760 ballots was left in an early voting precinct scanner and overlooked by the Elections Office. The original memory card had recorded close to 10,000 votes so a Dominion rep was called to replace the full card with a new one to complete the election cycle. The Dominion rep took the full memory card to the Elections Office [also in violation of chain-of-custody requiring two sworn poll officials to accompany the card]. The Elections Director had not experienced an election cycle where one scanner had multiple memory cards due to voter turnout so he didn't remember the second memory card since he had one for each of the 4 early voting precincts in his County. Had the total ballots removed from the scanner box been hand counted at the precinct this misplaced memory card error could have been avoided.



2] In Fayette County at an AIP [Early Voting] precinct on the last day of early voting, ballots were removed from the AIP scanner and the poll manager had these ballots hand counted to ensure that all ballots were removed. This hand count was 1 less than the scanner total. Searching inside the scanner ballot box, one ballot was found sticking to the top of the ballot box [presumably due to static electricity.]

3] In the Fayette County General Primary on May 21, 2024, one precinct had a discrepancy in ballots that was discovered during audit. Two technicians sent to the warehouse found that the ballots in the write-in bin had not been retrieved from the scanner on Election Night.

In all of the above cases, had there been an independent hand-count of paper ballots removed from the scanner AT THE PRECINCT, these errors would have been found and corrected. As a past supervisor of audits, I have long believed that cross-check control procedures are just as applicable to ballots as dollars. The best check-and-balance process is one that is separate from the all of the electronic count recaps found on the various electronic voting machines at the polling places. This suggested independent hand count of ballots process better ensures that all ballots are accounted for, guards against reported result errors and collusion and can better silence the claims that poll pads, ballot scanners or BMD totals can be accessed remotely, manipulated, duplicate ballot batches scanned or contain software glitches and manipulation.

5. **Any and all facts known to the Petitioner that might influence the decision of the Board to initiate or not initiate rulemaking, including identification of any parties who it is known will or may be affected by the amended rule.**

All election officials in the State of Georgia who conduct elections, as well as Blake Evans, Director of Elections, who advises election officials and oversees training on the conduct of elections, will be affected by this rule amendment.

In particular, Superintendants responsible for training Poll Workers according to O.C.G.A. §21-2-70, and Poll Workers themselves will be required to execute the new procedure.

6. **Citations of legal authorities which authorize, support, or require the action requested by the Petitioner.**

O.C.G.A. §21-2-483(a) requires that ballots be counted at the precinct or tabulating center where optical scanners are used..

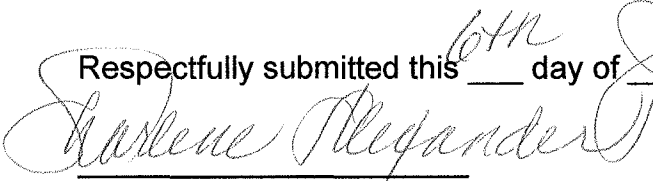
O.C.G.A. §21-2-436 requires, at the close of polls, that the number of votes be reconciled as shown on stubs and numbered list of voters, accounting for spoiled and returned ballots, rejected certificates and unused ballots, before these items are sealed; however, it fails to require that the actual number of paper ballots be reconciled prior to seal and transport. This hand count of total ballots is the only check-and-balance procedure separated from the current Dominion electronic voting system and direly needed to counter the many inconsistencies found across the state including missed memory cards, misplaced or lost paper ballots, duplicated ballot scans, errors in poll pad voter check-ins and BMD manipulation as shown by Professor Halderman in the recent Judge Tottenberg trial in Atlanta, GA.

O.C.G.A. §21-2-420(a) requires, at the close of polls, that the total number of ballots cast be reported to the election superintendant, but doesn't specify how that number is determined, *i.e.* whether it comes from the Poll Pads, the Scanners, or from counting the ballots themselves. While the Poll Pad and Scanner counts are required to be reconciled, there isn't a reconciliation of the ballots themselves at the polling place currently.

O.C.G.A. §21-2-420(a) further requires that the superintendant count the ballots at the tabulation center, where any discrepancies may be much more difficult to investigate.

I, Sharlene Alexander, personally appeared before the undersigned duly authorized to administer oaths, and on oath deposes that the facts stated in the Petition therein are true and accurate.

Respectfully submitted this <sup>6th</sup> day of June, 2024.



Sharlene Alexander

**SUBSCRIBED AND SWORN BEFORE ME**

this 6th day of June, 2024

Notary Public in and for Fayette County, Georgia



[Seal]



egale@darientel.net

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**From:** DoNotReply@sos.ga.gov  
**Sent:** Thursday, October 6, 2022 5:21 PM  
**To:** DoNotReply@sos.ga.gov  
**Subject:** The Buzz Post - Ballot Security

A [new discussion](#) has been posted in The Buzz by Evans, Blake on 10/6/2022 5:10 PM

I know that many counties have received an email requesting that poll workers hand count ballots at polling places on election night. **Deciding to have poll workers hand count ballots at each polling location on election night is not something your poll workers should do.**

Please see O.C.G.A. § 21-2-420(a) which states :

“(a) After the time for the closing of the polls and the last elector voting, the poll officials in each precinct shall complete the required accounting and related documentation for the precinct and shall advise the election superintendent of the total number of ballots cast at such precinct and the total number of provisional ballots cast. The chief manager and at least one assistant manager shall post a copy of the tabulated results for the precinct on the door of the precinct and then immediately deliver all required documentation and election materials to the election superintendent. The election superintendent shall then ensure that such ballots are processed, counted, and tabulated as soon as possible and shall not cease such count and tabulation until all such ballots are counted and tabulated.”

Also, SEB Rule 183-1-12-.12 states: “The poll manager and two witnesses who have been sworn as poll officers as provided in O.C.G.A. 21-2-94 and 21-2-95 shall unseal and open each ballot box, remove the paper ballots from each ballot box, and place the paper ballots into a durable, portable, secure and sealable container to be provided for transport to the office of the election superintendent.”

In order to ensure maximum security for the voted ballots, poll workers should not prolong the process of removing ballots from ballot boxes and sealing them in transport containers. This process should be done efficiently, transparently, and immediately after the polls have closed and votes have been cast. Members of the public can observe the process.

If you have any further questions regarding the law on this matter, please consult with your county attorney with this guidance in mind.

Blake Evans, Elections Director

If you would like to opt out of receiving email notifications for this discussion, click [here](#).

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September 24, 2024

Governor Brian P. Kemp  
206 Washington Street  
Suite 203, State Capitol  
Atlanta, GA 30334

Attorney General Chris Carr  
40 Capitol Square, SW  
Atlanta, GA 30334

Secretary of State Brad Raffensperger  
214 State Capitol  
Atlanta, GA 30334

Dear Governor Kemp, Attorney General Carr, and Secretary of State Raffensperger:

As Republican, conservative, and independent lawyers and former elected or appointed officials nationwide and in Georgia, we are writing to follow up on [our letter dated September 5, 2024](#). We previously noted that the actions of Georgia State Election Board members Rick Jeffares, Janice Johnston, and Janelle King raised the most profound ethics and legal concerns.

On Friday, September 20, 2024, the concerns that compelled us to write to you less than three weeks ago grew more profound. These same three board members passed a rule, by a 3-2 vote, requiring counties to hand-count the number of ballots at the precinct level. This three-member Board majority exceeded its legal authority by voting on and passing this ill-conceived hand-count rule, which is flatly contrary to applicable law. The consequences of this rule, if implemented, will be severe for the State of Georgia and its citizens. We respectfully urge you to take immediate remedial action.

In our [original September 5th letter](#), we detailed several instances in which these members have previously compromised the impartiality of the Board. We emphasized that their actions, combined with their publicly known support for former President Donald Trump's campaign, raise significant doubts about their ability to carry out their duties in a fair and unbiased manner. We urged you to act under O.C.G.A. § 45-10-4 by convening a hearing and receiving evidence of these concerns and, if necessary, removing these members from office. We remain steadfast in our belief that in order to safeguard our Republic, states must maintain public trust in the integrity of our elections by tallying votes and certifying election results without partisan influence.

Then on September 20 came the new rule. It provides that three sworn poll officers in every precinct must count the number of paper ballots in every ballot box for purposes of comparison with the number of ballots that the ballot scanner yields. On the day before these three board members voted to enact this new rule, Attorney General Carr rightly submitted a September 19, 2024, [memorandum](#) to the Board that raised serious concerns about the legality of several proposed election rules, including this hand-count rule, warning that the rules exceed the State Election Board's statutory authority and conflict with the Georgia Election Code. Specifically, the Attorney General highlighted that the now-enacted hand-count rule has (i) no basis in state law and (ii) could face successful legal challenges, including for violating the doctrine that changes in election rules should not be made close to an election given the need for adequate time for training and to put election procedures in place. Likewise, the Board's nonpartisan chair, John Fervier, has [raised](#) concerns that the hand-count has "put [the Board] in legal jeopardy."

Multiple local elections officials testified in opposition to the new rule, including because imposing it at this late date could throw the election into chaos. For example, Ethan Compton, Irwin County elections supervisor, [stated](#) that "[o]ver 200 pages of election code and rules have been implemented since 2020" and "[w]e have practiced on them, we have trained, we are prepared, we are ready. Do not change this at the last second."

Senior state officials also share the view that hand-counting could have disastrous consequences for the election and that the hand-count rule is legally dubious. Secretary of State Raffensperger has [stated](#) that "[t]hese misguided, last-minute changes from unelected bureaucrats who have never run an election and seem to reject the advice of anyone who ever has could cause serious problems in an election that otherwise will be secure and accurate." The three-person Board majority's directive for hand counting ballots also risks delaying certification, which could prevent Georgia from certifying election returns by December 11, 2024, as required by the Electoral Count Reform Act. 3 U.S.C. §§ 5(a)(1), (7).

It is clear that the Board must refrain from enacting rules that do not comport with the standards set by the legislature and stick to its proper role of promoting the fair, legal, and orderly conduct of elections.

Not only is the hand-count rule an unauthorized exercise of the Board's statutorily limited authority and legally precluded because it conflicts with state law, it is also fatally flawed as a policy matter. Hand counts are [less accurate](#), [more expensive](#), and [slower than machine counts](#). In Osage County, Missouri, for example, the County Clerk has [stated](#) that, after conducting a full hand count in April 2023, her office "intend[ed] to move forward with [their] tabulation machines for upcoming elections" because if she "were to continue hand counting[,] it would cost [Osage County] more in time, money, [] volunteers, and accuracy of votes." In Kerr County, Texas, the Kerr County Republican Party Chairman and election judge Paul Zohlen has [spoken in support](#) of the county continuing to use machine counting, not hand counts, because the

former is more accurate and would be less costly and time intensive. In fact, [a 2020 hand recount](#) in Fulton County—a single county—cost Georgia taxpayers more than \$400,000.

Voting machines are undoubtedly [more accurate](#) than full hand counts because they can better handle the high-capacity workload of an election, and they excel at the “tedious and repetitive tasks” with which humans generally struggle. Indeed, voting machines are fully vetted. Every voting machine must pass a test requiring them to accurately count at least 10 million votes before being [certified](#) by the U.S. Election Assistance Commission. And these certified machines [produce](#) comprehensive records that election officials use to verify results through multiple layers of review. This is confirmed by major research [studies](#).

Accordingly, we urge you to address the conduct of these three Election Board members and reverse the unlawful actions that they took on September 20th, including enacting the hand-count rule. We remain confident that you will continue to uphold the same principles of fairness and nonpartisanship that guided your actions following the 2020 election.

Sincerely,

Donald Ayer, Deputy Attorney General under President George H.W. Bush (1989-1990)

Arne Carlson, Governor of Minnesota (R) (1991-1999)

Ty Cobb, Special Counsel to President Donald J. Trump (2017-2018)

Tom Coleman, Representative of the Sixth Congressional District of Missouri (R) (1976-1993)

Natalie Crawford, Executive Director of Georgia First, former Vice-Chair and Chair of the Habersham County Commission (R) (2015-2020)

Mickey Edwards, Representative of the Fifth Congressional District of Oklahoma (R) (1977-1993)

Shannon Ferguson, Senior Policy Analyst and Strategic Communications Director at Georgia First

Stuart Gerson, Assistant Attorney General for the Civil Division under President George H. W. Bush; Acting Attorney General of the United States under President Bill Clinton (1989–1993)

Phil Lacovara, Counsel to the Special Prosecutor, Watergate Special Prosecutor’s Office (1973-1974); Deputy Solicitor General under President Richard Nixon (1972-1973)

Richard Painter, Associate Counsel to President George W. Bush (2005-2007)

Carter Phillips, Assistant to the Solicitor General under President Ronald Reagan (1981-1984)



Trevor Potter, Chairman of the United States Federal Election Commission (1992-1995)

Reid Ribble, Representative of the 8th Congressional District of Minnesota (R) (2011-2017)

Claudine Schneider, Representative of the 2nd Congressional District of Rhode Island (R) (1981-1991)

Nancy Temple, Partner at Katten & Temple LLP

Zachary Wamp, Representative of the 3rd Congressional District of Tennessee (R) (1995-2011)

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THE OFFICE OF SECRETARY OF STATE  
STATE OF GEORGIA

IN THE MATTER OF:  
STATE ELECTION BOARD MEETING  
Georgia State Capitol, Room 341  
Atlanta, Georgia  
Tuesday, July 9, 2024  
Atlanta, Georgia  
8:30 a.m.

**APPEARANCE OF THE PANEL**

- John Fervier, Acting Chair
- Sara Tindall Ghazal
- Janice Johnston
- Janelle King
- Rick Jeffares

Mary K McMahan, CCR, 2757  
STEVEN RAY GREEN COURT REPORTING LLC  
Atlanta, Georgia 30324  
(404) 733-6070

1 Transcript Legend  
 2 [sic] - Exactly as said.  
 3 (ph) - Exact spelling unknown.  
 4 -- Break in speech continuity.  
 5 . . . Indicates halting speech, unfinished sentence or  
 6 omission of word(s) when reading.

7  
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**P R O C E E D I N G S**

**MR. FERVIER:** Good morning. For those of you that don't know me, my name is John Fervier. I'm the chairman of the state election board. I'm joined by our other election board members here today.

I want to introduce our newest member, Janelle King, who just joined the board recently. We're glad to have her.

We have a very heavy agenda today, and so I want to go ahead and get started. I want to thank everybody for being here. I know there wasn't enough room for everybody, and hopefully the people that had to go to the overflow room are comfortable and can hear and see everything appropriately.

The purpose of today's meeting is to hear petitions for rules changes, and we will hear those after public comment and a few other changes.

**DR. JOHNSTON:** Mr. Chair.

**MR. FERVIER:** Yes?

**DR. JOHNSTON:** (off microphone) I'd like to make a motion to amend the agenda and add new business. Do I do it now or after the invocation

1 and the pledge?

2 **MR. FERVIER:** After the invocation and  
3 pledge and approval of the minutes.

4 **DR. JOHNSTON:** (off microphone) Before the  
5 approval of the minutes.

6 **MR. FERVIER:** Okay.

7 We will start with the invocation and Pledge  
8 of Allegiance.

9 Member Jeffares, if you would lead us in the  
10 invocation, please.

11 (Invocation)

12 **MR. FERVIER:** Member Johnston, would you  
13 lead us in the Pledge of Allegiance, please.

14 **DR. JOHNSTON:** Yes.

15 (Pledge of Allegiance)

16 **DR. JOHNSTON:** Mr. Chair, I'd like to make a  
17 motion to amend the agenda and add new business.  
18 I move to amend the agenda concerning  
19 SEB2023-025. I move that the board provide an  
20 opportunity for a response from the complainants'  
21 representatives to the board and that the board  
22 then consider the best course of action.

23 **MR. JEFFARES:** Second.

24 **MR. FERVIER:** Member Johnston, that question  
25 is ruled out of order. The case 2023-025 has

1           been heard and adjudicated by this board in a  
2           previous hearing.

3           In order for that case to be reconsidered,  
4           it would have to be reconsidered by the  
5           prevailing parties which consisted of member Ed  
6           Lindsay and member Sara Ghazal. And neither one  
7           of those have made a motion to reconsider that  
8           case. Therefore your motion is ruled out of  
9           order.

10           **DR. JOHNSTON:** Mr. Chair, I move to appeal  
11           the decision of the chair.

12           **MS. KING:** Second.

13           **MR. FERVIER:** We have a motion and an appeal  
14           to reconsider the decision of the chair. The  
15           chair would like to offer an intervening motion.  
16           An intervening motion would be to retire to  
17           executive session for the purpose of discovery --  
18           discussing potential litigation regarding that  
19           case.

20           Is there a second?

21           **MS. GHAZAL:** Second.

22           **MR. FERVIER:** There is a motion and a second  
23           on an intervening motion to retire to executive  
24           session to discuss potential litigation  
25           concerning case 2023-025.

1           **DR. JOHNSTON:** Mr. Chair, a complete  
2 investigation is absolutely necessary to help  
3 Fulton County and prevent the recurrence of the  
4 same problems for the 2024 election.

5           One may say that this case has been heard  
6 and decided, but it has not. The complainants  
7 have not been heard. Fulton County stated they  
8 were still looking for required election  
9 documents.

10           The initial and partial hearing of the  
11 investigation suggested an incomplete  
12 investigation. The exhibits were not provided to  
13 the board. Disinformation of applicable law  
14 concerning ballot image retention was repeated by  
15 the Secretary of State, the investigative report,  
16 and the respondent's representative. Misleading  
17 conclusions concerning duplicate counted ballots  
18 were given by the Secretary of State  
19 representative.

20           There are suggestions that Carter Jones and  
21 the performance review board looked into these  
22 matters previously. Those were not  
23 investigations nor were they focused on the  
24 complaint of Mr. Rossi and Mr. Moncla.

25           One may say that the complainants cannot be



1 heard. Mr. Rossi and his representatives have  
2 never been heard. There's no precedent or rule  
3 currently concerning this -- this practice. In  
4 fact, there has been 20 years' practice of  
5 hearing from complainants until the practice was  
6 changed without consent or vote of this board  
7 less than two years ago, about the time this  
8 complaint was filed.

9 Administrative Procedures, Title 50, chapter  
10 13, section 13, paragraph (a)(c) states that all  
11 parties have to be heard. It says opportunity  
12 shall be afforded to all parties to be  
13 represented by legal counsel and to respond and  
14 present evidence on all issues involved.

15 I would like to hear that. HAVA requires  
16 that hearings must take place within 90 days of  
17 filing a complaint. This board certainly did not  
18 perform up to that standard. One might say, Oh,  
19 this cannot be heard because there's double  
20 jeopardy or res judicata. This is not a criminal  
21 case. Double jeopardy only applies to legal  
22 matters as determined by a court.

23 The state election board does not have the  
24 authority to charge anyone for a crime. The  
25 board may only refer to the Attorney General or

1 the District Attorney for investigation and  
2 adjudication.

3 One might also say there's a statute of  
4 limitations. There is no statute of limitations  
5 for this investigation. It needs to be completed  
6 and thoroughly investigated. FEC says there's a  
7 statute of limitation for federal election crimes  
8 for four years but is longer if the investigation  
9 is ongoing.

10 The request to move to executive session  
11 does not apply to this case. We do not have  
12 pending litigation nor is there an issue of  
13 personnel to discuss which are the parameters for  
14 retiring to executive session. Executive session  
15 is not warranted at this time.

16 I've heard threats that this might cause a  
17 lawsuit. About what? Hearing from the  
18 complainants? Investigating an incomplete  
19 investigation? There is not sufficient evidence  
20 from the investigation to date to identify what  
21 needs to be monitored in the 2024 general  
22 election.

23 **MR. FERVIER:** The chair respectfully  
24 requests that the members consider adjourning to  
25 executive session to consider this and any

1 pending legal matters. We will now take a vote  
2 on the motion to adjourn to executive session.  
3 We have a motion and a second. All those in  
4 favor of adjourning to executive session signify  
5 by saying aye.

6 **THE BOARD MEMBERS:** Aye.

7 **MR. FERVIER:** Aye?

8 **MR. JEFFARES:** Aye.

9 **MR. FERVIER:** The chair votes aye. All  
10 those opposed?

11 **DR. JOHNSTON:** No.

12 **MS. KING:** No.

13 **MR. FERVIER:** The motion carries three to  
14 two. This board will adjourn to executive  
15 session to discussing matters concerning this.

16 (Executive session from 8:52 until 9:57  
17 a.m.)

18 **MR. FERVIER:** The state election board will  
19 now return to order.

20 Member Johnston, we have a motion on the  
21 floor. Would you like to restate your motion?

22 **DR. JOHNSTON:** I make a motion to provide  
23 consideration of case 2023-025 to allow the  
24 respondents -- I'm sorry the complainants'  
25 representatives to have time to speak during

1 public comments for additional minutes of 15  
2 minutes each for each respondent, or -- I'm sorry  
3 complainant or their representative or an expert  
4 that they may have available for this meeting.

5 Additionally I make a motion for new  
6 business in consideration of additional research  
7 concerning the deficiencies found in case  
8 2023-025 concerning missing documents, duplicated  
9 counted votes, and missing ballot images.

10 **MS. GHAZAL:** (off microphone) Point of  
11 order.

12 **MR. FERVIER:** Point of order.

13 **MS. GHAZAL:** (off microphone) Those were two  
14 separate motions. They have to be considered  
15 separately.

16 **MR. FERVIER:** Yes, I was going to do that.

17 We'll consider the first motion. The first  
18 motion is to allow the complainants 15 minutes  
19 during public comment to be able to make their  
20 statements. Is there a second?

21 **MS. KING:** Second.

22 **MR. FERVIER:** Having a motion and a second  
23 to allow the complainants 15 minutes during open  
24 comment to make their statement, any discussion?

25 Hearing no discussion, all those signify by

1 saying aye.

2 **THE BOARD MEMBERS:** Aye.

3 **MR. FERVIER:** Any nays? Hearing no nays,  
4 motion carries.

5 Do you have a second -- do you have a second  
6 motion, Dr. Johnston?

7 I've been told we need an additional  
8 overflow room. So Room 125 is now open for  
9 overflow. Room 125 is now open for overflow.  
10 Member Jeffares?

11 **MR. JEFFARES:** (off microphone) Yes. I'd  
12 like to make an amendment to the second on this  
13 motion that we're fixing to vote on that it be  
14 moved to the August meeting.

15 **MR. FERVIER:** Let's make the motion, then  
16 you can make an amendment to it.

17 **DR. JOHNSTON:** I make a mo -- make a motion  
18 as new business to consider SEB case 2023-025 to  
19 provide additional research into the deficiencies  
20 of missing documents, missing ballot images, and  
21 duplicated counted votes.

22 **MS. KING:** Second.

23 **MR. JEFFARES:** Mr. Chairman, if I could, I'd  
24 like to amend that that we move that to the  
25 August meeting.

1           **MR. FERVIER:** We have a motion -- an amended  
2 motion to defer the original motion to the August  
3 meeting. Do we have a second on the amendment?

4           **MS. KING:** About the 15 minutes?

5           **MR. FERVIER:** No. The motion she just made  
6 to do additional research on the allegations made  
7 in case 2023-025.

8           There's an amendment by member Jeffares to  
9 defer that motion to the August 6th meeting. Is  
10 there a second for member Jeffares?

11          **DR. JOHNSTON:** Second.

12          **MR. FERVIER:** We have a motion and a second  
13 to defer the original motion to further research  
14 on the 2023-025 case to the August 6th meeting.  
15 Have a motion and a second, any discussion?

16          **MS. GHAZAL:** Point of order. If the  
17 original movement -- movant agreed to the  
18 postponement --

19          **MR. FERVIER:** She seconded it.

20          **MS. GHAZAL:** Correct. So does that not  
21 simply amend the original motion?

22          **MR. FERVIER:** It does amend it.

23          **MS. GHAZAL:** Okay.

24          **MR. FERVIER:** Yes.

25          **MS. GHAZAL:** So the motion on the -- on the

1 floor is to add an agenda item for the August  
2 meeting.

3 **MR. FERVIER:** Yes.

4 **MS. GHAZAL:** Okay. Thank you.

5 **MR. FERVIER:** So the motion on the floor is  
6 to add an agenda item for the August 6th meeting  
7 to consider further investigation of cases  
8 related to -- further investigation of the  
9 2023-025 case. And we have a second. Any  
10 further discussion?

11 **MS. KING:** I don't understand why we're  
12 moving this to August when we -- and I -- no, I  
13 mean, I just want to understand because from my  
14 understanding this has been heard quite a few  
15 times. I've been told that. So where I'm a  
16 little confused, being the new board member, is  
17 that I -- number one, I do want to hear from the  
18 people, but then secondly, I just don't  
19 understand why we need to further progress it. I  
20 thought that was the problem -- right? -- that we  
21 keep wanting to keep talking about it. So why  
22 not just do it now?

23 **MR. FERVIER:** Any other comments from the  
24 board?

25 **MS. GHAZAL:** (off microphone) Reopening

1 investigation on a case that has already been  
2 closed, that violates the U.S. Constitution. It  
3 violates several --

4 (Cross-talking)

5 **MS. KING:** (indiscernible) further --

6 **MS. GHAZAL:** We --

7 (Gavel sounding)

8 **MS. GHAZAL:** My understanding of the motion  
9 was to further investigate a case that has been  
10 closed: case 2023-025. Is that -- is that a  
11 correct understanding of the motion?

12 **MR. FERVIER:** The motion is to --

13 **MS. KING:** Research. I thought we said  
14 research.

15 **MR. FERVIER:** -- research the allegations --

16 **MS. KING:** Right.

17 **MR. FERVIER:** -- made in --

18 **MS. GHAZAL:** Pursuant to --

19 **MR. FERVIER:** -- pursuant to --

20 **MS. GHAZAL:** -- that case.

21 **MR. FERVIER:** Yes.

22 **MS. GHAZAL:** That case has been closed.

23 **MS. KING:** Well, here's the thing. Here --  
24 here's where I am. As a new board member -- and  
25 I've read through this and I have questions. So



1 I think what -- what our board member, Dr. Jan,  
2 is asking us to do is just to have a little bit  
3 more further research. Let's just research this  
4 a little bit more and make sure that we address  
5 the areas where we're confused.

6 **MS. GHAZAL:** Research pursuant to a case  
7 that has been closed is -- it -- we cannot do  
8 that today without notice to the respondent as  
9 a -- as a preliminary matter.

10 **MS. KING:** So that's why we're moving it to  
11 August?

12 **DR. JOHNSTON:** It appears that there are  
13 conflicting legal opinions regarding further  
14 research of this case or how it may be  
15 accomplished that I would recommend that we  
16 obtain independent legal counsel in order to  
17 address these conflicting opinions and bring it  
18 back for August -- the August meeting.

19 **MS. KING:** Is that a motion? That's your  
20 motion?

21 **MR. FERVIER:** We -- we have another -- we  
22 have a preceding motion. The preceding motion  
23 was to move consideration of research on 2023-025  
24 to be considered at the August meeting -- and  
25 that motion was seconded -- which would give us

1 time to further research the legalities of doing  
2 that.

3 **MS. KING:** And then we're going to add  
4 another motion -- right? -- after this one to --  
5 forgive me, y'all, because I'm new, but are you  
6 going to add another motion on top of this --  
7 well, after this is done, we're going to add  
8 another motion to bring in her our own legal?  
9 Like the -- that's the second motion, right?

10 **DR. JOHNSTON:** I'm sorry?

11 **MS. KING:** That's the -- that's going to be  
12 the next motion, right? So if we move this to --  
13 this -- let's be clear. If we move this to  
14 August, I want to make sure we're moving it to  
15 August because we're going to actually do our  
16 research and are going to consider bringing in  
17 our own independent attorney or legal team. Is  
18 that what we're -- is that what we're agreeing  
19 to?

20 **MR. FERVIER:** Yes.

21 **MS. KING:** Okay, all right. I can handle  
22 that.

23 **MR. FERVIER:** Any discussion from the board?  
24 So basically the motion's been made to defer  
25 further research into the allegations made

1 concerning the 2020 election to the August 6th  
2 meeting. It was seconded.

3 Hearing no further discussion, all those  
4 board members in favor signify by saying aye.

5 **THE BOARD MEMBERS:** Aye.

6 **MR. FERVIER:** Any nays?

7 **MS. GHAZAL:** (off microphone) Nay.

8 **MR. FERVIER:** The motion carries three to  
9 one.

10 Anything else, member Johnston?

11 We will now proceed with public comment. I  
12 would like to -- public comment will -- each  
13 individual will have two minutes with the  
14 exception of the previous motion that would allow  
15 respondents to the 2023-025 case -- Mr. Rossi, I  
16 believe is here -- would have 15 minutes for his  
17 public comment. Everybody else would have two  
18 minutes for the public comment section.

19 I would ask the audience to please be  
20 respectful of everybody. You're going to hear  
21 differing opinions that you may not like. That  
22 doesn't mean that we have to be disrespectful to  
23 people. Everybody has an opinion. Everybody  
24 gets to state their opinion. I just ask you to  
25 please be just respectful. At the end of your

1 two minutes, the gavel will be lightly tapped as  
2 such, letting you know that your two minutes is  
3 up.

4 I would also ask that we please not repeat  
5 the same thing over and over and over again. If  
6 you have comments that have been previously heard  
7 and you want -- just want to reiterate them, just  
8 say, you know, I just also want to support the  
9 comment that's previously been made so that we  
10 can move on. We have a very -- a lot of  
11 petitions here today. So I just ask for your --  
12 your patience and please be respectful.

13 Our executive director Mike Coan will call  
14 the individuals up. We'll just start at the top  
15 of the list. There are 56 -- 57 people to speak.  
16 So this will -- and at some point we'll take a  
17 recess in the middle of it, so ...

18 **MR. COAN:** (off microphone) Welcome,  
19 everybody. Is my mic on? (microphone on) Okay,  
20 got it.

21 Do you have something?

22 **DR. JOHNSTON:** At what point will we have  
23 the complainants speak?

24 **MR. FERVIER:** Mr. Rossi is listed number 8.

25 **MR. COAN:** Yes, he's number 8.

1           **MR. FERVIER:** It depends how long the prior  
2 complainants speak.

3           (Unidentified speakers in the audience  
4 speaking inaudibly.)

5           **MR. FERVIER:** Well, that wouldn't be fair to  
6 the rest of the people that have already signed  
7 up, so he is listed number 8. He'll --  
8 approximately 16 minutes.

9           (Unidentified speakers in the audience  
10 speaking inaudibly.)

11          **DR. JOHNSTON:** Yes.

12          (Unidentified speakers in the audience  
13 speaking inaudibly.)

14          **DR. JOHNSTON:** The agreement that --  
15 Mr. Chairman, if I understood, was that there  
16 would be 15 minutes for both complainants or  
17 their -- their representative.

18          (Unidentified speakers in the audience  
19 speaking inaudibly.)

20          **DR. JOHNSTON:** Would -- would it be  
21 appropriate to say that -- to provide that this  
22 will happen at 11:00? That -- that both -- does  
23 this ...

24          **MR. FERVIER:** Do you want to set an 11:00?

25          **DR. JOHNSTON:** 11:00. And allow the other

1 people that have signed to other ...

2 (Unidentified speakers in the audience  
3 speaking inaudibly.)

4 **MR. FERVIER:** You're up at 11:00.

5 **DR. JOHNSTON:** 11:00. Thank you.

6 **MS. KING:** (off microphone) (indiscernible)

7 **MR. COAN:** Yeah, two people can get 15  
8 minutes.

9 **PUBLIC COMMENTS**

10 Okay. We're starting with public comments.  
11 We have Rachel Lastinger, and Marisa Pyle on  
12 deck. That's the way we want to operate this  
13 thing and make it as quickly as we can and  
14 efficient as we can. But, Rachel ...

15 **MS. LASTINGER:** (inaudible)

16 **MR. FERVIER:** Wait. Wait just a minute.  
17 Let's -- let's figure this out real quick here.

18 **MS. LASTINGER:** There we go. Okay. Thank  
19 you. Sorry.

20 Good morning. My name is Rachel Lastinger.  
21 I'm the associate director of the Voter Access  
22 Project of the ACLU of Georgia. We work to  
23 ensure voting is easy and accessible for all  
24 Georgians, and I'm here to address some of the  
25 petitions today.

1 I want to speak in support of the petition  
2 submitted by United for Protect Democracy that  
3 will provide additional much needed guidance on  
4 voter challenges. More than 3,000 voters have  
5 already had their voter eligibility challenged in  
6 advance of the November elections and close to  
7 1,000 have been upheld with many more awaiting a  
8 hearing.

9 My team attended hearings and witnessed  
10 lengthy discussions amongst board members aiming  
11 to interpret the code. The election code is  
12 incredibly vague in its directives to county  
13 boards on how to handle voter challenges, forcing  
14 board members to develop their own  
15 interpretations at the discretion of the county  
16 attorney. This leads to a reality where each  
17 county is implementing differing policies on  
18 voter challenges, leading to different outcomes  
19 for similarly situated voters based solely on  
20 their county of residence.

21 There's a strong potential for voter  
22 challenges to be wrongfully upheld, potentially  
23 disenfranchising a large number of voters. We  
24 have also seen a lack of clear directors --  
25 directives lead to election office staff taking

1 on work to gather evidence on all these voter  
2 challenges. This is not required of them by law  
3 and is not a good use of the already minimal  
4 resources available to our election offices.

5 We know that more voter challengers will be  
6 submitted, and I'm urging you to pass this  
7 petition and use your petition -- your position  
8 as state board members to assist the county  
9 boards in making confident and sustain accurate  
10 decisions on voter challenges.

11 And just briefly I want to urge you to  
12 dismiss the petition submitted by Sharlene  
13 Alexander that adds extra procedures and duties  
14 to local election officials, requiring them to  
15 hand-count ballots in the precincts. This  
16 petition requires a large input of financial  
17 resources and staff time, neither of which our  
18 counties can spare right now.

19 And I urge you to dismiss the petition from  
20 Salleigh Grubbs related to the role of county  
21 boards and the certification process. This will  
22 slow the certification process which only gives  
23 voters a reason to doubt the results. This does  
24 not lead to an increase in trust for voters.

25 In your decisions today, I ask that you



1 prioritize Georgia voters. Voting in our nation  
2 is a right and not a privilege. I hope that  
3 today you'll continue to put the rights of  
4 Georgia voters first. Thank you.

5 **MR. COAN:** Thank you, Rachel.

6 Next up is Marisa Pyle and on deck is David  
7 Sumrall.

8 **MS. PYLE:** Hi, board members. My name is  
9 Marisa Pyle. I'm a senior democracy defense  
10 manager at All Voting is Local Action. I'm here  
11 today to testify in opposition to the proposed  
12 rule to amend Georgia election certification  
13 requirements.

14 This rule, originally proposed by the  
15 Election Research Institute before the state  
16 election board's May meeting and resubmitted by  
17 Salleigh Grubbs presents a deep threat to  
18 Georgia's counties' abilities to conduct and  
19 certify elections.

20 Firstly, by opening the door to election  
21 officials to reject certification subjectively,  
22 this proposal directly contravenes existing case  
23 law in Georgia statute as it speaks of Georgia's  
24 certification requirements. Certification under  
25 Georgia statute is not discretionary nor is it

1 affected by error or even by fraud. As legal  
2 remedies in other venues, like election contests,  
3 recounts and audits remain as options.

4 In *Thompson v Talmadge*, decided by the  
5 Georgia Supreme Court in 1947, the court found  
6 that officials are not authorized to exercise any  
7 discretion but were simply performing the  
8 ministerial act of disclosing to the public the  
9 official election results.

10 And further O.C.G.A. 21-2-493, subsection  
11 (i) clarifies that evidence of error or fraud  
12 should not stop the canvass and certification  
13 process because of the additional  
14 post-certification remedies available. Making  
15 this unclear will not only lead to costly  
16 litigation, it also threatens the clarity and  
17 trustworthiness of election results.

18 Delaying or refusing certification of  
19 elections based on unfounded allegations  
20 allows -- only further erodes trust in the system  
21 and allows the possibility of election sabotage.

22 Second, however, are also the true  
23 motivations of this petition and the actors  
24 bringing it. The Election Research Institute,  
25 the originator of this proposal is operated by an

1 individual who helped conduct the Cyber Ninja's  
2 audit in Arizona. They tried and failed to prove  
3 election fraud, as well as the author of the  
4 disinformation field report that has led to  
5 multiple states withdrawing from ERIC, an  
6 instrumental tool to maintaining voter rolls  
7 across states.

8           Despite its resubmission, it is still merely  
9 verbatim the rule ERI originally proposed. I  
10 bring that up to illustrate that these are not  
11 individuals asking in good faith for this rule.  
12 This is an attempt to weaken our democratic norms  
13 that contradicts existing case law as well as  
14 judicial precedent.

15           The board exists to do the opposite and to  
16 enact policies that will strengthen our election  
17 system both for voters and for election officials  
18 themselves, and I ask you to reject this  
19 proposal. Thank you.

20           **MR. COAN:** Thank you, Marisa, for your  
21 comments.

22           Next up is David Sumrall with William Bush  
23 on deck.

24           **MR. SUMRALL:** My name is David Sumrall,  
25 elector from Bibb County, Georgia, and I come

1 before you to request the Georgia Board of  
2 Elections to give guidance to county board of  
3 elections on adjudicating voter challenges.

4 I've submitted another investigation  
5 request. This follows up the May investigation  
6 request I submitted. July 1, I submitted these  
7 vote -- three voter challenges to Bibb County  
8 Board of Elections, totaling 243 voters. The  
9 first challenge of 45 voters registered in UPS  
10 stores and post office was accepted on a three to  
11 two partisan vote with the at-large independent  
12 board member voting to accept the challenge.

13 The second challenge of 47 voters on the  
14 Bibb County voter roll who had voted in North  
15 Carolina as proven by printed North Carolina  
16 voter records was denied on a three to two  
17 partisan vote.

18 The third challenge of -- of 451 voters who  
19 had voted in other states as identified by Eagle  
20 AI and verified by 60 printed Florida voter  
21 registration records was also denied. The board  
22 did not deny the credibility of the evidence. As  
23 in my previous May voter challenge, a board  
24 member argued that they could not accept the  
25 challenge because of the requirement in the

1 Federal Voter Registration Act.

2 In May they denied the challenge because  
3 they argued that they could not change the voter  
4 rolls within 90 days of a federal election. This  
5 time they argued that federal law required signed  
6 forms from the challenged voters requesting that  
7 their voter registration be canceled. They  
8 ignored the part of the law that the federal law  
9 only applies to eligible voters and they ignored  
10 the state law including SB-189.

11 These challenged voters are not eligible to  
12 vote in Georgia because they have registered to  
13 vote and even voted in another state.  
14 Registering to vote in another state alone makes  
15 them ineligible to vote in Georgia. The Bibb  
16 County Election Board's interpretation of federal  
17 and state law makes voter challenges practically  
18 useless because of the requirement to get a  
19 signed statement that is too difficult to  
20 overcome. Thank you.

21 **MR. COAN:** Thank you, sir. I appreciate  
22 that.

23 Next up we have Mr. Bush and on deck Sam  
24 Carnline.

25 **MR. BUSH:** My name is William Ware Bush. I

1 am an eighth generation Georgian from a long line  
2 of military officers who fought over the last 250  
3 years for Georgia and the U.S. Constitution. My  
4 sister is Mary Norwood. She ran for mayor of  
5 Atlanta twice. Both times she had victory stolen  
6 from her. We submitted evidence of malfeasance  
7 to the Secretary of State's office after each  
8 election. Nothing was done. Election integrity  
9 in Georgia for me is personal.

10 After the chaos and the debacle of the 2020  
11 presidential election over the last four and a  
12 half years, I'm proud to have gotten to know  
13 Garland Favorito as a friend. I know the  
14 courageous David Cross. I am in awe of the  
15 persistent work of Joe Rossi. And on the  
16 national stage, I've had conversations with David  
17 Clemens, Brian Kennedy of the Claremont  
18 Institute. Last week I had dinner with the great  
19 American hero John Eastman.

20 From all of the interactions, discussions,  
21 research augmented by the evidence in the Curling  
22 case and the recent article by Liz Harrington,  
23 the only conclusion that can be drawn is that any  
24 political entity that uses an electronic voting  
25 machine does so solely to control, rig, and steal

1 elections.

2 The phrase "biblical world view" has  
3 recently reentered -- reentered the lexicon of  
4 politics. I have a biblical world view. God has  
5 put the five of you on this board at this time in  
6 this place on this day for one overarching  
7 purpose, to remove the scourge of electronic  
8 voting machines from the Georgia elections by  
9 taking a forceful principle stand with the  
10 Secretary of State's Office and the legislature.

11 As goes Georgia goes the nation, as goes the  
12 nation goes the world. I pray you will not be  
13 found wanting on this momentous effort.

14 **MR. COAN:** Thank you.

15 **MR. BUSH:** God bless you, God bless the  
16 great state of Georgia, and God bless the United  
17 States of America.

18 **MR. COAN:** Thank you, Mr. Bush.

19 Next up we have Sam Carnline. On deck is  
20 Kim Brooks.

21 **MR. CARNLINE:** Thank you for the opportunity  
22 to speak to y'all today. Sam Carnline, Grady  
23 County, where we go -- grow peanuts, pecans,  
24 cotton, pine trees. You can make a lot of paper  
25 ballots out of the pine trees we grow in Grady

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County.  
Board, I would like for y'all to know that I wrote a resolution to the Georgia GOP. It was passed unanimously, and I'd like to share that with you. (reading): Whereas, the Georgia State Election Board discussed case SEB2023-025 on May 7, 2024, outlining over a hundred and forty violations of the Georgia Election Code by Fulton County in the November 2020 election; and whereas, state election board member Dr. Jan Johnston detailed 17,852 certified votes lacking ballot images or unidentified sources, 20,713 votes with no identifiable source tabulator, failure to properly amend election records and audit totals; whereas, Dr. Johnston motioned to amend records, invalidate or authenticate problematic votes, refer evidence for investigation, and recommend monitors for 2024 Fulton elections; and whereas, the state election board failed to enforce election laws and address these irregularities, therefore, be it resolved that the Georgia Republican Party expresses grave concerns over the twenty -- 2020 Fulton County election irregularities, supports Dr. Johnston's motions to address these violations, calls for



1           reprimand of the state election board for failure  
2           to uphold laws, demands the Georgia Attorney  
3           General investigate these matters, recommends  
4           stringent 2024 election monitoring in Fulton  
5           County.

6           Be it further resolved to distribute this  
7           resolution as a press release to all media and  
8           provide copies to Georgia's governor, lieutenant  
9           governor, secretary of state, General Assembly,  
10          et cetera.

11          Board, ignoring evidence of election law  
12          violations by people in authority -- Fulton  
13          County, the Secretary of State and his office,  
14          and on this board -- because the election is  
15          already over is like ignoring a murder because  
16          the victim is already dead. That is from Boyd  
17          Parks. Thank you very much.

18          **MR. COAN:** Thank you, Sam.

19          Next up we have Kim Brooks and on deck we  
20          have Michael Opitz.

21          **MS. BROOKS:** My name is Kim Brooks. The  
22          Georgia Nerds is a team of data analysts across  
23          the states that exclusively analyze secretary of  
24          state files. We've discovered criminal  
25          manipulation in every federal election and all

1 the way through our recent primary. Nothing has  
2 changed. And it appears to be consistent with a  
3 violation of 18 USC 1031, major crimes against  
4 the United States and we the people of Georgia.

5 We fully understand that this is not just  
6 about Fulton County. The theft is occurring in  
7 all hundred and fifty-nine counties. We  
8 discovered identity theft on Georgian's being  
9 committed by our own government against us.

10 Many times this is through the department of  
11 drivers services. This, in and of itself, should  
12 be an investigation into both offices  
13 immediately.

14 We discovered criminal manipulation in the  
15 official list of electors where the registrants  
16 appear like they registered in time to vote, but  
17 thousands are packed in after the deadline and  
18 they vote. We have the receipts. We've proven  
19 in-person real votes are being swapped by fake  
20 absentee ballots: cast -- votes cast on ballots  
21 that the county had already canceled, ballots --  
22 votes cast on ballots that were never mailed back  
23 in. We have people checking in to the KNOWiNK  
24 poll pad that aren't even on the voter roll which  
25 is an impossibility.

1           We've proven that the recent 2024 primary  
2           should never have been certified. We have  
3           patterns. Those patterns are being repeated in  
4           2020, 2022, in the recent primary. Nothing has  
5           changed. We expect this board to investigate the  
6           Secretary of State and his office for the  
7           cover-up of the crimes in the system that commits  
8           identity theft on us the Georgians.

9           We are concer -- you should be concerned  
10          that if you don't act before 2024, it already  
11          can't be certified. You need to read 18 USC 2382  
12          and 84. Consider yourself served.

13          **MR. COAN:** Thank you, Kim.

14          Next up we have Michael Opitz and on deck we  
15          have Joe Rossi.

16          **UNIDENTIFIED SPEAKER:** Mr. Rossi will be  
17          here at 11:00.

18          **MR. COAN:** Okay. So I'll skip that one.  
19          Joe. Okay, very good.

20          All right. Next on deck will be Bob -- I'm  
21          at the mercy of handwriting --

22          **UNIDENTIFIED SPEAKER:** Coover.

23          **MR. COAN:** I'm going to say Coover.  
24          Coover? All right.

25          **MR. OPITZ:** I'm Michael Opitz, president of

1 the Madison Forum. Recently the Georgia State  
2 Election Board reviewed case SEB2023-025 which  
3 found over 140 violations of Georgia Election  
4 Code by Fulton County in the 2020 election. They  
5 recommended a criminal investigation. Board  
6 member Dr. Janice Johnston said the election  
7 should not have been certified.

8 The rest -- the best the board could do was  
9 reprimand Fulton County and appoint a monitor.  
10 Really? The Georgia GOP's state committee also  
11 reprimanded the board and demanded action from  
12 the Attorney General. It's unclear if the board  
13 will reopen the case. Hopefully from this  
14 morning it will.

15 The *Lovell vs Raffensperger* case, the  
16 plaintiffs argued that Georgia election officials  
17 failed to follow laws, duties regarding  
18 elections. Two amicus briefs were filed as  
19 evidence. The Coovert brief showed that the  
20 Secretary of State never conducted a 2020 machine  
21 audit as claimed. The Brooks-Strahl brief found  
22 evidence of massive synthetic identity theft and  
23 voter roll manipulation over the past ten years.  
24 The manipulation continued into 2022 and is  
25 happening now in 2024, involving tens of

1 thousands of fraudulent voter roll changes  
2 summarized in the fraud report.

3 We are living in dangerous times, and we  
4 know there is massive voter fraud in Georgia not  
5 even counting millions of noncitizens voting  
6 without legal restraint. So now I ask, do you  
7 have any honor and integrity to defend free and  
8 fair elections in Georgia and the United States?  
9 The despots in totalitarian countries throughout  
10 modern history have manipulated the votes of  
11 millions of people, and they have died.

12 Stalin said it matters not who votes, only  
13 who counts the votes. So I ask you the question.  
14 How will history remember each of you as we watch  
15 our elections become meaningless? Thank you.

16 **MR. COAN:** Thank you, Michael.

17 Next up we have Bob Coover, and on deck is  
18 Jason Frazier.

19 **MR. COOVERT:** Good morning. Bob Coover  
20 from Gilmer County. I know we have some new  
21 board members. I wanted to be sure to share that  
22 your duties are Georgia law, O.C.G.A. 21-2-31.  
23 And in your first duty as board members, which we  
24 all respect, it says: As well as legally verify  
25 the legality and purity of all primaries and

1 elections. That's what we've been talking about  
2 with Joe Rossi's case.

3 It's your responsibility to verify the  
4 legality and the purity. Now, I'll tell you two  
5 month -- or I'm sorry, two weeks after Joe went  
6 and spoke to the governor, I went and spoke to  
7 the governor, and I shared 28 allegations of  
8 crimes against the citizens of Georgia by the  
9 Secretary of State and his office.

10 I worked with Evan Meyers, his executive  
11 deputy -- or his deputy executive counsel for two  
12 months. They didn't find any problems with the  
13 evidence we gave them. He referred it to  
14 then-Inspector General Scott McAfee. I worked  
15 with Scott McAfee for two months.

16 Scott called me one day and he said: You  
17 know, Bob, I'm going to go after one of these  
18 28 -- 26 allegations. I said: Scott, how are  
19 you going to drop the rest of them? He says: I  
20 can only go after this one. And it was the Pro  
21 V&V audit which we all know never took place.

22 And then I gave Scott McAfee the open  
23 records requests from the six counties that they  
24 said the audits took place, and -- and, of  
25 course, the audits didn't take place in any of

1 the counties. And guess what happened when I  
2 gave that stuff to the Inspector General? He  
3 stopped talking to me. The Inspector General is  
4 now a superior court judge.

5 I went to a district attorney in the  
6 Appalachian circuit. I shared the same  
7 information with her. Guess what? She stopped  
8 talking to me. She is now a superior court  
9 judge.

10 So if any of you guys are looking on how to  
11 become a judge, I've got a fast track.

12 So you are going to be influenced in your  
13 positions. You are influenced at this very  
14 moment. I just hope you seek the truth, follow  
15 the truth, and follow the Georgia law that's  
16 written on your behalf. Thank you.

17 **MR. COAN:** Thank you, Bob.

18 Next up we have Jason Frazier with Earl  
19 Ferguson on deck.

20 **MS. FRAZIER:** We're flipping. Jason and I  
21 are flipping, so ...

22 **MR. COAN:** Okay. Very good.

23 **MS. FRAZIER:** Okay. Lucia Frazier.

24 So Fulton County in 2022, over 10,000  
25 duplicate registrations were submitted, and that

1 should never happen. And they were submitted by  
2 a regular citizen. And they were approved by the  
3 Fulton registrar as needing to be removed. So  
4 this is very obvious, super obvious low-hanging  
5 fruit that happened in 2022. And it's obvious  
6 that no maintenance was being done.

7 And besides that, there were even other  
8 buckets above that where there were commercial  
9 addresses on registrations. And that's not  
10 allowed. So again it's obvious no maintenance is  
11 being done in Fulton County.

12 So I bring your attention to the rule that  
13 was talked about earlier about challenges. And  
14 bring your attention to the need that voter rolls  
15 need to be maintained. And the need -- and the  
16 reality that the counties aren't doing it, many  
17 counties are not. And Fulton is not.

18 And the rule as written is completely  
19 unnecessary. All the citizens that participated  
20 in this have followed the law and provided  
21 excellent data to the county registrars. And  
22 it's really making it harder for the county  
23 registrar to clean their rolls. A rule about  
24 database management might be more beneficial  
25 because they're not doing that. And it's



1 already -- it's being done privately everywhere.  
2 It's easy to do, but -- it's so easy to do and  
3 they're not doing it. So there's an issue with  
4 that.

5 One of the lines in this rule -- I don't  
6 know if you noticed -- says they don't want it to  
7 be done as filed as part of a system --  
8 systematic inquiry. That's ridiculous. The  
9 registrars should be using systematic to look at  
10 these irregularities. And now you're saying  
11 citizens shouldn't when they're challenging.  
12 That is a tool. The government shouldn't have a  
13 tool that the citizens don't.

14 So you need to recognize everything that  
15 dismantles our government as created by the  
16 Constitution and stand firm against it. Thank  
17 you very much.

18 **MR. COAN:** Thank you, Lucia.

19 Next up we have Earl Ferguson. On deck is  
20 Sandra Burchardt.

21 **MR. FERGUSON:** Members of the board and  
22 fellow paying -- taxpayers, I'm Earl Ferguson. I  
23 challenge Georgia registrations of people who  
24 have moved to other states and registered to vote  
25 there.

1           The AJC is listening. I am not taking away  
2 anybody's right to vote. These people are gone  
3 in -- in the end of 2020, I submitted about  
4 several hundred challenges of people who had  
5 moved to North Carolina and voted there. Those  
6 were approved a hundred percent by our Fulton  
7 County Registration and Election Board.

8           In December of 2023, I submitted the same  
9 type of challenge, again people who had moved to  
10 North Carolina or registered to vote there. It  
11 was denied by the Fulton County Registration  
12 board with two of the same members that are --  
13 that supported me two years earlier. Why is this  
14 happening? I've submitted -- I submit a  
15 challenge to SEB. It should be processed on this  
16 issue. But why is this happening?

17           If you are looking for opportunities to do  
18 fraudulent voting, what would you do? You would  
19 try to find a registered -- a registration where  
20 the people are no longer there and are not going  
21 to use it. And that is what is happening.  
22 Because of its refusal to clean its rolls, Fulton  
23 now has substantially more registered voters than  
24 it has people who are eligible. A hundred  
25 percent of eligible voters is all but impossible.

1 We have about a hundred and ten and that includes  
2 a lot of illegal immigrants.

3 The board's -- the county board's June  
4 meeting they approved procedures for addressing  
5 voter challenges. To my surprise these  
6 procedures put in plain language how Fulton is  
7 violating Georgia and federal laws to justify  
8 their refusal to remove ineligible voters. They  
9 refused to let me comment. So I have submitted  
10 my challenge -- my comments here to the state  
11 election board. Thank you very much.

12 **MR. COAN:** Thank you, Earl. I appreciate  
13 you.

14 Next up we have Jason Frazier.

15 **MR. FRAZIER:** Good morning. My name is --  
16 good morning. My name is Jason Frazier. First  
17 off, I wanted to thank Dr. Johnston for all  
18 you're doing. And Ms. King, welcome. I  
19 definitely am proud of how you're speaking today  
20 and voting so far. So thank you.

21 So next I wanted to talk about why are we  
22 even being charged for voter rolls in the state  
23 of Georgia? I mean, other states don't, adjacent  
24 states don't. Fulton -- or the state of Florida  
25 rather, they send me a CD every month. Granted

1 it's a CD, we don't really use those. But at  
2 least they give them to me and it's free. Other  
3 states do. North Carolina is free. And why did  
4 Georgia decide to raise their prices? Even DC --  
5 I mean, I agree with very little that comes out  
6 of DC, but DC, send an open record request and  
7 they send you the voter roll for free. It's  
8 amazing. So I guess we can agree with something  
9 in DC.

10 So moving on, every county, I also believe,  
11 needs some guidance on how to handle voter  
12 challenges. I was in the -- the Forsyth  
13 challenge last week -- it was the last week or  
14 the week before -- and essentially they said  
15 there wasn't enough data.

16 Well, I saw the data. The data is these  
17 people that were challenged moved to Florida,  
18 moved to North Carolina, moved to other states.  
19 We gave them their registration ID from the other  
20 states. They filed an NCOA that said they moved  
21 to that state. A lot of them had voted from that  
22 state. And then because they were saying there  
23 wasn't enough evidence, I happened to bring my  
24 Florida CD that the secretary of state mails to  
25 my house. The man challenging these

1 registrations brought it up to them, and they  
2 said: No, no, no. We can't take outside data  
3 sources.

4 So they said the data's no good. But yet  
5 they don't want the data, which clearly tells me  
6 they just don't want to do their job.

7 21-2-220(a) says it is their job. They're  
8 failing to do their job. And then they are  
9 refusing to -- to even look at data.

10 So essentially, as you've been hearing, they  
11 dance around what excuse is the good excuse for  
12 the day. So that's why we need guidance for all  
13 these counties. We have one set of laws in this  
14 state. There shouldn't be a hundred and  
15 fifty-nine ways to handle a voter registration  
16 challenge, especially for people that moved out  
17 of state and registered out of state. Those are  
18 pretty cut and dry.

19 So they're -- they're just not doing it. So  
20 anyway that's the long and short of it. And I  
21 hope you will ignore that first petition that's  
22 on the list because clearly we need something  
23 done. Thank you.

24 **MR. COAN:** Thank you, Jason. Appreciate  
25 your comments.

1 Sandra Burchardt is next. And then on deck  
2 we will have Liz Throop.

3 **MS. BURCHARDT:** My name is Sandra Burchardt.  
4 I am a woman of prayer. I am a woman of passion.  
5 I have a passion for truth. I have a passion for  
6 the people that died to give me the right to  
7 vote. And my right has been violated. Every  
8 voter in this room has been violated.

9 I saw a table covered with a skirt that  
10 miraculously revealed ballots. This video was  
11 seen all over the world. And the ballots were  
12 hidden for what reason I don't know. This was in  
13 the 2020 election. I became passionate. I said  
14 I've got to do something. Even though I am just  
15 one person, I care.

16 So I watched the Senate ethics committee in  
17 the state of Georgia, and I heard people that  
18 came from all over our state to say: We saw it  
19 happen. We saw the corruption. Please listen.

20 I saw -- I sat in the courtroom, and I  
21 watched the voting machines that we are required  
22 to pay for, that are rigged, and that we have to  
23 pay the maintenance on these machines, that look  
24 at a QR code and give us a vote that we may not  
25 have had.

1           And so I care, and I pray, and I hope that  
2 enough people on this board that also pray and  
3 care about truth and justice and are willing to  
4 take a stand for everybody not only in this room  
5 and not only in this state but in this country.  
6 Thank you.

7           **MR. COAN:** Thank you, Sandra, for your  
8 comments.

9           Next up is Liz Throop and on deck Leo Smith.

10          **MS. THROOP:** Hi, thank you. I'm Liz Throop.  
11 It's time for the SEB to adopt mandatory security  
12 reporting rules.

13           In April, a company who does business with  
14 the Department of Justice, Department of Homeland  
15 Security, various branches of the armed forces,  
16 and crucial intelligence bodies had data stolen  
17 by a Serbian hacking group. The stolen data  
18 included personal information, password hashes,  
19 and coordinates and addresses of several  
20 government officials.

21           The same group attacked the Colonial  
22 Pipeline which had shut -- had to shut down fuel  
23 lines across the Southeast in 2021. That attack  
24 started with a breached password.

25           In June of 2023, a Russian ransomware group

1 attacked a file transfer tool and it spread to  
2 entities that use the tool, including British  
3 Airways, the BBC, and the province of Nova  
4 Scotia.

5 Of course it's embarrassing for institutions  
6 to admit they fall -- that they have fallen prey  
7 to such attacks, but mitigation usually depends  
8 on it.

9 This body has long been aware of the 2021  
10 Coffee County insider attack. You have  
11 considered rules to address security breaches and  
12 promised to take action. Hacks can affect all  
13 159 counties who use the exact same software and  
14 hardware to conduct elections. Hacks can also  
15 affect any vendors that the Secretary of State  
16 and counties exchange software with or data with.  
17 It's time to adopt mandatory security reporting  
18 rules. Thank you.

19 **MR. COAN:** Thank you, Liz.

20 Next up we have Leo Smith. On deck is  
21 Kristin Nabers. Thank you.

22 **MR. SMITH:** Thank you. My name is Leo  
23 Smith. I'm here on -- today on behalf of the  
24 Democracy Task Force with the American Bar  
25 Association. I am not a lawyer, but I'm here



1 representing several lawyers -- and if they would  
2 stand in that first row -- because lawyers are  
3 voters and they need representation too, right?

4 And these are good lawyers, coming together  
5 across partisanship to support a democratic  
6 republic where we can still win based on the hard  
7 grit, the dint of our efforts, where people don't  
8 jump in as rulemakers and put a thumb on the  
9 scale.

10 My daughter just got back from Oregon as a  
11 track athlete where she missed Olympics by  
12 inches. She dust the sand off of herself and she  
13 got up and said: I'm going to keep trying.  
14 Because she trusted that there was a governance  
15 board called the Olympic Committee that would  
16 maintain rule of law so that her effort would  
17 never be in vain, that she knew that people like  
18 you who agreed to serve on that governance board  
19 would create a fair, trusted, playing space so  
20 that when grit and determination is put on the  
21 line that they know that they could risk --  
22 whisking -- risking their sweat again.

23 And that's what we want you to do. And we,  
24 the American Bar Association's Democracy Task  
25 Force, several citizens across difference are

1 coming together to hand you our hand of support  
2 and with other people in this room to say that we  
3 want you to reflect the values of hard-working  
4 Georgians who want the rule of law so they --  
5 they know when they pull that ballot, when  
6 they've made that effort based on contests that  
7 were fair and representative of Georgia's values  
8 that that contest had no imprint of partisanship.

9 So we thank you for your work, for all that  
10 you have done and all that we will do.

11 And we thank you for creating even policy,  
12 Chairman, that will speed up the decision-making  
13 time so that my daughter, when she brushes off  
14 the sand, she can say: My effort will be quickly  
15 decided.

16 Thank you.

17 **MR. COAN:** Thank you, Leo. Appreciate your  
18 comments.

19 Next -- next up is Kristin Nabers. On deck  
20 is Joseph Kirk.

21 **MS. NABERS:** Hello, Board. My name is  
22 Kristin Nabers. I'm the state director for All  
23 Voting is Local Action. Today I'll be speaking  
24 on two proposals that are actually on the agenda.

25 First, I wish to address Mr. Cross's

1 proposal to require that mailed ballots be sent  
2 by restricted and tracked mail which requires the  
3 voter to show ID and sign when they receive their  
4 ballot.

5 Restricted mail is incredibly expensive with  
6 rates starting around \$13 per piece, is only  
7 available in conjunction with certified and re --  
8 or registered mail. Tracking is an additional  
9 cost. So even if the counties got a reduced rate  
10 somehow, there's no way they could handle the  
11 financial burden of sending out hundreds of  
12 thousands of mail ballots through this method.

13 Furthermore because this mail is highly  
14 secured and is processed manually, the postal  
15 service specifically warns that it's slow and not  
16 recommended for anything where speed of delivery  
17 is important. In ballots, obviously, speed of  
18 delivery is important.

19 To require voters to show ID and sign at the  
20 point of delivery will likely put a ballot -- a  
21 burden on voters and create barriers.

22 Historically disenfranchised communities may be  
23 disproportionately impacted, especially voters  
24 with disabilities who may not be able to provide  
25 the signature or black voters who vote by mail at

1 higher rates.

2 Voting should be made more accessible not  
3 less, and adding these steps to a system that  
4 already works and has worked for many elections  
5 is unnecessary and could open up the state to any  
6 number of lawsuits.

7 Mr. Cross's petition would effectively  
8 cripple vote by mail in the state of Georgia, and  
9 we urge you to reject this proposal today.

10 I also wanted to address Ms. Marks's  
11 petition regarding hand-counting for recounts.  
12 Over the past eight months, I've spent over 40  
13 hours observing hand counts in multiple counties.

14 As you might expect, they're incredibly  
15 slow. They're far less reliable than machine  
16 counts. In every instance any discrepancies  
17 between the counts -- and there have been many  
18 discrepancies -- have been traced back to a human  
19 error, not a machine one.

20 Hand-counting is a boring, monotonous task.  
21 Human beings are not good at boring, monotonous  
22 tasks.

23 This -- this proposal mentions concerns over  
24 the voting machine's programming, but that is  
25 exactly what the risk-limiting audit, which

1 compares the human readable text to the machine  
2 count in a limited number of ballots, is designed  
3 to detect. If the RLA finds the problem, the  
4 officials have the option to order a hand  
5 recount.

6 Thank you.

7 **MR. COAN:** Thank you, Kristin. Thank you  
8 for your comments, Kristin.

9 Next up is Joseph Kirk. On deck is Michael  
10 Gordon.

11 **MR. KIRK:** I want to thank y'all for having  
12 us. My name is Joseph Kirk. I'm the election  
13 supervisor from Bartow County. I'm also the  
14 president-elect of GAVREO, the Georgia  
15 Association of Voter Registration Election  
16 Officials, and I'm here today to speak on the  
17 organization's behalf. I have other members here  
18 with me, prepared to speak on specific rules.

19 Would y'all mind standing up real quick.

20 So hopefully they -- we have time to hear  
21 from all of them. My rule that I'm focused on is  
22 the one about certification.

23 So broadly, first, certification is -- is  
24 a -- an indication, a statement, or system  
25 comparison that the end of the process is

1 complete. There's not a lot of discretion there  
2 in terms of the results. There's investigations  
3 that go into them, but in the process we have to  
4 certify that all the folks do their job.

5 So like I said, it's a system comparison.  
6 We compare how many people -- how many ballots  
7 were cast, how many people were eligible, how  
8 many people were checked in. And if there's a  
9 discrepancy, we investigate it. If we can  
10 determine what caused the error -- say there's a  
11 batch missing or a batch was double-scanned, we  
12 can do a recount and correct those results.

13 But if we can't explain what the discrepancy  
14 is, we still have to certify. We don't have the  
15 discretion to say we're not going to count the  
16 results from, say, a whole precinct. It's part  
17 of the investigation but not the end -- not the  
18 end result. The courts can't take over until we  
19 certify.

20 So with all that in mind, we are opposed to  
21 the rule proposed by Ms. Grubbs. The meeting in  
22 there starts way too early. And it seems to give  
23 board members privileges that are reserved for  
24 the superintendent. Just like y'all are members  
25 of the state election board and as a whole you

1 have a lot of authority but as members not quite  
2 as much, same is true for our boards.

3 A single member can't go into an office and  
4 demand the rights reserved to the entire board  
5 without the rest of the board acting in concert.  
6 So you couldn't say -- go in and say, Give me  
7 everything you have on this, and demand to see it  
8 right then. It's also on them to be sure any  
9 kind of investigation starts early enough to be  
10 done.

11 We are firmly in support of the rule from  
12 the chair. We appreciate you submitting it. And  
13 we propo -- we support the rule y'all posted from  
14 the state election board with one specific  
15 change, to take out the phrase "after reasonable  
16 inquiry." That's addressed in the code and does  
17 not need to be in the definition of  
18 certification.

19 Thank you.

20 **MR. COAN:** Thank you, Joseph, for your  
21 comments.

22 All right, next up we have Michael Gordon.  
23 On Dave -- on deck is David Ross.

24 **MR. GORDON:** Michael Gordon, Fulton County  
25 resident.

1           Welcome, Janelle. Thank you for your  
2 willingness to serve the people of Georgia.

3           Governing by consent requires honest and  
4 secure elections which requires clean voter  
5 rolls. The Georgia General Assembly passed a law  
6 to allow unlimited voter roll challenges for a  
7 good reason. Our voter rolls are notoriously  
8 bloated and inaccurate.

9           A proposed "United to Protect Democracy"  
10 rule would make it easier for the board of  
11 registrars to dismiss many voter challenges which  
12 would make it less likely that our voter rolls  
13 would be cleaned up, which is required by law.

14           First of all, we are a republic not a  
15 democracy. So why would we take seriously a  
16 proposed rule from an organization that views  
17 Georgia as a democracy? Their petition reasoning  
18 states that citizen challenges are rarely  
19 successful, using unreliable methodologies and  
20 incomplete, error-prone data. They're  
21 complaining about the targeting of inactive  
22 voters and wasting precious resources. This is  
23 complete nonsense. If the registrars would do  
24 their job properly, there would be no need for so  
25 many challenges.



1           Let's take a look at their claim: targeting  
2           inactive voters. Today inactive voters who show  
3           up at the voting -- polling locations are allowed  
4           to vote just like active voters. They need to be  
5           removed. Unreliable methodologies, incomplete  
6           data. Today we -- citizens have challenged voter  
7           records from -- voter roll records with dead  
8           people, PO Boxes, UPS stores, and other  
9           businesses. People have moved and they actually  
10          registered in other states. All these records  
11          are supposed to be removed by law and in many  
12          cases they are not. This is the error not the  
13          challengers.

14                 And finally, wasting precious resources.  
15          Cleaning the voter rolls is their job. That's  
16          what they're supposed to do. If it's a burden,  
17          then they should quit. All right. Most counties  
18          are grateful for the help. Only large  
19          counties -- a few large counties are complaining.  
20          We should stop rewarding them and replace them.  
21          Oh, okay. Thank you. Vote no on that rule.  
22          Thank you.

23                 **MR. COAN:** Appreciate your comments.

24                 Next up we have David Ross. On deck we have  
25          Matt Rowenszak.

1           **MR. ROSS:** Mr. Chairman, members of the  
2 board, I'm Dave Ross from Atlanta. I'm here to  
3 support election policies to ensure -- that  
4 ensure that we make voting as easy and accessible  
5 as possible.

6           Our next election begins in 14 short weeks  
7 from today. As you consider proposals that are  
8 before you today and in August, I trust that your  
9 paramount goal and hope that your paramount goal  
10 is to adopt policies that help as many eligible  
11 voters as possible to vote as easy as possible  
12 without creating voter confusion, without  
13 undermining voters in -- voters' confidence in  
14 the voting process and particularly without  
15 creating unnecessary and new burdens on the  
16 thousands of elected -- on election officials  
17 throughout the state who as we speak are getting  
18 ready for the November election.

19           As you have heard, there are several  
20 petitions being heard today that, in fact, will  
21 create voter confusion, will undermine voter  
22 confidence, and will create significant burdens  
23 on our county elected officials who are here and  
24 are speaking before you today.

25           We have a reliable election process, and I

1 commend our county election officials and you to  
2 keep in mind that they bear the brunt of  
3 implementing and communicating any changes you  
4 make, often at significant costs to the counties  
5 and under tight deadlines.

6 Thank you.

7 **MR. COAN:** Thank you, David.

8 Next up we have Matt Rowenczak, and on deck  
9 is Brian Dunn.

10 **MR. ROWENCZAK:** Hi, good morning, Board.

11 Mr. Chair, at the last SEB meeting, this  
12 body decided to appoint monitors to Fulton County  
13 for the 2024 election due to the numerous  
14 election violations and discrepancies from 2020.  
15 A wise decision. What was not wise was your  
16 decision to put forth a proposal behind the backs  
17 of your fellow board members after the meeting.

18 On June 13th, towards the end of a Fulton  
19 County Board of Elections meeting, the chairman,  
20 Cathy Woolard, a prior Fair Fight Action  
21 lobbyist, super nonpartisan, brings forth a  
22 monitor proposal from Ryan Germany to cost Fulton  
23 County taxpayers a hundred and sixty thousand  
24 dollars. Interestingly, she mentions that she  
25 had discussed this -- she had discussed this

1 proposal with you and Mr. Germany.

2 Since the act of creating this absurd  
3 proposal, here are some red flags maybe you  
4 should have considered. This body voted for the  
5 monitors, so why was this proposal not shared  
6 with your fellow board members. Then you chose  
7 Ryan Germany, when he was part of the corruption  
8 in the SOS office when those election violations  
9 occurred and continued to deny that they existed.  
10 He lied and deceived the public.

11 Another name on the list was Jesse Harris  
12 who also worked for our corrupt Secretary of  
13 State and instructed Fulton County that homeless  
14 voters could register to vote at an intersection.  
15 Prior to that, Mr. Harris worked for Fulton  
16 County for about a year until he was let go for  
17 allegedly falsifying his résumé.

18 There were hardly any forensic experts, no  
19 process engineers, no certified fraud examiners,  
20 no cybersecurity expert or other reliable  
21 independent professionals.

22 In summary, the proposal suggests that you  
23 didn't do your homework at a minimum, all on the  
24 backs of Fulton County taxpayers. This competes  
25 with the sloppiness and wasteful spending of the

1 Carter Center audit from Fulton County of 2022  
2 where folks lounged around, played on their iPads  
3 and got paid on our backs.

4 Let's just say we are not impressed. I'd  
5 assume you didn't approach your career this way.  
6 Georgians are tired of this shady and lazy  
7 behavior. And when it comes to our elections,  
8 folks like to preach about how important they  
9 are. Well, then show us.

10 **MR. COAN:** Thank you, Brian[sic].

11 Next up we have Brian Dunn. On deck is  
12 Kevin Muldowney.

13 **MR. DUNN:** Kevin's not here.

14 **MR. COAN:** He's not here?

15 **MR. DUNN:** Yeah, he -- he left.

16 **MR. COAN:** Okay.

17 **MR. DUNN:** He had to go.

18 **MR. COAN:** Thank you.

19 So next on deck will be Cliff Hobbs.

20 Thank you.

21 **MR. DUNN:** Brian Dunn, Fulton County  
22 resident. Questions: What's the point of voting  
23 machines? Does it make elections more secure?  
24 No. It makes them less secure. Does it give us  
25 results faster? No, it does not. Does it reduce

1 our costs? Obviously not. Paper is pretty  
2 cheap. And by the way, when we use voting  
3 machines, it still creates paper. You don't even  
4 save paper in most cases. Does it give you  
5 results faster? No, it does not.

6 We are asking, with all the complaints from  
7 Puerto Rico, hundreds of complaints, and  
8 throughout the United States, thousands of  
9 complaints, why do we have them? We have never  
10 heard anyone explain the point of machines unless  
11 they are designed for the purpose of throwing an  
12 election.

13 Jeff Fulgham provided evidence to the FBI  
14 Atlanta field office. They not only failed to  
15 investigate, but Jeff personally confirmed that  
16 somebody was directing agents to steer evidence  
17 to the Georgia SOS and SEB, who themselves  
18 covered up evidence.

19 Evidence he provided suggests that the fake  
20 duplicate batches included in Fulton  
21 hand-count -- official Fulton hand-count were  
22 intentionally altered so the auditing software,  
23 known as Arlo VotingWorks, won't recognize a fake  
24 duplicate. Keep in mind that the SEB case  
25 2021-181 later concluded in June of 2023 that

1 these were indeed duplicates, in other words,  
2 fake.

3 But they covered up the evidence, any  
4 evidence suggesting intent. These duplicates  
5 added 6,000 gross fake votes to the Fulton  
6 hand-count. There was fraud in the 2020 election  
7 and it was covered up. These machines are not  
8 faster, cheaper, or more reliable. So what's the  
9 reason?

10 This is the biggest question in the world  
11 because of our entire -- our entire way of living  
12 will depend on this election being credible. And  
13 we don't think that this coming election is going  
14 to be credible. We think there's going to be  
15 massive cheating.

16 Now Jeff filed a lawsuit against the Ware  
17 County Georgia Board of Elections for answers,  
18 answers explaining how nearly 1 percent of their  
19 ballots were scanned for the second time five  
20 days after certification. This is unacceptable.  
21 Georgia SEB is required to keep all elections  
22 honest, safe, and secure. We demand that we get  
23 rid of these machines.

24 **MR. COAN:** Thank you, Brian, for your  
25 comments.

1           Next up we have Cliff Hobbs. And then we're  
2 going to switch back and have Joe Rossi come up.

3           So, Joe, if you're here, come on and get  
4 ready. Be on deck. Thank you.

5           **MR. HOBBS:** Well, I'm the last one. I'll  
6 make it nice and short. I'm a Georgia resident.  
7 I have been for all my life. I live in Hall  
8 County now, lived in Fulton County for many, many  
9 years.

10           I have voted since the 60s, and I always  
11 trusted what happened until 2020. And I've  
12 learned that -- that a lot of corruption went on.  
13 You guys, I think if you just look at the  
14 evidence, use common sense, and figure out that  
15 there was a lot of wrong things that happened.

16           You know, I know all you people are  
17 appointed. Are you accountable to somebody that  
18 appointed you or are you accountable to the  
19 people of the state of Georgia? You know,  
20 you're -- you've got to -- you've got to go home  
21 and sleep at night. If you, you know, know that  
22 there's things that are wrong, voter rolls that  
23 are dirty, I mean, how -- how does it -- in a  
24 state -- in a county that has more people that  
25 are on the voter rolls than live in the county,



1 something's wrong. If it smells like it's bad,  
2 if it tastes like it's bad, it looks like it's  
3 bad, chances are pretty good that it's bad.

4 I'm just asking you, please, please use your  
5 common sense and do what's right for the people  
6 of Georgia. You know, I'm an older guy. I got  
7 grandkids, though, that are coming along in  
8 this -- in this state, and I worry about, you  
9 know, what their future's going to be.

10 Just please use your common sense and do  
11 what's right. You know, voter rolls are --  
12 they're bad. They need to be changed and  
13 updated.

14 Thank you very much.

15 **MR. COAN:** Thank you, Cliff. Appreciate  
16 your comments.

17 All right, next up is Joe Rossi.

18 And, Joe, you've got 15 minutes to share  
19 with us --

20 **MR. ROSSI:** (speaking inaudibly in the  
21 gallery with microphone turned off) Yes, I'd like  
22 to first of all thank the chairman of the board  
23 --

24 **MR. COAN:** You want to come on up? And --

25 **MR. ROSSI:** (speaking inaudibly in the

1 gallery with microphone turned off) (inaudible)  
2 I'd like to (inaudible) my time and (inaudible)  
3 and on behalf of my co-complainant, Kevin Moncla,  
4 who will be (inaudible) at this time (inaudible)

5 **MR. COAN:** Okay. Thank you.

6 Mr. Favorito, do you want to take the stand  
7 and ...

8 **MR. FAVORITO:** (speaking inaudibly in the  
9 gallery with microphone turned off)

10 **MR. COAN:** I've got one. Thank you. Got  
11 one for Sara? You got it? You want me to give  
12 it -- got it?

13 All right, Garland, you ready?

14 **MR. FAVORITO:** Yes, sir. Thank you. It's  
15 an honor to be here today to talk to you about  
16 what I believe is to be the most important case  
17 in this election board history.

18 This is four allegations and all of the  
19 other complaints combined. Since I have been  
20 attending election board meetings in 20 years.

21 I'd like to start with the diagram that you  
22 have in front of you. It's on the second and  
23 third page. The first thing I think is the most  
24 important to understand. I think we can all  
25 agree on here's how the system works. How do you

1 get from a ballot to a certified vote? The  
2 ballot is initially scanned and an analysis is  
3 performed as you can see in your diagram. The  
4 analysis is -- would either be through the ICC  
5 scanner if it's an absentee ballot or it will be  
6 through the QR code analysis from ICP scanner at  
7 the precincts for in-person voting.

8 The scanners create DVD cast vote records,  
9 TIF ballot images, SHA hash file authentications  
10 which I think we'll go into in more detail. And  
11 in the process, there is -- are tabulator tapes  
12 created for the in-person voting, batch  
13 reconciliation for absentee ballots, as you see  
14 in the diagram. Those batches are uploaded and  
15 produce a batches-loaded report. And then they  
16 are published with the certified votes to clear  
17 the elections in (indiscernible).

18 That's the process and the flow of how an  
19 election is conducted. You did not get that at  
20 the last meeting, and I think that's important to  
21 understand. These are the election records that  
22 are created during that process.

23 However, at the last meeting, the Secretary  
24 of State's legal counsel stated that ballot  
25 images, batch-loaded reports, and tabulator tapes

1 played no role in the actual tabulation of  
2 results in an election. That's blatantly false.  
3 Tabulation depends on ballot images. Votes can  
4 only be published for ballots shown in  
5 batches-loaded reports. And published in-person  
6 votes must have corresponding tabulator tapes.

7 So what would a proper investigation have  
8 been? A proper investigation would've looked at  
9 all source ballot election records for original  
10 hand-count audits, machine recount results, and  
11 that would include starting from the official  
12 paper ballots, which no one has yet seen, the TIF  
13 ballot images, the SHA hash authentication files  
14 which authenticates those images, the DVD cast  
15 vote records, in-person tabulator tapes, absentee  
16 ballot reconciliation forms, batches-uploaded  
17 reports, and certified election results.

18 All of those make a package. It's -- it's a  
19 beautiful process and they should all reconcile.  
20 In this case the complainants have said that they  
21 don't reconcile. All of those should've been  
22 considered. However, we heard in the last  
23 meeting that SHA files, which authenticate the  
24 ballot images, which is used in tabulation, was  
25 not part of the investigation. It should've

1           been. Therefore the investigation was conducted  
2           on a false precinct.

3           SHA files authenticate the actual ballot  
4           images that are tabulated. And any legitimate  
5           investigation should have analyzed all those  
6           source records. And I can tell you that based on  
7           40 years of my information technology experience  
8           and 20 years of voting system technology  
9           research.

10          Fulton County, the complaint -- let's go to  
11          the complaint. The complaint itself alleges that  
12          up to 58,924 votes on ballots have no source  
13          justification. That is 17,852 ballots have no  
14          original or recount ballot images. So how did  
15          they get into the certified votes if there was no  
16          image? We -- I just showed you the process. You  
17          have to have an image for every ballot that's  
18          voted.

19          The allegations are 3,125 ballots were  
20          double-scanned and their votes were  
21          double-counted. I'm going to explain to you how  
22          we know that. And they'll go further into that  
23          with Mr. Davis.

24          20,713 in-person votes are from ballots that  
25          had no original tabulator tapes. It's still

1 unexplained. 17,235 certified votes were  
2 backfilled after this certification deadline into  
3 the election results and despite they have no  
4 original scan logs.

5 Those are the allegations. The Secretary of  
6 State's legal counsel said that missing  
7 documentation for about 32,000 votes were for the  
8 recount. Then they are claiming that the -- this  
9 complaint was only for the recount, and that  
10 explained it was for both the recount and the  
11 original because there's discrepancies in both  
12 counts. And that's why this investigation  
13 should -- this investigation should've been far  
14 more thorough.

15 Moving on to -- lead investigator for the  
16 complaint said that it's important to note that  
17 throughout the complaint, the complainants  
18 erroneously conflated the number of total ballots  
19 cast and the total votes counted in the  
20 presidential election. That's simply not true.

21 He went on to explain the fact that under  
22 votes could occur. But the complainants -- first  
23 of all, each vote has to have a corresponding  
24 ballot and associated record. And the  
25 complainants are alleging that there are more

1 votes and ballot records, not less. So the  
2 argument that the lead investigator made, then,  
3 is disingenuous.

4 Moving on to the Governor Kemp study,  
5 Governor Kemp's study, which was based on  
6 Mr. Rossi's work as well as Mr. Cross's here --  
7 his study was found that there was an extra 6,653  
8 ballots in the hand-count audit that were used to  
9 match the original results. You keep hearing  
10 that the originals ought to match but that's how  
11 they match, as Mr. Rossi has explained.

12 Fulton has already admitted that the -- that  
13 they violated rule 83 -- 183-1-15-.04 regarding  
14 the audits.

15 So again moving on, the Secretary of State's  
16 legal counsel told you at the last meeting that  
17 all three counts confirm the results of the  
18 presidential contest in 2020. That's simply not  
19 true according to Governor Kemp's own report.  
20 His study confirmed that.

21 So I wanted just to mention, to move on down  
22 to what is actually missing. Well, over  
23 1 million ballot record images are missing as of  
24 right now and still unexplained. That includes  
25 over 380,000 original in-person ballot images,

1 512,000 SHA files authentication, 17,852 missing  
2 early vote recount ballot images. The others  
3 were for the original count, but in the recount  
4 those votes are missing as well as their  
5 corresponding SHA file, 17,852; 20,713 original  
6 and recount ballots are missing tabulation  
7 records; 17,234 ballots were backloaded -- they  
8 don't have scan logs -- and 16,198 for the  
9 recount; 17234 was for the original count as you  
10 see on your documentation there.

11 Why is all this missing information  
12 important? Because state and federal law require  
13 all primary and election documents shall be  
14 preserved for a period of either 22 months  
15 federally or 24 months by the state, state law.  
16 That's O.C.G.A. 21-2-73 and USC 20701 which you  
17 have before you.

18 The lead investigator, however, said that  
19 the preservation of ballot images was not  
20 required in 2020. In reality it was. I just  
21 cited federal and state statutes that he  
22 apparently was not aware of.

23 So ballot images are clearly election  
24 records, and they have to be preserved. And  
25 these were missing before the retention period



1 ever started, based on open records requests that  
2 were filed within those two-years' periods.

3 Finally we get to the case of double-scanned  
4 and double-counted ballots. All 3,125  
5 double-scanned ballots have audit marks that show  
6 that they were processed by the system and they  
7 have cast vote records showing that they were  
8 double-counted. And in fact, Dr. Stark in his  
9 *Curling v Raffensperger* declaration on March 3,  
10 2022, said: I can confirm from the cast vote  
11 records these identical ballot images were  
12 actually counted in the tabulation multiple  
13 times.

14 And yet the Secretary of State's legal  
15 counsel said what cannot be decided conclusively  
16 or confirmed conclusively is whether or not those  
17 duplicate ballots were in the tabulated result.  
18 I'm giving you the evidence and expert testimony  
19 above and beyond mine that says that they were,  
20 in fact, double-counted. That's clear.

21 And finally we get to the ballots. The  
22 ballots have been concealed from the public --  
23 I'm talking about the actual physical ballots --  
24 for over three years. They have to be examined  
25 to resolve these claims. Fulton County has

1 refused for three and half years and even hired  
2 criminal defense attorneys to help us avoid  
3 getting public access to the ballots. To -- so  
4 they have fought against us for three and a half  
5 years and that would've simply cleared all this  
6 matter up three years ago if we had just seen the  
7 ballots.

8 We urge the board to get those ballots. The  
9 Secretary of State's legal counsel actually filed  
10 an amicus brief for the Attorney General,  
11 advocating to keep the ballots secret. So she is  
12 conflicted and should not have been presenting  
13 this case in the first place. That brief  
14 contained false arguments, and I have a legal  
15 response that we made back at the time. I will  
16 include that in the record today for you.

17 She withheld all that information from the  
18 state election board when she said: We know that  
19 there are not missing votes because we have the  
20 paper ballots that document these votes for this  
21 election. Well, she has them, but she's not  
22 letting anybody see them, including this board  
23 who is entitled to them as well as we the people  
24 of the state of Georgia.

25 These ballots are now unsealed by a court

1 order. In our case, the *Favorito v Wan* case, you  
2 have access to them if you want those ballots  
3 right now. We have submitted an open records  
4 request for them and Fulton County is still  
5 avoiding complying with the open records request  
6 law.

7 An investigation would have uncovered many,  
8 many other things. There are no explanations.  
9 None of the explanations we heard at the last  
10 meeting make -- make technical sense. I have not  
11 been able to confirm anything of -- of substance  
12 in the last investigation, and this is why we  
13 need a real investigation into this issue.

14 There are -- I know I brought this up --  
15 over a hundred and fifty process violations. But  
16 a real investigation would've also discovered  
17 that the election day tabulator tapes are  
18 unsigned for 12,000 ballots despite state law,  
19 and the early voting tabulator tapes are unsigned  
20 for 314,000 ballots despite state law.

21 In addition, most of the memory cards were  
22 opened on one tabulator, removed, and closed out  
23 on another tabulator, thus breaking the chain of  
24 custody for the memory card itself.

25 So those are some of the things that we

1 believe you should be concerned about. Most  
2 importantly, she has -- the Secretary of State's  
3 legal counsel said nothing about this changes the  
4 results of the election. We don't know. We  
5 don't know whether the results change or not, but  
6 that's not the issue. The issue is what -- you  
7 know, what happened to the ballots? What do we  
8 need to do to preserve the 2024 election, secure  
9 it so that this doesn't happen again?

10 So a few questions that I think the people  
11 here deserve answers to: What were the real vote  
12 totals in 2020? Why does Fulton's election  
13 process have so many missing ballot records and  
14 reporting errors? That would be your  
15 responsibility to investigate. But most  
16 importantly, why we're here, is how can these  
17 problems be prevented for the 2024 election? We  
18 can't secure the 2024 election unless we  
19 understand what happened in 2020 and 2022. And  
20 that's why we're here.

21 Basically the Secretary of State's legal  
22 counsel also said that the investigation has  
23 confirmed what we already knew and there's  
24 nothing new that we have learned as a result of  
25 this investigation. If that was true, why didn't

1 she present to you what I just presented to you?  
2 She should've presented to -- to you.

3 And let's be honest here, the Secretary of  
4 State office is conflicted because any bad  
5 reflection on Fulton County is a bad reflection  
6 on them. And that is why the state election  
7 board needs to be completely independent. I know  
8 that you've had a lot of issues with that, but we  
9 need to have independent investigators,  
10 independent attorneys. And we certainly have  
11 been supporting the legislature on that.

12 Mr. Chairman, that concludes -- I think I'm  
13 probably about out of time, but I wanted to  
14 say -- say thank you to Joe. Joe Rossi and Kevin  
15 Moncla have carried this banner for three and a  
16 half years.

17 I'm honored to be selected to represent you.

18 I'm honored to be here to talk about this  
19 case. I'm happy to take any questions that you  
20 may have.

21 **MR. COAN:** Mr. Favorito, do you plan on  
22 taking the full 15 minutes because you're at 14  
23 minutes already? So ...

24 **MR. FAVORITO:** I -- I think that I am done.  
25 I think I'm done if there's no questions.

1           **MR. COAN:** I mean, you've still got another  
2 minute if you want it to do whatever you want to  
3 do with it. I just want to let you know. You've  
4 got one minute. So --

5           **MR. FAVORITO:** Well, let me just introduce  
6 the next -- Harry MacDougald, I believe, is going  
7 to come up and represent Mr. Moncla. Two of  
8 the -- two of the experts will be backing us up.

9           We have three experts here today. Clay  
10 Parikh has amazing credentials -- you have that  
11 on your chart -- as well as Phillip Davis who is  
12 a tremendous ballot-image analyst with 30 years  
13 of experience. He's been looking at the ballots  
14 for three and a half years.

15           So thank you. I'm glad I concluded in the  
16 appropriate time. So thank you very much,  
17 Mr. Coan.

18           **MR. COAN:** Thank you, Garland, for your  
19 comments.

20           **MR. FERVIER:** The -- the chair -- the chair  
21 has had a request for a board member to handle a  
22 personal issue. So we will --

23           Do I have a motion to take a short recess?

24           **MS. GHAZAL:** (indiscernible)

25           **MR. FERVIER:** Is there a second?

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**MR. JEFFARES:** Second.

**MR. FERVIER:** Motion and a second. All in favor, signify by saying aye.

**THE BOARD MEMBERS:** Aye.

**MR. FERVIER:** So moved. We'll take a -- approximately a ten-minute recess and restart.

(Recess from 11:18 until 11:44 a.m.)

**MR. FERVIER:** We're only a couple hours behind schedule. So if everybody will just agree to speak faster when you make your comments, I'm sure that we can get somewhere back to schedule tomorrow.

**MR. COAN:** Okay, we ready?

**MR. FERVIER:** Yep.

**MR. COAN:** Okay. All righty. With no further ado, we're going to start off -- and I cannot -- we have Jennifer Gray on -- starting off -- and I need to find my readers -- and Janice Grant. Oh, I'm sorry.

**MR. FERVIER:** Mr. MacDougald.

**MR. COAN:** Oh, is he ...

**MR. FERVIER:** Yes.

**MR. COAN:** Mr. MacDougald --

**MR. FERVIER:** Yeah, yeah.

**MR. COAN:** -- before them?

1           **MR. FERVIER:** Yeah.

2           **MR.COAN:** Okay. Oh, I didn't know that.

3           Okay. I apologize.

4           It's all yours.

5           **MR. MACDOUGALD:** (off microphone) My name is

6           Harry Mac --

7           **MR. FERVIER:** Wait. Wait just a minute.

8           **MR. MACDOUGALD:** (speaking inaudibly with

9           microphone turned off)

10          **UNIDENTIFIED SPEAKER:** Mic.

11          **MR.COAN:** We're working on it.

12          **MR. FERVIER:** Got it.

13          **MR.COAN:** Go ahead.

14          **MR. MACDOUGALD:** My name is Harry

15          MacDougald. I represent Kevin Moncla in this

16          proceeding. We appreciate the opportunity to

17          present rebuttal to the presentation that was

18          made to the board on May 7th.

19                 Through witnesses, I will present on three

20          topics. First, the existence and handling of

21          duplicates in the second machine count in Fulton

22          County; second, the question of missing ballot

23          images in Fulton County; and, third, the complete

24          breakdown of the process controls or

25          chain-of-custody controls in the election in



1 Fulton and why that matters.

2 Rebuttal on these three points is necessary  
3 to correct the presentation that was made to this  
4 board on May 7th. The bottom line is that they  
5 told you things on those three topics --  
6 duplicate ballots, missing ballot images, and  
7 chain-of-custody documents -- that are simply not  
8 accurate. The problems are much more serious,  
9 profound, and widespread than they would have you  
10 believe.

11 The board needs to understand this topic,  
12 all three of these topics, in order to craft an  
13 appropriate response, an appropriate remedy for  
14 elections going forward.

15 A big part of this board's job is to instill  
16 public confidence in elections, and getting to  
17 the bottom of these matters is essential to that  
18 task as you have yourself seen in the response of  
19 the audience. Confidence is not instilled when  
20 documented problems are swept under the rug.

21 Exhibit 11 in the Secretary of State's  
22 presentation, for example, is the linchpin of  
23 their analysis of the missing ballot images. But  
24 for some reason, they do not want to actually  
25 exhibit that exhibit.

1           Our witnesses will be Phillip Davis on the  
2 question of duplicate ballots. He will be  
3 appearing by phone -- it'll be a little bit  
4 awkward, but please hang with me -- and Mr. Clay  
5 Parikh who is here to testify live. And they  
6 will describe in brief terms what they know, how  
7 they know it, and why it matters.

8           So at this point, I'd like to call  
9 Mr. Phillip Davis by telephone.

10          Mr. Davis, are you able to hear us?

11          **MR. DAVIS:** I can hear you.

12          **MR. MACDOUGALD:** Very good. State your  
13 name, sir.

14          **MR. DAVIS:** Phillip Davis.

15          **MR. MACDOUGALD:** How are you employed?

16          **MR. DAVIS:** I -- I am employed by First  
17 Advantage of Atlanta, Georgia.

18          **MR. MACDOUGALD:** And do you have any  
19 particular areas of technical expertise?

20          **MR. DAVIS:** I'm a software developer of 35  
21 years with a math degree from University of Texas  
22 at Arlington, and I specialize in fingerprint  
23 identification and analysis.

24          **MR. MACDOUGALD:** Have you spent any time  
25 analyzing the Georgia election in 2020?

1           **MR. DAVIS:** I spent three and a half years  
2 investigating the ballots and cast vote records  
3 for Georgia.

4           **MR. MACDOUGALD:** Have you been compensated  
5 for any of that work?

6           **MR. DAVIS:** I have not.

7           **MR. MACDOUGALD:** Have you undertaken an  
8 analysis to determine whether there were any  
9 duplicate ballot images in Fulton County?

10          **MR. DAVIS:** Yes. My analysis was on the  
11 recount compared to the original count.

12          **MR. MACDOUGALD:** All right.

13          **MR. DAVIS:** After investigating over 70  
14 counties, I found 8,110 duplicate ballots for the  
15 entire state.

16          **MR. MACDOUGALD:** In the 70 counties you've  
17 looked at?

18          **MR. DAVIS:** That is correct.

19          **MR. MACDOUGALD:** And how many did you find  
20 in Fulton County?

21          **MR. DAVIS:** In Fulton County specifically, I  
22 found 550 duplicate ballots in the original  
23 count, 3,930 in the second count.

24          **MR. MACDOUGALD:** Can you briefly describe --  
25 and I mean brief -- how you carried out this

1 analysis?

2 **MR. DAVIS:** Absolutely. I grafted all the  
3 cast vote records. I pulled up the first three  
4 characters of everyone who was voted for,  
5 creating a type of fingerprint of that pattern, a  
6 voting fingerprint. I then compared the number  
7 of occurrences of that pattern in the first count  
8 and the second count and looked at the  
9 differences in those occurrences.

10 When the occurrences were one extra in a  
11 recount, and they were in a sequence, those  
12 become ballots I would look at. I would then  
13 pull up all those ballots and then compare them  
14 to the other ones in that same occurrence to see  
15 if I can find any extra ballots or any missing  
16 ballots.

17 **MR. MACDOUGALD:** And so through this method,  
18 you identified ballots to visually examine and  
19 then visually examined them yourself?

20 **MR. DAVIS:** That is correct. Myself and a  
21 few other people did all of this analysis.

22 **MR. MACDOUGALD:** Did you have anyone check  
23 your work?

24 **MR. DAVIS:** Yes. I had a second person do  
25 it completely independently from me, using the

1 same tools -- his name was Joseph Marolda (ph) --  
2 and then we combined the results at the finish.

3 **MR. MACDOUGALD:** All right, sir. Now of  
4 these 3,930 duplicate ballots in Fulton County in  
5 machine count 2, were those ballots actually  
6 counted?

7 **MR. DAVIS:** Yes, they were.

8 **MR. MACDOUGALD:** And how do you know that?

9 **MR. DAVIS:** When you -- we go from the cast  
10 vote record. The cast vote record had 528,777  
11 ballots entered. When you compare it to the  
12 election night reporting, it was exactly the same  
13 number of ballots for both the original and the  
14 recount.

15 **MR. MACDOUGALD:** All right, sir. And why  
16 does that indicate they were actually counted?

17 **MR. DAVIS:** Because the double-counted  
18 ballots are in the cast vote records. You can go  
19 to cast vote records, view those double ballots,  
20 view the images those ballots were based upon,  
21 and all the numbers add up equal.

22 **MR. MACDOUGALD:** All right, sir. Have you  
23 undertaken any analysis of how the ballots that  
24 were duplicated came to be in the duplicate  
25 batch?

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**MR. DAVIS:** Yes, I have.

**MR. MACDOUGALD:** All right.

**MR. DAVIS:** I found the original ballots and the source ballots that they came from.

**MR. MACDOUGALD:** Okay. And you prepared a slide deck of your -- for a presentation of your findings?

**MR. DAVIS:** That is correct. I have every single duplicated ballot or double ballots in the slide deck under original source image.

**MR. MACDOUGALD:** All right, sir. And I have distributed to the board a printout of your slide deck, and I'd like to ask you in particular about page 5, which they're not numbered but it would be tabulator 794. And it's the --

**MR. DAVIS:** Yes.

**MR. MACDOUGALD:** -- fifth page. And can you --

**MR. DAVIS:** Right.

**MR. MACDOUGALD:** -- describe for the board what we're seeing here?

**MR. DAVIS:** On this page, we'll see that they took batches from tabulator 794, batches 8 through 11. They brought it to tabulator 791. They then started grabbing pieces of those -- of

1 four batches. And with those four pieces, they  
2 made brand-new batches for tabulator 794. Some  
3 of the ballots were in reverse order. They were  
4 from multiple batches.

5 In the very first one you can see that they  
6 took batch 22, 20 ballots in reverse; batch 23,  
7 four ballots in normal order; batch 20, 10  
8 ballots in reverse; batch 23, 5 more ballots and  
9 so on.

10 **MR. MACDOUGALD:** All right. So --

11 **MR. DAVIS:** And this kind of repeats over  
12 and over for tabular 794.

13 **MR. MACDOUGALD:** And the next page presents  
14 similar findings for tabulator 794?

15 **MR. DAVIS:** Right. You see the exact same  
16 pattern repeated with a different set of ballots.

17 **MR. MACDOUGALD:** And the next --

18 **MR. DAVIS:** So once again, they got ballots  
19 from tabulator 791, they grabbed four sets of  
20 batches, they then created brand-new batches by  
21 picking and choosing pieces out of those other  
22 batches to make the new batches.

23 **MR. MACDOUGALD:** And the next page, the same  
24 thing?

25 **MR. DAVIS:** Correct.

1           **MR. MACDOUGALD:** Okay.

2           **MR. DAVIS:** That would be tabulator 794,  
3 batches 20 through 26.

4           **MR. MACDOUGALD:** All right.

5           **MR. DAVIS:** Once again --

6           **MR. MACDOUGALD:** Phillip --

7           **MR. DAVIS:** -- exact same pattern  
8 (indiscernible) --

9           **MR. MACDOUGALD:** I have to cut you off.  
10 Phillip, I have to cut you off because my time is  
11 short and I have another witness.

12           Thank you very much unless the members of  
13 the board have any questions for Mr. Davis.

14           All right then. At this point, I would call  
15 Mr. Clay Parikh. And the way we'll have to do  
16 this is for him to stand up here with me.

17           Tell the board who you are.

18           **MR. PARIKH:** I'm Clay Parikh. I'm a  
19 cybersecurity expert with over 20 years  
20 experience. I have a master's in cybersecurity.  
21 My undergrad's in computer science. And I've  
22 also worked in the voting system test labs for  
23 nine years.

24           **MR. MACDOUGALD:** Have you testified before  
25 as an expert on these topics?



1           **MR. PARIKH:** Yes, I have.

2           **MR. MACDOUGALD:** You attended the May 7th  
3 hearing before this court?

4           **MR. PARIKH:** Yes, I did.

5           **MR. MACDOUGALD:** Have you analyzed the issue  
6 of the machine -- missing ballot images in  
7 machine count 2 in Fulton County as presented in  
8 the Rossi-Moncla complaint?

9           **MR. PARIKH:** Yes, I have.

10          **MR. MACDOUGALD:** Are there in -- are there,  
11 in fact, votes for which there are no ballot  
12 images in that second machine count in Fulton  
13 County?

14          **MR. PARIKH:** Yes, there are.

15          **MR. MACDOUGALD:** And -- and how do you know  
16 that?

17          **MR. PARIKH:** Because they're not in the CVR.

18          **MR. MACDOUGALD:** On the Dominion Voting  
19 Systems machines, is the vote counted from the  
20 physical ballot or an image of the ballot?

21          **MR. PARIKH:** The vote is counted from the  
22 image. The way it happens is your paper ballot's  
23 inserted, whether it comes from an accessible  
24 machine or a regular hand-marked ballot. A  
25 picture is taken. That picture is analyzed by

1 the software. And it's just not the Dominions,  
2 it's other vendors as well.

3 **MR. MACDOUGALD:** So that's just the inherent  
4 nature of the -- of the system?

5 **MR. PARIKH:** Yes, it is.

6 **MR. MACDOUGALD:** All right, sir. Now in  
7 light of that, how is it possible for there to be  
8 a vote counted for which there is no ballot  
9 images?

10 **MR. PARIKH:** That should not happen and  
11 should not happen because the image should be  
12 saved as part of the chain of custody when the  
13 ballot is assessed.

14 **MR. MACDOUGALD:** And the number of missing  
15 ballot images in machine count 2 in Fulton County  
16 is what?

17 **MR. PARIKH:** I believe it's 17,800 and  
18 something.

19 **MR. MACDOUGALD:** All right, sir. Now you  
20 just mentioned the term "chain of custody." What  
21 does that mean in the election context?

22 **MR. PARIKH:** The chain of custody is  
23 basically following the path that guaranteed that  
24 the integrity of the data of the vote is exactly  
25 as it is.

1           You start with a sheet of paper, the ballot.  
2           That's marked. There's a picture taken. That's  
3           part of the chain of custody. Then there's  
4           what's called a SHA file which is that integrity  
5           of said image that's taken. And as it goes  
6           through, goes onto a USB disk or SDK card, gets  
7           transferred to a database and then is  
8           transferred.

9           Every step along that path until the final  
10          results are published is considered the chain of  
11          custody. And as a forensic investigator myself,  
12          every part of that chain of custody has to be  
13          preserved.

14          **MR. MACDOUGALD:** All right. All right, sir.  
15          In Fulton County in 2020, were there any issues  
16          with the chain of custody?

17          **MR. PARIKH:** There were multiple issues with  
18          the chain of custody.

19          **MR. MACDOUGALD:** What is the significance of  
20          that, if any, in light of the issues that we see  
21          with duplicated ballots and missing ballot  
22          images?

23          **MR. PARIKH:** One, you do not know the  
24          integrity of the -- of the ballot images that do  
25          exist without a SHA file because you do not know

1 if it's tampered with. Those missing the SHA  
2 files are in the same predicament because you  
3 don't know the integrity of the file, whether  
4 it's manipulated. And it's been demonstrated in  
5 DEF CON in 2019 the ballot images can be  
6 manipulated almost instantaneously, and it's been  
7 proven.

8 **MR. MACDOUGALD:** All right, sir. One of the  
9 issues that's discussed in the Rossi-Moncla  
10 complaint is missing tabulator tapes. What is  
11 the significance of that, if any?

12 **MR. PARIKH:** That is one of the audit  
13 controls that is part of the process in the chain  
14 of custody. Therefore you're getting the actual  
15 appliance, in this case the ICPs or the ICCs.  
16 The tabulator prints out its report, then the  
17 data is transferred along the chain on the U --  
18 on the SDK card or USB and then into the machine.  
19 Each one of these reports is part of the chain of  
20 custody.

21 **MR. MACDOUGALD:** All right. Now, it was  
22 shown in the complaint and in the factual  
23 rebuttal dated June 13th, prepared by Mr. Moncla,  
24 that a number of tabulator tapes for different  
25 precincts were printed on machines that had the

1 identical serial number. What is the  
2 significance of that, if any, from a  
3 chain-of-custody standpoint?

4 **MR. PARIKH:** There's no data integrity to  
5 the data that was on those cards because the  
6 projective counter on the tabulator, the serial  
7 number, has to be maintained. It's the system  
8 that's supposed to close out and create that tape  
9 and record everything. When you have -- move the  
10 cards, that means security seals were broken and  
11 there's all other kinds of chain-of-custody  
12 issues.

13 **MR. MACDOUGALD:** All right, sir. Now, we  
14 sometimes hear the term "reconciliation" in the  
15 election context: reconciliation of votes,  
16 ballots, and voters. Can you describe the  
17 significance of that and whether that was  
18 followed in Fulton County?

19 **MR. PARIKH:** Reconciliation is very  
20 important. And again it has to include every  
21 piece of the chain of custody and -- and every  
22 step along the process. And it -- it definitely  
23 was not followed in Fulton County.

24 **MR. MACDOUGALD:** All right. Thank you very  
25 much.

1           So I've got less than a minute.

2           In closing, for remedial measures, there  
3 needs to be an independent monitor, an  
4 independent investigation. You cannot rely on  
5 the investigative reports given to you by the  
6 Secretary of State's Office. They are sweeping  
7 things under the rug. You get an independent  
8 investigator and you've got a better chance to  
9 find out what happened.

10           And there needs to be very prompt if not  
11 night-of or next-day disclosure of the  
12 reconciliation records on a precinct-by-precinct  
13 basis so that the public can double-check the  
14 work of the county which has been proven to be  
15 grossly deficient in multiple respects.

16           Thank you very much.

17           **DR. JOHNSTON:** Mr. Chair, I have a question  
18 of Mr. Parikh.

19           Mr. Parikh, some of the ballot images were  
20 provided to me at the Secretary of State's Office  
21 at great inconvenience. But as I looked at  
22 those, I saw thousands -- hundreds of thousands  
23 of ballot images with no SHA files. Is there  
24 an -- an implication to that or a concern, a  
25 security concern with ballot images that have no

1 SHA files attached to them?

2 **MR. PARIKH:** There's a major security  
3 concern. And the fact that they're missing and  
4 if you do -- if you add that in addition to with  
5 the missing images, these are things that cannot  
6 happen from a secure mechanical or technical  
7 malfunction. These had to be forethought things  
8 that were done. Because that's not the way a  
9 system would be corrupted and lose SHA images.

10 And -- and might I add that -- no disrespect  
11 to you, ma'am, but I don't think you're  
12 technically qualified to look at this Exhibit 11.  
13 If this is in the read room, you need somebody  
14 like myself or Phillip Davis who can look at  
15 additional information and meta data to examine  
16 and make sure that the files are legitimate.

17 **DR. JOHNSTON:** Thank you. Just one more.  
18 If a -- if a data card is removed from the  
19 scanner before the end of the election, before  
20 the closing and it's tabulated, is that  
21 vulnerable to altering? Is there some security  
22 vulnerability to a data card that is removed from  
23 the original scanner and maybe at some other time  
24 closed out or tabulated on a different scanner?

25 **MR. PARIKH:** There are multiple ones. So

1 I'm going to try to keep this brief. One, from a  
2 technical perspective, those cards were nowhere  
3 close to full capacity. That's what's astounded  
4 me from the minute I've analyzed this data, is  
5 why they were removed. Because there was no need  
6 for -- from a storage capacity.

7 Two, to break the seal on a tabulator and  
8 move it and when there wasn't a tabulator  
9 malfunction, again, would be the only reason that  
10 you would do it for continuity of operations.  
11 And -- and that would only be done, of course,  
12 with record keeping. So to move them --  
13 right? -- from one system to another, was it  
14 placed in a security sealed bag so you know that  
15 it wasn't tampered with when it was moved to the  
16 other tabulator?

17 There -- there's a thousand issues that  
18 could go on. Because once the system's removed,  
19 it should be properly taken to EMS or a reporting  
20 manager and that data uploaded.

21 **MR. COAN:** Thank you.

22 **MR. FERVIER:** We'll go back to regular order  
23 for the public comment. May I remind you there's  
24 a two-minute time limit on each speaker. If you  
25 have previously heard somebody make substantially



1 similar comments to which you are prepared to  
2 make, then I ask that you please just confirm  
3 that and be very brief. So thank you very much.

4 **MR. COAN:** Thank you, Mr. Chairman.

5 Okay next up on the list, we have Barbara  
6 Hartman, and on deck we have -- looks like Susie  
7 Bradshaw, I believe.

8 **MS. HARTMAN:** (speaking indiscernibly from  
9 gallery with microphone turned off). All right,  
10 let me start talking now. After what I just  
11 heard, probably what I have to say is not going  
12 to do anything, but I'll try. But I want to  
13 challenge y'all to -- we've sat here for hours.  
14 We know there is fraud that's happening. Who's  
15 accountable? When are y'all going to hold people  
16 accountable so it does not happen again? I'd  
17 like an answer.

18 (from the podium) And another answer I would  
19 like is why does our Secretary of State not allow  
20 these ballots to be inspected? What is he  
21 hiding? And it's up to you all to get those  
22 ballots inspected and have transparency and not  
23 let this continue on. So we have faith in you,  
24 and we want that to happen.

25 How many minutes -- how many seconds do I

1 have left?

2 **MR. COAN:** Oh, no, you've got another minute  
3 and 15 seconds. So ...

4 **MS. HARTMAN:** All right. Barbara Hartman.  
5 I've been a poll worker, poll manager for  
6 probably 30 years, even though I don't look that  
7 old. Okay. I was an auditor during the  
8 recounting in the 2020 election.

9 I saw the unfolded absentee mailed-in  
10 ballots. Many came from nursing homes or care --  
11 caregiving homes and they were not folded. But  
12 to be -- to be an original mailed-in ballot, it  
13 has to have a fold. It goes into the secrecy  
14 envelope and that goes into an outer envelope.  
15 These had no fold.

16 Okay. So we had the ability from John --  
17 from Judge Amero to inspect these ballots.  
18 However, our Secretary of State Brad  
19 Raffensperger filed an amicus brief to keep  
20 these -- these votes, absentee ballots hidden.  
21 Why is that? Sounds suspicious to me.

22 Okay. This board has the ability to have  
23 these ballots unsealed and inspected, and I  
24 strongly encourage you as board members to allow  
25 inspection of the ballots before they are

1 physically destroyed. And I don't know if they  
2 haven't already been destroyed. But under a  
3 court order, I understand that they have to be  
4 saved.

5 Now, when are we going to hold these folks  
6 accountable? What's going to happen? Are we all  
7 wasting our time sitting here? Sounds like it if  
8 we don't do something to stop it.

9 And I challenged the governor. He says no  
10 fraud, waving his finger in my face. And I said,  
11 Yes, there was. I filed an affidavit. I saw  
12 what I saw. And he yells at me: Prove it, prove  
13 it, prove it. I should've said: No, you prove  
14 to me that there was no fraud. And he could not  
15 do that, I'm sure.

16 But anyway, that's it. Thank you.

17 **MR. COAN:** Thank you, Barbara. Appreciate  
18 your comments.

19 Next up is Susan Bradshaw, and on deck is  
20 Kathleen Hamill.

21 **MS. BRADSHAW:** Hi. My name is Ginger  
22 Bradshaw. And I'll be honest with you, my  
23 original comments have gone out the window.  
24 After hearing this two present -- 15-minute  
25 presentations, they should've been all day long

1 presentations. I think if anyone in this room  
2 can doubt that there were not huge, tremendous,  
3 rearing, roaring errors in Fulton County counting  
4 and tabulation, you need to go to the loony bin.

5 I'm sorry. And I just want to challenge all  
6 of you to get aside from your -- who appointed  
7 you, what side of the aisle you fall on, and look  
8 at the truth. Because you know who we have to  
9 all face is God Almighty. Whether you believe in  
10 him or not doesn't mean he doesn't exist. And so  
11 he is who you've got to face.

12 So I would listen to these men of integrity  
13 -- They were so impressive. You could tell that  
14 they knew what they were doing -- and do the  
15 right thing.

16 That it's taken this long to get this much  
17 information in the public square is appalling.  
18 Our courts -- I don't even want to go there.  
19 There are issues there. But there's no reason to  
20 have an issue here because we're free to speak.  
21 They made a great presentation. And we're all --  
22 and I couldn't follow everything they did, but I  
23 got the gist of it, that everything didn't add  
24 up.

25 And so I just encourage you, board members,

1 you're not responsible all for what happened in  
2 the past. I know -- I know a lot of you are new,  
3 but just please do the right thing. Thank you.

4 **MR. COAN:** Thank you, Ginger. Appreciate  
5 your comments.

6 Next up is Kathleen Hamill, and on deck we  
7 have Stefan Bartelski

8 **MS. HAMILL:** Thank you. Distinguished  
9 chair, distinguished members of the board, my  
10 name is Kathleen Hamilll, and I am here today as  
11 a member of the American Bar Association Task  
12 Force for American Democracy.

13 We are committed, broadly speaking, to  
14 election integrity, the rule of law, and trusted  
15 elections. We seek to help ensure that our  
16 elections are orderly, fair, secure, and legal.  
17 We also seek to inform voters on the processes  
18 and verification measures that election officials  
19 already follow. While there might be some  
20 instances, of course, of mistakes, which we all  
21 know, we are committed to supporting election  
22 officials in any way that they might need.

23 I am here today. I'm an attorney. I am a  
24 Fulton County resident. I am as well here to  
25 support the petition that seeks to amend

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183-1-12-.12 and that is the SEB rule on tabulating results.

    This is an important petition, I think. It lists the universe of documents that election boards may consider prior to certification. I do think that this petition will be very helpful not only to election staff members because it will inform them of the documents that they need to prepare in advance of certification, but it will also help those election board members in order to let them know what documents to expect during the certification.

    It is noteworthy that this petition as well correctly points out that county election superintendents still have to certify results even if discrepancies exist, because that is what allows candidates to move to filing an election contest in court should they so decide.

    I would like to briefly mention that I think along with the other clarifying language this petition is helpful. It includes references to statutory provisions and relevant official code of the Georgia Annotated Title 21, chapter 2, article 12, section 493(b) in particular.

    And I would just like to also say that we

1 are as the American Bar Association Task Force  
2 for American Democracy seeking to provide helpful  
3 recommendations to closely watch these  
4 proceedings to know that we are here as public  
5 citizens, as lawyers who have a professional  
6 responsibility not only to the U.S. Constitution  
7 but the rule of law.

8 And I would like to thank you all for what  
9 must be one of the most difficult jobs in this  
10 country at this time. Thank you.

11 **MR. COAN:** Time for one question.

12 **MS. HAMILL:** Yes.

13 And I'd like to say welcome to Janelle King.  
14 It's so nice to see your face.

15 **MS. KING:** Thank you. Thank you. Quick  
16 question.

17 **MS. HAMILL:** Yes.

18 **MS. KING:** When it comes to certifying --  
19 this may be a completely ignorant question, so  
20 just forgive me -- are they -- they're certifying  
21 that the election that took place happened or are  
22 they certifying that the election that took place  
23 was correct?

24 **MS. HAMILL:** It's a process. Certification  
25 marks the culmination of a process that the steps

1 were followed to reach that final point. And if  
2 they are any discrepancies, they may be  
3 investigated and they should be investigated.

4 We want to also make voting easy and fraud  
5 difficult.

6 **MS. KING:** So you're -- but you're saying it  
7 should be investigated after certification.

8 **MS. HAMILL:** They -- they are investigated  
9 at every -- the verification processes along the  
10 way help to ensure that it is a trusted process  
11 and the courts play an important role. They can  
12 hear evidence and they can do a lot more  
13 important investigation and determination. So it  
14 is a multifaceted process.

15 I appreciate your question and your  
16 engagement. I look forward to further continuing  
17 the conversation. And thank you very much.

18 **MR. COAN:** Thank you, Kathleen. Appreciate  
19 your comments.

20 Next up is Stefan Bartelski, and on deck is  
21 Bill Henderson. Is Bill still here?

22 **MR. BARTOWSKY:** Good afternoon, board. My  
23 name is Stefan Bartelski. I'm a voter from  
24 Forsyth County. I am also a nonpartisan election  
25 integrity advocate, and I have been volunteering



1 my time to provide information to our election  
2 board in Forsyth County regarding possible  
3 ineligible registrations as mentioned earlier by  
4 one of -- one of the other speakers.

5 I want to look a little bit forward. We've  
6 heard a lot today about all of the things that  
7 are wrong with our current election process. But  
8 I want to look forward and hone in on one thing.  
9 There is a rule change petition number one where  
10 there are suggestions to make the job of us  
11 volunteers more difficult. And I want to speak  
12 out against that.

13 An earlier speaker also told us that with  
14 regard to hand-counting -- I'll paraphrase the  
15 words, but basically that humans make mistakes  
16 and we should take the result of the computers.  
17 Yet in petition number one, effectively, they are  
18 trying to tell us that we cannot use computers to  
19 find registrations to challenge because the  
20 computers can't be trusted. Which one is it?  
21 Can we trust the computers or not?

22 Thank you.

23 **MR. COAN:** Thank you, Mr. Bartelski.

24 Next up is Bill Henderson. On deck is --  
25 wow. That looks like Pamela Eckhardt. Pamela

1 Eckhardt.

2 **MR. HENDERSON:** Well, good afternoon. I  
3 just want to tell you a couple instances of  
4 things that were found by private citizens like  
5 us, okay? Pursuant to O.C.G.A. 21-2-224, the  
6 last day you can register to vote or change your  
7 registration address prior to an election is  
8 approximately 30 days. In the November 2020  
9 election, the last day to register was October 5,  
10 2020.

11 Per the Secretary of State's files, we have  
12 found over 9300 registrants that first appeared  
13 in the November voter role with a backdated  
14 registration date of October 5th or before that.  
15 They did not exist on October 5th. This is  
16 criminal manipulation of an official list of  
17 electors in a federal election.

18 Of these registrants with -- with fake  
19 backdated registration dates, 3700 were credited  
20 with a vote and all these votes are unlawful. If  
21 you drill down to the November voter roll and  
22 just look at the registration IDs that were  
23 registered on November 3, 2020, they found  
24 3,000 -- over 3,000 registrants that show a  
25 registration and date added of 11/3/2020 and

1 several hundred of them received credit for  
2 voting.

3 First, it's implausible to believe that  
4 election officials were adding thousands of --  
5 thousands on the voter rolls on election day.  
6 And it is unlawful for any of them to actually  
7 vote. As you might imagine, the votes were cast  
8 in person on election day. Are these even real  
9 people? Or are they registrants just inserted  
10 into the count? But it gets worse.

11 We found over 1300 registrants that  
12 registered after November 3, 2020, that received  
13 credit for voting in the election. How is this  
14 even possible?

15 The same pattern of criminally manipulating  
16 the official list of electors has been found  
17 around the 2022 election and the recent 2024  
18 primary. Nothing has changed. This data is  
19 found across multiple counties in the state.  
20 These are all unlawful votes. Where do these  
21 registrants come from? They definitely do not  
22 appear to be real.

23 We demand -- we the people demand an  
24 investigation into the Secretary of State's  
25 Office, and we need to have accountability for

1 violations like this.

2 Thank you.

3 **MR.COAN:** Thank you, Bill, for your  
4 comments.

5 Next up is Pamela Eckhardt, and on deck is  
6 Maria Gavio.

7 **UNIDENTIFIED SPEAKER:** Gaudio.

8 **MR.COAN:** Between my eyesight and  
9 handwriting, it's -- it's tough. I apologize.

10 **MS. ECKHARDT:** My name is Pamela Eckhardt,  
11 and I go by Phoebe often.

12 The Lord looked down from heaven upon the  
13 children of men to see if there were any that did  
14 seek God. They are altogether become filthy.  
15 There's none that doeth good. No, not one. Have  
16 all the workers of iniquity no knowledge who eat  
17 up my people like bread and call not upon the  
18 Lord? There were they in great fear, for God is  
19 in the generation of the righteous.

20 God sees everything. He sees every  
21 decision, and he hears every word spoken, and he  
22 keeps records. One day each person will stand  
23 before Almighty God and give an account. He  
24 knows every intent of the heart, every thought of  
25 every heart.

1           Every day we and you have a chance to make  
2 right and good decisions for all people, even the  
3 weak and the destitute. You have a chance, a  
4 decision and decisions to make. We are watching.  
5 But more important, God is watching, and your  
6 decisions will be recorded for a later time.

7           Make a decision you will be proud of on that  
8 day, please.

9           **MR. COAN:** Thank you, Pamela, for your  
10 comments.

11           Maria's up next, and we have Jennifer Gray  
12 is on deck.

13           **MS. GAUDIO:** Maria Gaudio, Fulton County. I  
14 was shocked to learn that ballots are only being  
15 preserved for 22 to 24 months. The medical board  
16 and most of the other health professional boards  
17 require that we hold our records for ten years.  
18 The IRS requires six-year hold, and the Social  
19 Security Administration holds their records  
20 indefinitely.

21           I would think that a rule could be made by  
22 this board, just like other boards, to extend the  
23 length that our records be held. My vote is my  
24 property that you are -- you have a fiduciary  
25 responsibility to hold my vote until at least

1 it's accounted properly which they have not been  
2 going back at least to 2020.

3 I think that policies and procedures need to  
4 be consistent. We need to have quality control  
5 of our elections from county to county, just like  
6 walking into a Waffle House and having a very  
7 delicious pecan waffle. No matter which Waffle  
8 House you go to, it's just as delicious. North,  
9 south, and middle Georgia. And I think that it's  
10 much more difficult to make a waffle than it is  
11 to check off a ballot on a paper ballot.

12 I would hope that the selection of monitors  
13 is more transparent. We certainly don't want  
14 anybody like Ryan Germany, Jesse Harris,  
15 certainly not the Carter Center who had been  
16 shown to be incompetent, involved in coverups and  
17 extremely partisan.

18 I would hope that in the future that being  
19 transparent to the people -- I really don't  
20 appreciate the maneuver this morning where y'all  
21 went into a private session because, you know,  
22 I -- I appreciate your hard work -- and I know  
23 that this is voluntary and not paid -- however,  
24 our tax dollars are providing for this to happen,  
25 and we need to be kept abreast of everything. We

1 are just so suspicious. You have to understand  
2 that our elections have been compromised for so  
3 long, so many times that we need transparency,  
4 folks.

5 But I appreciate your service. Thank you so  
6 much.

7 **MR. COAN:** Thank you, Maria. I appreciate  
8 your comments.

9 Next up is Jennifer Gray. On deck is Janet  
10 Grant.

11 (Unidentified speakers in the audience  
12 speaking inaudibly.)

13 **MR. COAN:** I'm sorry, say it again.

14 (Unidentified speakers in the audience  
15 speaking inaudibly.)

16 **MR. FERVIER:** Who's up, Mike?

17 **MR. COAN:** We have Jennifer Gray up next and  
18 then Janet Grant.

19 **MR. FERVIER:** Is Jennifer here?

20 (Unidentified speakers in the audience  
21 speaking inaudibly.)

22 **MR. FERVIER:** Okay. I greatly appreciate  
23 your brevity. Thank you.

24 **MR. COAN:** (indiscernible) Okay. Janet?

25 Okay, on deck is William Parker, please.

1           **MS. GRANT:** I'm sorry, I haven't declined.  
2           Good morning or good -- good afternoon. My name  
3           is Janet Grant, and I'm a registered voter in  
4           DeKalb County and have served as a poll worker  
5           there for the last five years. I was initially a  
6           poll manager and currently am an area poll  
7           manager responsible for 10 precincts.

8           I'm here today to express my concern about  
9           most of the rule changes that are proposed today.  
10          Other than the proposed rules for dealing with  
11          voter challenges, which really provide much  
12          needed guidance to our county election boards,  
13          I'm concerned that the focus and time of this  
14          board has been spent on proposals that only make  
15          election administration more complex and fail to  
16          actually improve the voting process.

17          On the ground this is contributing to  
18          increasing difficulty recruiting and retaining  
19          poll workers, in particular poll managers who  
20          have to deal with this complexity, and takes the  
21          focus of county boards and election officials off  
22          the actual administration and improvement of  
23          elections.

24          In my role as a poll manager, I have never  
25          had a concern about someone voting that was not



1 eligible. Instead my concern has been for  
2 eligible voters that have not been able to vote  
3 or can cast only a provisional vote that I know  
4 is not going to be counted for issues like that  
5 18-year-old girl, first-time voter, who only had  
6 a high school ID; a voter who moved two blocks  
7 over and was now in a different county; or a  
8 voter who came to the wrong precinct before  
9 5 p.m. on their way to work and had no time to go  
10 to the correct precinct.

11 I would really encourage those of you that  
12 have questions and -- about elections to  
13 volunteer to serve as a poll worker. We need  
14 you. We need you to serve your community, and  
15 I'm convinced that you will find all the checks  
16 and balances that there are already in the  
17 election process.

18 And I encourage the board to use your power  
19 to not be distracted by proposals that don't  
20 improve access to the ballot or administrations  
21 of elections in Georgia.

22 Thank you.

23 **MR. COAN:** Thank you. Appreciate your  
24 comments.

25 Next up is William Parker. On deck is David

1 Cross. William Parker is next. Is William  
2 Parker here? Hearing none, moving on.

3 David Cross, you're up.

4 **MR. FERVIER:** We appreciate William's  
5 brevity too.

6 **MR. CROSS:** Thank you, board members. I  
7 appreciate y'all being here today. Want you to  
8 look at the number of people that are here today.  
9 In this room, the two overflow rooms right now,  
10 it's gotta be just clearly apparent that people  
11 just don't trust the process, that -- that people  
12 feel like there's no transparency.

13 We still have no ballots that we can view in  
14 the *Favorito v Fulton* case. *Curling v*  
15 *Raffensperger* is now seven years old, and a  
16 decision should've been rendered months ago. And  
17 it's clear that justice is being hindered.

18 Governor Kemp is the most powerful person in  
19 Georgia. If I were playing a chess match against  
20 him, it would be like playing against somebody  
21 who has three queens on the chessboard because he  
22 controls the executive branch, he makes judicial  
23 appointments, and he has legislators who  
24 represent him when the legislature's in session.  
25 It seems clear to me that people in positions in

1 our state are being manipulated to hinder  
2 transparency in order to maintain power.

3 My proposed rule changes in May regarding  
4 printing ballots -- emergency ballots on  
5 salmon-colored stock was rebuffed by member  
6 Ghazal, and rightly so, due to voter privacy.  
7 And after further consideration I propose a very  
8 simple -- simple change so that one ballot is  
9 printed for emergency -- so that instead of  
10 having one ballot printed for emergency  
11 provisional, absentee, there is one ballot is  
12 printed for absentee ballots and one that is  
13 separate for emergency provisional and continues  
14 in the same -- same ballot stock.

15 The reason why is so that we can recognize  
16 those differences when we're -- when we're  
17 scanning -- looking at scanned images of ballots.

18 The point of the proposed rule is to enhance  
19 chain of custody in ballots. My proposed rule  
20 change regarding meaningful observation by poll  
21 watchers was given to you at the May meeting, but  
22 it can simply be amended to allow poll watchers  
23 to within 2 feet of election machines and  
24 materials except for personally identifiable  
25 information. And watchers may not touch machines

1 or ballots. Allow one poll watcher from each  
2 party into central tabulation to have access to  
3 within 2 feet of election machines and processors  
4 of absentee ballots. Watchers may not touch  
5 machines or ballots. The point is election  
6 integrity.

7 Finishing up. Dishonest politicians on both  
8 sides benefit from maladministered elections.  
9 The state capitol is supposed to be the house  
10 created by the people and for the people. If  
11 there were no concerns in elections, there would  
12 be ten people here today on this hot July day.

13 I beg you to take heed of the number of  
14 citizens here today and put the security and  
15 accuracy of our elections first.

16 **MR. COAN:** Next up on the list is Tom Talbot.  
17 Is Tom still here?

18 **MR. TALBOT:** (off microphone) Yeah, I'm  
19 here.

20 **MR. COAN:** Tom? Okay, very good.

21 On deck we have Tim Wesselman. Very good,  
22 okay.

23 **MR. TALBOT:** Good afternoon. Tom Talbot,  
24 Hall County. This is the third time I have the  
25 privilege speak to the board. I appreciate what

1 you do. I think you have a burden that most  
2 people wouldn't want.

3 The last couple of times I asked the  
4 question: How many facts do you need to see  
5 before you actually do something? More facts  
6 have been presented today than any time in the  
7 two previous meetings I've attended, which --  
8 which brings me to four basic words: trust,  
9 transparency, credibility, and leadership.

10 You've been entrusted by the state of  
11 Georgia and its citizens to do a job that is so  
12 very important. The credibility issue -- and  
13 I -- I spoke with Ms. Johnston about this  
14 previously. In my mind, you are like a baseball  
15 umpire. You are calling balls and strikes. It's  
16 either a ball or it's a strike. There is no gray  
17 area because you have to make a decision. That's  
18 why you're here.

19 Next is leadership. Everybody here,  
20 everybody in the state, why does it take years to  
21 have action? You, in my mind, are the group that  
22 should bring credibility, transparency, and  
23 everything to our state election laws. You also  
24 have to act when you find cause and need to act.

25 That's what everybody here wants, is they

1 want accountability. They want you to call balls  
2 and strikes, and they want you to act. Next  
3 thing is leadership to -- when you go home at  
4 night and you can say -- and you look yourself in  
5 the mirror -- did I do right? Did I do wrong?  
6 Did I make it better or did I make it worse?  
7 Because at the heart of hearts, you have to live  
8 with yourself and your decisions. And as they  
9 say -- and this is an old term -- don't confuse  
10 me with the facts, my mind is already made up.  
11 Thank you.

12 **MR. COAN:** Thank you, Tom.

13 Next up is Tim Wesselman. On deck is Holly  
14 Kesler. Is Holly here? Okay, very good. Thank  
15 you.

16 **MR. WESSELMAN:** Good afternoon. I'd like to  
17 thank the chairman of the board for taking the  
18 time to hear from everybody. We had an intense  
19 start this morning and the chairman said  
20 everybody's going to be heard, and I greatly  
21 appreciate that.

22 My name is Tim Wesselman. I live in Albany,  
23 Georgia. I've always voted, but in Albany I  
24 think about for the last 15 years, I've walked  
25 those two blocks or drove those two blocks to my

1 precinct, went into Sherwood Acres Elementary,  
2 and whatever the new rule was, I followed it, you  
3 know? Over that time, I've had to start handing  
4 them my ID. And then I go to this computer and I  
5 get this piece of paper and I carry my paper  
6 ballot and I feed it into the document -- I feed  
7 it in the machine, and then the election folks  
8 say: Hey, look, there's your vote.

9 I know my vote's secure. I know the  
10 150 million Americans who voted in 2020 all  
11 believe their vote was a legitimate vote and --  
12 and we shouldn't be up here telling 80 million  
13 Americans they lied. That's -- that's just not  
14 the case.

15 Now, y'all have some proposals before you  
16 that are coming just 14 weeks before the  
17 election, asking that some rural voters might  
18 have to pay \$14 for the right to vote. We don't  
19 charge people in America to vote. We don't do  
20 that. I hear a lot about election fraud, but  
21 we've had 60 court cases and more. The Fulton  
22 County results have been reviewed three times.  
23 We're three and a half years after the fact and  
24 we're getting told that we need to look at this  
25 one more time. We need to follow the rule of

1 law.

2 Today we've had public comment attempt to  
3 turn into an evidentiary hearing without a  
4 respondent present. We heard opinion today. I'm  
5 very proud of my words, but they're just opinion.  
6 When I tell you that 4,300 voters have been  
7 removed from the Dougherty County rolls since  
8 May, yeah that's -- I got county election results  
9 to -- but it's also my opinion.

10 **MR. COAN:** Thank you, sir.

11 **MR. WESSELMAN:** Please make voting clear,  
12 easy, and fair.

13 **MR. COAN:** Thank you. Thank you, Tim.

14 Next up we have Holly Kesler. On deck we  
15 have Sheryn Dowd.

16 **MS. KESLER:** Good afternoon. Thank you so  
17 much for allowing all of us to speak. I drove  
18 from Savannah, Georgia, so I do appreciate that.

19 While we're talking about the Moncla-Rossi  
20 case today, I want to remind everyone it wasn't  
21 just complaints submitted to the SOS and SEB.  
22 There were complaints submitted to CISA -- CISA,  
23 the FBI, the attorney general, the inspector  
24 general, all surrounding this.

25 What I'm going to talk about today is that



1 there is a pattern of manipulation. And the  
2 reason I know this is because I've helped Jeff  
3 Fulgham with his case that he filed in Ware  
4 County. He conducted an investigation in Ware  
5 County after the SEB decided not to investigate  
6 it.

7 Now, I know a lot of y'all are new, so don't  
8 take that personally. I'm just stating the  
9 facts. So we went through -- I was an additional  
10 set of eyes on duplicate ballots. Y'all heard a  
11 lot about that today. It is happening, and it's  
12 happening in multiple counties. Phillip Davis  
13 actually has a report that's on a lot of the  
14 counties. They're still going through data.

15 I know you just brought up -- or whoever it  
16 was just brought up: why are we still doing this?  
17 Why are we still doing this? Well, it's because  
18 it's taken this long to get this kind of  
19 information. And it's really taken this long to  
20 get the experts and the data people and people  
21 who are knowledgeable in accounting to come  
22 together and figure this stuff out and figure out  
23 what's going on.

24 So while I didn't print y'all the 3,000-plus  
25 duplicates from Fulton County, I do have the Ware

1 County duplicate images. I don't know if y'all  
2 want to see what they look like when they're on  
3 paper and their submitted to court, but that's  
4 what they look like. But I'm going to give these  
5 to you, and then that way y'all can see this --  
6 this is a real issue. It is really happening.

7 Janelle, I do appreciate you stepping up and  
8 asking the questions and being a support, you  
9 know, to Dr. Jan. She's really done a lot. We  
10 do appreciate this because this is a matter,  
11 y'all, that does have to be resolved.

12 We're going into one of the most critical  
13 times in elections of our lives. And it's really  
14 up to y'all. The -- the complaints have been  
15 filed, you know, six ways to Sunday, and -- and  
16 yet here we are. Absolutely nothing.

17 So it's up to y'all to -- to help us figure  
18 this out. I mean, we're here helping y'all.  
19 We're giving y'all all the data. We've got the  
20 experts. We've got everything you need. As a  
21 matter of fact, you've got your Fulton County  
22 monitors right here. You just heard from half of  
23 them. That's a fabulous team.

24 So -- so I just want to thank y'all, let  
25 y'all know that we do support you, but we are

1 also asking you to step up and do the right thing  
2 as well. Thank you so much.

3 **MR. COAN:** Thank you, Holly, for your  
4 comments.

5 Next up is Sheryn Dowd, and on deck is  
6 Dorothy Kirks -- Kirkley. Nobody here? Sheryl  
7 Dowd?

8 (Unidentified speakers in the audience  
9 speaking inaudibly.)

10 **MR. COAN:** Sheryl Dowd? Oh, please come up.  
11 It's your turn.

12 **MS. DOWD:** (speaking inaudibly in the  
13 gallery with microphone turned off)

14 **MR. COAN:** Yes.

15 **MS. DOWD:** (speaking inaudibly in the  
16 gallery with microphone turned off)

17 **MR. COAN:** We can either -- I mean, if  
18 Dorothy's ready, we'll have her go ahead and go  
19 forward. She's from ABA. Thank you. Appreciate  
20 it.

21 **MS. KIRKLEY:** Good afternoon. I'm Dorothy  
22 Kirkley, a Georgia native. Mostly voted for 55  
23 years plus in Fulton and DeKalb County. And now  
24 I moved to Jackson County, Georgia. I've worked  
25 with numerous election officials, been to many

1 polling places from the bottom to the top. I  
2 think it's a good system.

3 And people care. We are greeted at these  
4 polling places. It's by people who want you to  
5 vote. And that's what we need, I think, to  
6 continue to support in these rules.

7 My first job out of law school was in the  
8 Georgia Attorney General's Office representing  
9 the Secretary of State's Office and other state  
10 agencies. Back then and now, the overarching  
11 rule of law, one of the rules that makes  
12 democracy in this country survive --

13 (Unidentified speakers speaking inaudibly in  
14 the gallery with microphone turned off)

15 **MS. KIRKLEY:** -- probab -- what?

16 (Unidentified speakers speaking inaudibly in  
17 the gallery with microphone turned off)

18 **MS. KIRKLEY:** I'm sorry, I can't hear ...

19 **MR. FERVIER:** Let's be respectful of our  
20 speakers, please.

21 **MS. KIRKLEY:** Oh, I'm sorry. I thought they  
22 had a question.

23 So the rule of law that applies in election  
24 contests and therefore is the overarching top of  
25 the system we're working with right now in your

1 proposed rules is that an election contest can be  
2 won by a losing candidate only if there are  
3 enough votes that are invalid or fraudulent or  
4 mistaken or erroneous and that they would change  
5 the result of the election. That rule has stood  
6 us in good stead in my 45 years plus of  
7 practicing law because it gives finality to the  
8 system.

9 And finality is what we need in the system  
10 and respect for that. When you have due process  
11 of law, which the courts provide, when people can  
12 subpoena witnesses, cross-examine them, get  
13 documents that are reliable, the right chain of  
14 custody, when you have specific laws that apply  
15 to election contests, they end in good final  
16 decisions.

17 Now, we're not happy with all of the  
18 decisions. As a trial lawyer, I have lost plenty  
19 of cases, not been happy, asked on motions for  
20 reconsideration, gone on to appeal two or three  
21 times because I kept fighting, like many of you  
22 are. But at some point, the fighting must stop  
23 and we must move forward.

24 I don't know much about the Fulton County  
25 situation except that I know the finding was

1 there were not enough votes that needed to be  
2 thrown out to change that election.

3 And number two, number two, a monitor has  
4 been put in place for 2024. That's what we ought  
5 to be looking forward to, is full and fair and  
6 free election in 2024. Thank you very much.

7 **MR. COAN:** Thank you.

8 **MR. FERVIER:** Thank you.

9 **MR. COAN:** Okay. We're --

10 (Unidentified speaker speaking inaudibly in  
11 the gallery with microphone turned off)

12 **MR. COAN:** Amen. Let's be respectful of each  
13 other. We're going to go to our last speaker and  
14 we're going to take a break for lunch. So last  
15 up until we get back from break is Tate Fall.

16 **MS. FALL:** All right. Hello. Am I on?  
17 Okay. Mr. Chair, members of the board, director  
18 Coan, and fabulous SEB staff members, thank you  
19 for having us today and giving us an opportunity  
20 to speak.

21 My name is Tate Fall. I'm the director of  
22 elections for Cobb County. I'm also a member of  
23 the GAVREO legislative committee, which is what  
24 I'm speaking on behalf of today in regard to the  
25 SEB proposed rule by the state election board

1 regarding advance voting ballots.

2 GAVREO asked for the following changes to  
3 this specific rule. First, we were concerned  
4 that paragraph 18 needs to be clarified to ensure  
5 that it properly aligns with state law and does  
6 not create additional burdens to counties. Many  
7 counties have already put local processes in  
8 place to address this issue that work well for  
9 them.

10 For example, some counties use labels on the  
11 envelopes themselves to track this information  
12 while others use forms or logs. We would  
13 appreciate clear language that allows voters to  
14 use other common carriers or to deliver ballots  
15 to our offices without further documentation and  
16 to avoid a one-size-fits-all form.

17 We are also concerned that the creation of a  
18 new type of provisional ballot may conflict with  
19 state law, but we would be happy to work with the  
20 state election board to ensure that the rule that  
21 is eventually adopted is accomplished in its  
22 stated goal.

23 Second, paragraph 19 is confusing, and we  
24 ask that parts of it be clarified. It seems to  
25 require video surveillance on any drop box in an

1 advanced voting site after the site closes and  
2 that the video includes the drop box if there is  
3 one available at that site.

4 The legislature specifically did not include  
5 a video surveillance requirement for drop boxes  
6 because they have to be under the constant  
7 supervision of sworn officials while they are  
8 open. Those same officials have to empty the box  
9 every night, and the same sworn officials have to  
10 ensure that it is still empty the following  
11 morning.

12 Additionally, a 24-month retention period is  
13 much too high when you stop and consider that it  
14 would be recording a box that we are already  
15 required to ensure is empty every single morning.  
16 We will know whether or not the video is needed  
17 when the box is opened the next morning. So we  
18 fail to see the need for a 24-month retention  
19 period.

20 The legislature addressed this issue by not  
21 requiring video surveillance of an empty box but  
22 we ask that if the board decides to move forward  
23 with this, that the retention period be shortened  
24 to two weeks unless something is found in that  
25 box that required an investigation in which case



1 the 24-month retention period would be more  
2 appropriate.

3 Thank you.

4 **MR. COAN:** Thank you for your comments.

5 **MR. FERVIER:** Given that this board has been  
6 at this for a little over four hours now, we're  
7 going to -- the chair would entertain a motion  
8 for a recess for lunch for approximately 30  
9 minutes.

10 **DR. JOHNSTON:** So moved --

11 **MR. JEFFARES:** So moved.

12 **DR. JOHNSTON:** -- that we recess for  
13 approximately thirty minutes.

14 **MR. FERVIER:** We have a motion and a second  
15 to recess for approximately 30 minutes. Any  
16 discussion? Hearing no discussion, all those in  
17 favor signify by saying aye.

18 **THE BOARD MEMBERS:** Aye.

19 **MR. FERVIER:** Hearing no opposition, so  
20 moved. This board will recess for 30 minutes,  
21 approximately 30 minutes for lunch. Thank you.

22 (Lunch recess from 12:45 until 1:15 p.m.)

23 **MR. FERVIER:** The state election board is  
24 back in session. We'll continue the public  
25 comment section.

1           **MR. COAN:** Thank you, Mr. Chairman.  
2           Okay. Next on the list is Rebecca Anglin.  
3           On deck is Tamara Favorito.  
4           (Unidentified speaker speaking inaudibly in  
5           the gallery with microphone turned off)  
6           **MR. COAN:** You're not? Okay, thank you.  
7           Okay.  
8           Garland, are you still speaking? No? Okay,  
9           very good.  
10          Okay. So Rebecca Anglin is first. Linda  
11          Menk -- it is Menk -- Menk is second. Linda  
12          Menk.  
13          **MR. FERVIER:** Is Rebecca here? No?  
14          **MR. COAN:** All right. So Michelle Litton.  
15          Gotcha, okay. Michelle Litton? L-i-t-t-o-n.  
16          Uh-oh, I think I left people out. Karen Stolley?  
17          Karen Stolley? Looks like Sarah Thompson?  
18          **MS. THOMPSON:** I'm here.  
19          **MR. COAN:** Okay, you want to speak?  
20          **MS. THOMPSON:** (inaudible)  
21          **MR. COAN:** Okay, great. We have Sarah  
22          Thompson speaking to start us off.  
23          **MS. THOMPSON:** So this star represents what  
24          Georgia has been in the past and what it could be  
25          in the future, a mighty state in the union with a

1 commitment to the republic. For now, however, it  
2 is lackluster and toppled over by a corrupt state  
3 government that you are a part of.

4 The Georgia Constitution isn't upheld by  
5 private corporations like the Georgia Republican  
6 Party, Inc. and its dirty and secret board of  
7 directors who consider the Georgia election code  
8 optional. Because there is no requirement for  
9 you all to rule on corporate matters, am I  
10 correct? You have no role in corporate matters.

11 The rules of the Georgia Republic Party,  
12 Incorporated were adopted under chapter 3 of  
13 Title 14. That is corporate law. Georgia code  
14 21-2-153(e) (9) requires that rules and  
15 regulations governing political parties be  
16 adopted under chapter 2 of Title 21.

17 The Georgia Republican Party, Incorporated,  
18 as a private corporation, cannot have  
19 jurisdiction statewide. Corporations don't have  
20 jurisdiction over political party affairs and  
21 convention. Local jurisdictions of corporations  
22 also do not have proper lawful jurisdiction under  
23 election code. These are very significant  
24 constitutional matters.

25 I have come to you today all the way from

1 Statesboro, which is Bulloch County, to explain  
2 these to you. I am a former military officer,  
3 and we are a career military family.

4 This is disgusting. Our constitution is in  
5 crisis. Public officials pay qualifying fees to  
6 a private corporation. Public officials submit  
7 affidavits to a private corporation. However,  
8 that private corporation is not disclosed on the  
9 paperwork. We have a major problem, and our  
10 public officials are in -- huge problem, huge --  
11 huge crisis.

12 Thank you for your time today.

13 **MR. COAN:** Thank you, Miss Sarah. I  
14 appreciate it.

15 Lisa Rutherford?

16 **MS. RUTHERFORD:** At the May meeting that I  
17 addressed this board when a complaint originated  
18 was on the agenda for blanket dismissal and my  
19 outward disapproval for not being allowed to  
20 address this complaint before you, Mr. Chair, I  
21 appreciated you recognizing me from the floor and  
22 allowing my redress of the case which ultimately  
23 resulted in a board vote for a letter of  
24 instruction instead of dismissal. Although  
25 generally I feel letters of instruction are

1           pointless, I appreciated the action.

2           As a follow-up, I e-mailed your office a  
3 week later to ask for a copy of the letter as the  
4 complaint originator from our records and  
5 received a response back it had not been issued  
6 yet but would be forwarded to me once processed.  
7 Great.

8           Five weeks passed and no letter. So I  
9 followed up. No response. In my third attempt,  
10 I finally received a response, but it was: We do  
11 not have any records responsive to your request.  
12 Why not?

13           I responded for clarification. Does this  
14 mean the letter has not been issued? Or are you  
15 unable to provide me a copy? Again no response  
16 to date. Was I lied to? Do your votes matter  
17 here?

18           Mr. Chair, are you familiar with the phrase  
19 "perception is reality"?, meaning there is a  
20 perceived reality of something that is absent,  
21 any additional facts provided are proven to  
22 change the mind or outcome of the perception.

23           Board members, based on this, I am here  
24 today to state publicly that my perception is  
25 this board is not operating in good faith to the

1 citizens in Georgia in your official roles. You  
2 have here today some of the best election  
3 integrity across Georgia.

4 At times we've watched the gamesmanship and  
5 public theater play out here and at our county  
6 levels through obvious delays of key evidence and  
7 cases that go against the narrative; preplanned  
8 agenda items; and motions brought forward by a  
9 board member with obvious coordination to another  
10 member to either agree or disagree based on what  
11 I perceive a predetermined outcome; motions  
12 brought forward for political points, knowing  
13 there will be no second and will die or will be a  
14 split vote with no action taken; members  
15 suspiciously absent from key meetings and votes;  
16 notes passed between each other; key cases or  
17 information of serious concern that I am  
18 personally aware of that have sat in your  
19 investigative circular file for over year with no  
20 action.

21 Instead you bring forward cases of citizens  
22 who took a picture out of concern for their  
23 ballot, made a Facebook post, smaller  
24 infractions, and you wag your fingers at them in  
25 disgust, touting election law. Meanwhile you

1 have serious cases of election fraud you've  
2 intentionally ignored.

3 I hope this board realizes your public  
4 actions and votes will be your legacies and long  
5 remembered by the good citizens of Georgia. Take  
6 due care.

7 **MR. COAN:** Thank you. Is Candace Taylor in  
8 the room? Candace Taylor? Okay. Helen? Is  
9 Helen in the room? Phil Looney?

10 **UNIDENTIFIED SPEAKER:** He left.

11 **MR. COAN:** He left? Okay. We're rolling  
12 through these quickly. Kristin Davis? Is  
13 Kristin in? Jennifer Moore? Vivian?

14 **MS. THOMAS:** Thomas?

15 **MR. COAN:** Yes. I'm horrible with  
16 handwriting right now, but, yes. If you don't  
17 mind, state your name when you get up there. I  
18 thank you.

19 **MS. THOMAS:** Good day, Mr. Chair and Board.  
20 My name is Vivian Thomas, and I greet you from  
21 Henry County, Georgia.

22 I have the pleasure of serving as a district  
23 commissioner for five years. So I understand the  
24 role that you're taking today. Thank you for  
25 your time. And I will respect you as leaders of

1 this county and the leaders of this board.

2 In this day and time, digital systems are  
3 here in our educational system, banking system,  
4 even the food processing from farm to table. It  
5 is here. Our lives are inundated with AI and  
6 more to come. We can't travel or get medical  
7 attention without some type of computer attached  
8 to us or talking to us, instructing us.

9 I propose to this board that there are some  
10 challenges. You know them, you've heard some of  
11 them, but what I wanted to say to you, let's put  
12 together some things to fix them. Your goal  
13 hopefully is to make policies and procedures  
14 where the voting process in Georgia is made  
15 easier and that everyone has access to vote and  
16 exercise their right as a voter.

17 What I would like to propose to you is  
18 authorized software updates. It's software,  
19 update it. Make sure that in those software  
20 updates that it automatically kicks out any type  
21 of concerns of duplicate voting. That can  
22 happen. You can have a machine's audit. When  
23 concern about whether machines are operating  
24 properly, make sure those machines are audited on  
25 a regular basis and get some type of information



1 back to your board that it has been done.

2 The policy should be, regardless, run a  
3 second set of votes on everything electronically.  
4 That is so much cheaper than having somebody sit  
5 there and try and count them manually. Frankly  
6 speaking, I trust that machine to do the work  
7 more so than sticky fingers, bifocals, sleepy  
8 people, tired and angry and one-sided  
9 individuals.

10 I trust that machine. It doesn't have  
11 emotions. It doesn't care about what color I am,  
12 what size I am. It doesn't care about who I am  
13 or where I live. I trust that machine to say:  
14 Hey, you can run another copy of me through  
15 another machine to make sure I did do my job  
16 well. There are options you have. The paper  
17 trail is there. Paper comes out, we put it back  
18 in the machine. It's there and you can look at  
19 it.

20 So I want to go further. I heard you,  
21 Mr. Chairman, but I want you to know, please look  
22 at what your options are and make this work for  
23 everyone and thank you for your time.

24 **MR. COAN:** Thank you, Ms. Thomas.

25 Next on the list is Maribeth Kennedy. Is

1 Maribeth here? No? Okay. Allyson Rose Becker?  
2 Going once, going twice. Okay. Iliana Dobrew?  
3 Is it Dobrew? Wow. Well, this is last but not  
4 least Richard Shroeder. We're done.

5 **MR. FERVIER:** Did you say up here that ...

6 **MR. COAN:** We'll want to check it. Bob --  
7 Bob -- is Bob Edwards here? He was with the ABA  
8 guys. He's not here either. So he was already  
9 gone. That's why I skipped him.

10 Rebecca -- Rebecca Anglin, are you here?

11 **MS. ANGLIN:** Yes.

12 **MR. COAN:** Would you like to come speak?

13 **MS. ANGLIN:** Yes.

14 **MR. COAN:** Thank you.

15 **MS. ANGLIN:** Good afternoon, and thank you  
16 to the board for the opportunity to speak  
17 publicly today. My name is Rebecca Anglin, and  
18 I'm the election director of Greene County. I'm  
19 also a member of GAVREO.

20 It is not only my stance but the stance of  
21 our organization that we do not support rule  
22 183-1-12-.12(a)(5) of hand-counting paper ballots  
23 at polling precincts on election night. GAVREO  
24 opposes this rule but believes that counties have  
25 the authority to follow the procedures described

1 in the proposed rule at their discretion.

2 These procedures were attempted during the  
3 pilot of our current voting system in 2019, and  
4 they delayed results without adding any  
5 additional security to the process.

6 We agree with the Secretary of State's  
7 Office that the best practice is to very publicly  
8 remove all of the ballots from the ballot box and  
9 immediately place them in a sealed container to  
10 be transported to the election office. This  
11 ensures that any necessary investigation can be  
12 conducted in a controlled setting to minimize any  
13 mistakes.

14 We suggest that poll watchers be allowed to  
15 verify the box is empty and to allow them to  
16 record the seal number from the sealed container  
17 to ensure the chain of custody is not broken. We  
18 also acknowledge that counties may conduct a  
19 hand-count of ballots if a situation necessitates  
20 it on election night but strongly disagree that  
21 this should be a required step for every single  
22 polling place during every election.

23 Myself, along with the committee, certainly  
24 appreciate your time today. Thank you.

25 **MR. COAN:** Thank you so much. We appreciate

1 it, Rebecca.

2 And that concludes our speakers. So I'm  
3 going to turn it back over to the chairman for --  
4 we're going to start from the beginning of rule  
5 changes.

6 **MR. FERVIER:** We have some other business  
7 too.

8 **MR. COAN:** Okay. I apologize.

9 **MR. FERVIER:** We're going to do it now. We  
10 have gone off agenda slightly. We will attempt  
11 to get back on the agenda now. And the first  
12 item on the agenda is the approval of board  
13 meeting minutes for the May 7th and May 8th  
14 meeting, 2024. A copy is in your book.

15 If the board would please take a minute to  
16 review those minutes from the May 7th meeting.  
17 Then the chair would entertain a motion on that  
18 meeting, on the -- on the minutes.

19 **MS. GHAZAL:** (inaudible)

20 **MR. FERVIER:** We have a motion to accept the  
21 minutes by member Ghazal. Do we have a second?  
22 Any discussion? Hearing no discussion, all those  
23 in favor of accepting the minutes for the May 7,  
24 2004[sic] meeting signify by saying aye.

25 **THE BOARD MEMBERS:** Aye.

1           **MR. FERVIER:** Any opposition? Hearing no  
2 opposition, so moved.

3           The next item is acceptance of the minutes  
4 for the May 8, 2024, meeting. A copy is in your  
5 book. If the board would review those for a  
6 minute. The chair will entertain a motion.

7           **MS. KING:** Motion to accept.

8           **MR. FERVIER:** We have a motion to accept the  
9 minutes as presented. Do we have a second?

10          **DR. JOHNSTON:** Second.

11          **MR. FERVIER:** We have a motion and a second  
12 to present the minutes as accepted. Any  
13 discussion? Hearing no discussion, all those in  
14 favor of accepting the minutes for the Tuesday,  
15 May 8, 2024, meeting signify by saying aye.

16          **THE BOARD MEMBERS:** Aye.

17          **MR. FERVIER:** Any opposition? Hearing no  
18 opposition, so moved.

19          The next item on the agenda is petitions,  
20 hearing petitions. We've had a request to move a  
21 petition to the front.

22          **Petition for Amendment of State Election Board Rule**  
23                                   **presented by Salleigh Grubbs**

24          **MR. FERVIER:** Ms. Grubbs, are you prepared  
25 to present your petition for rule change? And

1 before you start, I'd like to say -- no, please  
2 go on up -- your petition is -- corresponds a bit  
3 to the one that I intend to make later on in the  
4 meeting. Have you seen mine?

5 **MS. GRUBBS:** To be honest, sir, I've only  
6 seen certain portions of it. I haven't  
7 comprehend -- I've seen it, but I haven't  
8 comprehended everything if I can just say it that  
9 way.

10 **MR. FERVIER:** Yeah. It would seem to create  
11 some difficulty because we can't approve yours  
12 and mine both.

13 **MS. GRUBBS:** We're just going to have to  
14 duke it out.

15 **MR. FERVIER:** Right. You have the floor for  
16 --

17 **MS. GRUBBS:** I go first? They might like  
18 mine before they even hear yours.

19 **MR. FERVIER:** Well, that's a problem.

20 **MS. GRUBBS:** I'm sorry. Do you want to go  
21 first?

22 **MR. FERVIER:** No.

23 **MS. GRUBBS:** You're so sweet, it's hard to  
24 just come against that, that look. But I really  
25 want to present mine because we worked hard on

1 it.

2 **MR. FERVIER:** Okay. Well, why don't you go  
3 ahead and present it, and if the board would like  
4 to delay consideration on it until they hear  
5 mine, we can always do that.

6 **MS. GRUBBS:** Yeah. I totally get your -- I  
7 understand what you're saying.

8 **MR. FERVIER:** Okay.

9 **MS. GRUBBS:** Unless of course there's a  
10 board member that wants to make a motion to  
11 approve mine in the meantime.

12 **MR. FERVIER:** The board will entertain any  
13 motions that are made. Well, I take that back.  
14 We'll entertain most motions that are made.

15 **MS. GRUBBS:** I did do a parliamentary class  
16 or two. I'm just kidding.

17 First of all, I would like to say welcome to  
18 Mrs. King. We are so thrilled to have you in --  
19 in the party here. We appreciate you.

20 And I personally would just like to say that  
21 I appreciate each and every board member. You as  
22 a body have a tremendous responsibility here in  
23 the state of Georgia, and I know that you take it  
24 very seriously. And, you know, sometimes there  
25 are things that happen in your own life that --

1 that really bring home the fact that it's a  
2 thankless job. You're doing it for free. You're  
3 doing it as a volunteer to the state of Georgia  
4 and to the citizens of Georgia. And I think  
5 sometimes people forget that and that it is  
6 something that, you know, you have this great  
7 responsibility and you can't make everybody  
8 happy.

9 But we do appreciate your service and your  
10 willingness to hear us. I think you've gone over  
11 and aboard -- gone over and above to make sure  
12 that people are heard, today especially, and so  
13 thank you for that. Sometimes people are just  
14 frustrated when they don't feel heard. So thank  
15 you for hearing people.

16 So Fulton County admitted in a consent  
17 decree that they double-scanned votes in  
18 November of 2020. They therefore watered down  
19 everyone else's votes. This is voter suppression  
20 and could have been avoided if a rule such as  
21 this had been in place.

22 In January of 2021, Fulton County forgot to  
23 upload the results for two Milton precincts.  
24 Those votes didn't count until two weeks later  
25 when they recertified. Those votes were



1 suppressed. With a rule such as the rule we  
2 propose today, this would have never happened.

3 In May of 2022, Fulton County again failed  
4 to upload 1300-plus results and had to recertify.  
5 We were told that no results changed. We're  
6 often told that. We were told that in Cobb  
7 County as well, but this should not lighten the  
8 seriousness of the situation. Entire precincts  
9 of people's votes were not counted. People who  
10 took their time and energy to cast their ballot  
11 found out that it didn't count.

12 Every vote for every voter should count  
13 right away. We can no longer allow voter  
14 suppression to continue. We must take every step  
15 to ensure that the count is right the first time,  
16 not only for accuracy but for trust at a time  
17 when most Americans distrust the election  
18 process.

19 I'm for you, the board, to take the step of  
20 bringing back trust. I would like to say that in  
21 our petition for rule change, pursuant to Georgia  
22 183-1-1-.01, that, you know, in my career of --  
23 in -- an HR person and had to drug test people,  
24 and in the drug testing process, you have a chain  
25 of custody. You have where the person goes in

1 and they, you know, take the sample and, you  
2 know, you have to do a chain of custody every  
3 step of the way or you can be sued because that  
4 has been tampered with. And our votes should  
5 never be treated with less regard than that. So  
6 chain of custody, you've heard it a hundred times  
7 today and that continues to be the issue.

8 The intent of this position is to --  
9 petition is to have the state election board  
10 adopt a rule to affirm existing Georgia law.  
11 There is nothing new that alters changes or  
12 amends Georgia law in this proposed petition  
13 to -- rule petition.

14 As discussed in the May meeting, this rule  
15 is necessary to allow county superintendents and  
16 boards of registration and election to exercise  
17 their authority to oversee the conduct of  
18 elections. Members of the state election board  
19 expressed concerns about excluding entire  
20 precincts from the certification and fears that  
21 voters would be disenfranchised. This proposed  
22 rule would not allow for that because Georgia law  
23 describes the steps that must be taken when  
24 discrepancies are found and how the returns from  
25 precincts with discrepancies will be counted

1           justly.

2                   While there are ongoing discussions and  
3           debates about access to other documents and  
4           election records, this rule does not address  
5           those issues. This simply seeks to optionalize  
6           an existing statutory requirement to allow  
7           counties to uniformly conduct the minimum level  
8           of review as described in the law.

9                   Further explanation of the need for this  
10          rule is provided below in section (c), (d), and  
11          (f) of the petition. There is a crisis in  
12          confidence in our elections, and the oversight of  
13          elections in each county is critical to restoring  
14          trust.

15                  I respectfully request that this revised  
16          proposed rule promulgation be considered today as  
17          required by 183-1-1-.01(4).

18                  I would like to acknowledge that the ACLU  
19          and Vote Democracy are here opposing my rule.  
20          And it always kind of creeps me out when I hear  
21          my name from people I don't know when it's about  
22          rule changes or some kind of presentation here  
23          because I'm pretty easy to find. And I would  
24          think that if people wanted to actually move the  
25          ball down the field and to actually do something

1 to improve our elections, pick up the phone and  
2 call. Let's have a conversation. Let's not just  
3 take the opposing view because this is our state  
4 and this is our -- the United States of America.  
5 We need to work together.

6 So for the full text of the rule, addendum  
7 (a) as you -- the board has been given, rule  
8 183-1-12.12.1, precertification, reconciliation  
9 of number of ballots to the number of votes.

10 So the whole intent for anyone here who's a  
11 layman who's never done this -- I have a feeling  
12 that there are a lot of very seasoned election  
13 people here, but the whole intent is let's be  
14 sure that the number of voters that are on the  
15 voter rolls, that the voter roll is accurate,  
16 number one.

17 But this is not about cleaning up the voter  
18 rolls which, by the way, are not done and  
19 desperately needs to be done.

20 And, number two, we don't have to -- need to  
21 have to pay for that either. In Cobb County  
22 there's talk about that. But we need to make  
23 sure that the voters that show up to vote, the  
24 cards that are cast because we're stuck with  
25 these machines as they are right now, but we need

1 to make sure that when a voter comes in and they  
2 receive a card that those numbers match. And  
3 then that the card, once that cast goes into the  
4 BMD and once you print your ballot, that that  
5 reconciles. It's all just a reconciliation  
6 process.

7 Let's make sure that when we go to the bank  
8 and we cash a check, we're actually getting the  
9 same dollars back as the numbers we wrote on the  
10 check. It's a very simple process. It does not  
11 have to be complicated. And again it complies  
12 with Georgia law and it just gives the -- the  
13 outline for how to do it.

14 Preparing for county certification after  
15 each election but no later than 3 p.m. on the  
16 Friday following the date on which the election  
17 was held, the board shall meet to conduct a  
18 review of precinct returns.

19 Two, after all absentee ballots received by  
20 the close of the polls, including those cast by  
21 advanced voting and all ballots cast in person on  
22 election day and all provisional ballots that  
23 have been validated have been tabulated, the  
24 total number of ballots cast by each vote method  
25 shall be reported for each precinct.

1           Three, a list of voters who voted in the  
2 election shall be compiled, including by  
3 category, the number of voters who voted election  
4 day, in-person advance voting, absentee, and  
5 provisionally. The list shall be examined for  
6 duplicates. The list shall then be sorted by  
7 precinct. The total number of unique voter IDs  
8 from each precinct shall be counted. The total  
9 number of unique voters who voted by each vote  
10 method shall be reported for each precinct.

11           For each precinct, the board member shall  
12 compare the total number of ballots cast to the  
13 total number of unique voter ID numbers. At any  
14 precinct in which the number of ballots exceeds  
15 the number of unique voters, the board shall  
16 determine the method of voting in which the  
17 discrepancy exists.

18           The board shall investigate the discrepancy  
19 and no votes shall be counted from that precinct  
20 until the results of an investigation are  
21 presented to the board as required in Georgia  
22 Code 21-2-493, subparagraph (b).

23           That's very important because you hear a lot  
24 of 2020 going on today. First of all, that  
25 should never have been delayed until 2024. And

1 so if we would have taken these measures at the  
2 time of the election on the precinct level, you  
3 would be at the beach. You would not be here.

4 Number 5, if any error is discovered that  
5 cannot be properly corrected, the board shall  
6 determine a method to compute the votes to --  
7 votes justly as required by Georgia Code  
8 21-2-493, subparagraph 5.

9 If fraud is discovered, the board shall  
10 determine a method to compute the votes justly  
11 and report the facts to the district attorney for  
12 action as required by O.C.G.A. 21-2-493,  
13 subparagraph 5. A board member shall be  
14 permitted to examine all election-related  
15 documentation created during the conduct of  
16 elections prior of certification results.

17 That is a huge problem because, again, our  
18 election board members raise their right hand and  
19 they agree to uphold the Constitution, as do you.  
20 And when they are not allowed to receive the  
21 documentation after an election prior to  
22 certification, they are being asked to certify  
23 something they cannot certify because they do not  
24 have all the information to do that. This would  
25 take care of that problem.

1           Two, certification meeting. One, after all  
2 precinct discrepancies have been investigated and  
3 resolved, as required by Georgia code 21-2-493,  
4 the correct or corrected return shall be recorded  
5 until all of the returns from each precinct which  
6 are entitled to be counted or recorded. Then  
7 they shall be added together, announced, and  
8 verified as accurate.

9           Two, the consolidated return shall then be  
10 certified by the superintendent no later than  
11 5 p.m. on the Monday following the date on which  
12 such election was held and such return shall be  
13 immediately transmitted to the Secretary of  
14 State.

15           As to (c) and (d), the statement of the  
16 reason that such rules shall be promulgated on  
17 pertinent facts, superintendents, county boards  
18 of registration and elections serve an important  
19 role in the oversight of elections in Georgia.

20           The powers and duties of the superintendent  
21 described in Georgia Code 21-2-70 include the  
22 critical duty to inspect systematically and  
23 thoroughly -- it's already in Georgia code, it's  
24 already there. They are required to inspect  
25 systematically and thoroughly the conduct of



1 elections to the end that primaries and elections  
2 may be honestly, efficiently, and uniformly  
3 conducted. The oversight of elections includes  
4 the duty to receive from poll officers the  
5 returns of all primaries and elections to canvass  
6 and compute the same and to certify the results  
7 thereof to such authorities as may be prescribed  
8 by law.

9 Georgia is one of the only states that does  
10 not have proper canvassing procedures, by the  
11 way. Recently various persons have suggested  
12 that the board of registration and elections has  
13 no discretion to inspect the conduct of elections  
14 and no permission to review the returns from the  
15 poll officers.

16 In fact, some outside entities have asserted  
17 that the certification of election results in a  
18 county is nothing more than a ministerial task  
19 and that the members of the board have no  
20 discretion but to rubber stamp results sight  
21 unseen.

22 I would really like for the ACLU and all  
23 these democracy groups that are probably in the  
24 room right now to admit that it's not just a  
25 ministerial duty that -- and if you say that,

1 then you don't believe in integrity of elections  
2 at all.

3 Although the language of the statute is  
4 clear and unambiguous, the state election board  
5 should promulgate the proposed rule to ensure  
6 that members of the county boards can perform at  
7 a minimum -- at a minimum -- their statutory duty  
8 unencumbered by outside influences and  
9 misunderstanding of the law.

10 When common sense requirement in the  
11 election code is a mandatory comparison of the  
12 number of ballots cast to the number of voters  
13 who voted -- and O.C.G.A. 21-2-493(b) requires  
14 this reconciliation be done prior to computing  
15 and prior to certification. This is a duty of  
16 the superintendent that is explicitly required in  
17 the law.

18 It should be noted that issues such as  
19 double-scanning of ballots, which the state  
20 election board has recognized is a problem, would  
21 be detected if the reconciliation required in  
22 21-2-493(b) were properly completed. Errors  
23 should be identified and corrected before  
24 certification.

25 The parties who may be affected by this

1 rule. The state election board should adopt the  
2 proposed rules to ensure that every  
3 superintendent and board follows the same  
4 procedures as required in 21-2-493 in order that  
5 the citizens of Georgia will have confidence that  
6 counties uniformly, properly, and lawfully  
7 fulfill their duties, reconcile the number  
8 ballots to the number of voters so that  
9 certification of election results accurately  
10 reflects the will of the voters in every county.

11 I have citations that authorize the board to  
12 require the action required by the petition.  
13 After the close of the polls on election day, the  
14 superintendent and board must ensure that  
15 canvassing of the absentee ballots continues  
16 until all lawful ballots have been tabulated and  
17 ensure all advance voting and election day  
18 provisional ballots are tabulated and results are  
19 released to the public.

20 Georgia code 21-2-493(a): The  
21 superintendent shall after the close of the polls  
22 on the day of a primary or election at his or her  
23 office or some other convenient public place at  
24 the county seat or in the municipality which the  
25 notice shall have been given as provided in

1 21-2-492, publicly commence the computation and  
2 canvassing of the returns and continue until all  
3 the absentee ballots received by the close of the  
4 polls, including those cast by advance voting,  
5 and all ballots cast on the day of the primary or  
6 election have been counted and tabulated, the  
7 results of such tabulation released to the public  
8 and then continue with provisional ballots as  
9 provided in code sections 21-2-418, 21-2-419, and  
10 those absentee ballots as provided in  
11 subparagraph (a)(1)(g) of code section 21-2-386  
12 from day to day until completed.

13 That's the thing. It's already in the code.  
14 We're just asking you to agree with the procedure  
15 on how to do it. As a common sense check and  
16 balance of election returns, the General Assembly  
17 described the mandatory step to ensure one person  
18 one vote. For the people in the back, one person  
19 one vote.

20 Before the board computes or certifies any  
21 votes, they must complete -- compare the number  
22 of unique voters who participated to the number  
23 of ballots cast from each precinct. Certainly  
24 prior to the time for certification, the county  
25 has a list of all people who voted absentee by

1 advanced voting in person on election day and  
2 provisionally.

3 No persons is permitted to vote if they do  
4 not first identify themselves and confirm that  
5 they are a qualified elector. That list, the  
6 qualified electors list, must be available for  
7 the board to review for the record of unique  
8 voters who participated in the election,  
9 separated by precinct, so they can compare the  
10 number of voters to the number of ballots. It's  
11 already in the law.

12 If the total number of votes for candidates  
13 exceeds the total number of people who voted in a  
14 precinct, that discrepancy must be examined by  
15 the board. In fact, the law says that no votes  
16 from that precinct could be recorded until the  
17 discrepancy is first investigated. There is no  
18 way for the board to perform this mandatory  
19 responsibility which they were required to do by  
20 law if the member of the board is not permitted  
21 to view the list of people who voted to compare  
22 that to the precinct results which is a big-time  
23 problem in Bibb County specifically.

24 Georgia Code 21-2-493(b): The  
25 superintendent before computing the votes cast in

1 any precinct shall compare the registration  
2 figure with the certificates returned by the poll  
3 officers showing the number of persons who voted  
4 in each precinct or the number of ballots cast.

5 If upon consideration by the superintendent,  
6 the returns and certificates before him or her  
7 from any precinct it shall appear that the total  
8 votes any candidate or candidates for the same  
9 office or nomination or in any question exceeds  
10 the number of electors in such precincts --  
11 precinct or exceeds the total number of persons  
12 who voted in such precinct or the total number of  
13 ballots cast, such an excess shall be deemed a  
14 discrepancy and palpable error and shall be  
15 investigated by the superintendent and no vote  
16 shall be recorded from such precinct until an  
17 investigation shall be had.

18 If these procedures were followed and  
19 implemented, you would not be here. You would be  
20 at the beach.

21 Such excess shall authorize the summoning of  
22 the poll officers to appear immediately with any  
23 primary or election papers in their possession.  
24 The superintendent shall then examine all the  
25 registration and primary election documents,

1           whatever, relating to such precinct in the  
2           presence of representatives from each party,  
3           body, and interested candidate.

4           Such examination may, if the superintendent  
5           deems it necessary, include a recount or  
6           recanvass of the votes of that precinct and a  
7           report of the facts of the case to the district  
8           attorney were such actions appear to be  
9           warranted.

10           When you get on the big scale, you get the  
11           complication. If these things were implemented  
12           and done on the precinct level, it would be easy  
13           to find. You would be looking for a needle in a  
14           small pile of spaghetti as opposed to a needle in  
15           a big, huge haystack.

16           Georgia Code 21-2-493: If any error or  
17           fraud is discovered, the superintendent shall  
18           compute and certify the votes justly regardless  
19           of any fraudulent or erroneous returns presented  
20           to him or her and shall report the facts to the  
21           appropriate district attorney for action.

22           Georgia code 293-493(k).

23           As the returns from each precinct are read,  
24           computed, and found to be correct or corrected as  
25           aforesaid, they shall be recorded on the blanks

1 prepared from the purpose -- until all returns  
2 from the various precincts which are entitled to  
3 be counted shall have been duly recorded, then  
4 they shall be added together, announced, and  
5 attested to by the assistants who made and  
6 computed the entries respectively and shall be  
7 signed by the superintendent.

8 The consolidated return shall then be  
9 certified by the superintendent in the manner  
10 required by this chapter. Such return --

11 So I can keep reading the code section. If  
12 anybody doesn't have a green book, you need to  
13 get one. I can tell you where to get them. They  
14 should be on sale in the gift shop if there was  
15 one.

16 Again, a member of the board who swears an  
17 oath to make a true and perfect return of  
18 elections must certainly be permitted to review  
19 the documents and perform the required  
20 voter-to-ballot comparison prior to voting on  
21 certification. Denying board members access to  
22 returns and documents upon which the results and  
23 certification rely would be inconsistent with  
24 Georgia law.

25 So I would like to say, Chairman, that I



1 decided I -- I have the utmost respect for you.  
2 In glancing at your little couple of notes, it is  
3 not ensuring one person one vote be mandatory.  
4 That's why the Democrats in the room probably  
5 love it. And let me just say the -- the rule  
6 proposal should be nonpartisan.

7 And you have to wonder when you have groups  
8 like the ACLU and Vote Democracy opposing this  
9 rule, you have to ask yourself why. Why do  
10 people want less transparency? And why do people  
11 advocate for actually breaking the law?

12 And it says -- I think in your rule it -- it  
13 refers to the privacy of the board of elections  
14 in the office. No. Elections should be open and  
15 transparent. The law that says -- the law says  
16 that prior to certification, the superintendent  
17 must compare the people who voted to the ballots  
18 cast.

19 If you're looking at a ballot recap form  
20 that says "x" amount of ballots were cast and "x"  
21 amount of people voted, that will not allow them  
22 to create a count of voters from each precinct  
23 because advanced voting recap includes people  
24 from multiple precincts. It lumps them together.  
25 We're trying to get granular on that to be sure

1 that it's done in accordance with law.

2           Numbered lists of voters is a product of the  
3 e-poll book. There is no paper numbered list of  
4 voters that exists in Georgia anymore.

5           For each precinct they need to know how many  
6 unique voters voted by mail, by advanced voting,  
7 and in person on election day and provisionally.  
8 Your rule does not do that.

9           You said review the number of registered  
10 voters with both the number of persons who were  
11 issued a ballot. Lots of people are issued a  
12 ballot but don't return it. Your rule does not  
13 accomplish the minimum process required in the  
14 code section, in short. It takes the language of  
15 existing law and gives the -- our proposed rule  
16 takes the language that's already in law -- you  
17 heard me reference the Official Code of Georgia  
18 over and over. It's because it takes the  
19 language of existing law and actually gives the  
20 counties a procedure by which to do that in a  
21 proper canvass. And you can check with other  
22 states if you want to and see that.

23           And David is going to add a couple comments  
24 here.

25           **MR. HANCOCK:** My name is David Hancock. And

1 as a poll worker, as assistant poll manager, and  
2 as a board of elections member, I would like to  
3 make a few comments.

4 And, Mr. Chairman, yes, I have read your  
5 rule. The concern I have is it doesn't seem to  
6 address the key issue which is is it a  
7 ministerial duty or is it not a ministerial duty?

8 So I made a few notes that I would like to  
9 say. This idea that we're talking about,  
10 Ms. Grubbs has mentioned, the state has to  
11 certify an election at one point. At that point  
12 it's generally too late to catch anything. There  
13 are a number of certification steps that are  
14 required by Georgia law, starting at the  
15 precinct, then going to the county, then going to  
16 the state.

17 So a few of them, to ensure that we have  
18 confidence in our elections and procedures, I'd  
19 like to reference just a few more laws, as if you  
20 haven't heard enough already. It says poll  
21 officers shall duly certify the number of votes  
22 for each person. And that's 21-2-437.

23 However, the law also makes it clear that  
24 they should not certify if they believe that the  
25 election was conducted improperly. If you read

1 21-2-440, it says that if any poll officer shall  
2 refuse to sign or certify the general returns, he  
3 or she shall write his or her reasons therefor  
4 upon the general return sheets.

5 So they're saying that if you vote not to  
6 certify, that you need to give a reason for it,  
7 which is something that I am all in favor of  
8 doing because it -- if it's a situation that  
9 needs to be corrected, we need to know about it.

10 O.C.G.A. 21-2-494 requires that the  
11 superintendent in computing the votes cast at any  
12 election shall compute and certify only those  
13 write-in votes for candidates who have given  
14 proper notice of intent to be a write-in  
15 candidate. So that's a small detail, but that's  
16 a case where certification is not allowed without  
17 some inspection of the qualifications of the  
18 candidates.

19 State law identifies specific instances  
20 where the board should not vote to certify. If a  
21 challenged voter casts an absentee ballot, the  
22 board must hold a hearing -- and here's the  
23 law -- prior to the certification of the  
24 consolidated returns of the election and shall  
25 not certify such consolidated returns on such

1 hearing is -- until such hearing is complete and  
2 the registrars have rendered their decision on  
3 the challenge. And that's 21-2-230.

4 As you would imagine, penalties for improper  
5 certification are serious. Any poll officer who  
6 certifies as correct a false return of ballots  
7 shall be guilty of a felony.

8 And as a new -- as a board member, like --  
9 like member King there, I take this position very  
10 seriously. I've only been involved in  
11 certification several times, and after the  
12 certification vote -- aside from our oath that we  
13 take when we're sworn in, after the certification  
14 vote, we sign a document. And I'd like to  
15 read -- this is from the Secretary of State's  
16 Office, the little part of that document.

17 It says: Upon certification, we, the  
18 undersigned board of elections, registrars,  
19 superintendent, supervisor of elections, and  
20 designees do jointly and severally certify that  
21 the attached election results summary is a true  
22 and correct account of the votes cast in this  
23 county for the candidates in the general election  
24 runoff. That's the one we just did. In  
25 testimony whereof, we have hereunto set our hand

1 and official seal.

2 So that makes it pretty clear that I'm on  
3 the hook if -- if -- as a superintendent of  
4 elections, if this -- if something has happened  
5 and I -- I'm aware of it or I can't prove that  
6 the election was conducted fairly. So I take  
7 that little signature block right there very  
8 seriously.

9 And they use words like hereunto, so you  
10 know it's -- you know it's important.

11 I think -- if you have any -- if you have  
12 any questions for us, we'd love to ...

13 Yes, ma'am.

14 **MS. GHAZAL:** (off microphone) I'll go. My  
15 first question (mic on) throughout the rule --  
16 the board -- the rule refers to the board, the  
17 statute refers to the superintendent. And those  
18 are not necessarily interchangeable. So the --  
19 we -- we can't go beyond what the statute says.  
20 It has to be the superintendent.

21 I am glad that you do acknowledge that the  
22 superintendent shall certify. "Shall" in the law  
23 is a mandatory act. Even your rule recognizes  
24 that certification is a mandatory act. It's  
25 important for folks to remember it's not the end.

1 You're certifying the number of votes. That's  
2 what the certification is. There are policies --  
3 there are procedures for investigating after the  
4 fact. It is this board that has the authority to  
5 investigate malfeasance or fraud or other  
6 problems or failure to follow procedures. That  
7 is the authority of the state election board.

8 And so that is not necessarily the authority  
9 of the superintendent. It is not part of the  
10 certification process. And an election contest  
11 cannot happen until the election has been  
12 certified. It is at that point where courts take  
13 jurisdiction.

14 So it is an important duty. To say it's a  
15 ministerial duty doesn't mean it's a rubber  
16 stamp. It is absolutely a crucial step and it's  
17 important to make sure that the numbers are  
18 proper.

19 And I know everybody loves to hate on Fulton  
20 County, but I can just name off the top of my  
21 head -- Cobb County, Fayette County, Floyd  
22 County -- where also counties have failed to  
23 properly upload all of the vote totals. And a  
24 proper canvass will avoid that, and that is what  
25 we want.

1           We -- we don't want to see recertification.  
2           We want things to be right in the first instance.  
3           But this takes it way beyond what the statute  
4           actually allows. I know you're citing to the  
5           statute but a lot of this is not in there. There  
6           is no place in the statute that authorizes the  
7           superintendent to look for double voters. It  
8           will happen. The investigation will happen.  
9           They will be identified. They will be pursued.

10           This -- this board, the state election board  
11           has heard numerous cases where there were double  
12           voters because that is our jurisdiction. That is  
13           not part of the certification process. It's not  
14           in the statute. Can you tell me where in the  
15           statute you are to search for -- for duplicate --

16           **MS. GRUBBS:** So --

17           **MS. GHAZAL:** -- ID numbers?

18           **MS. GRUBBS:** So would you agree that there  
19           are legal votes and there are illegal votes?

20           **MS. GHAZAL:** I would agree that the  
21           certification process is about the number of  
22           votes cast.

23           **MS. GRUBBS:** So it doesn't matter whether  
24           they're legal votes or they're illegal votes?

25           **MS. GHAZAL:** It will matter in an election



1 contest. But we've seen -- we've seen elections  
2 overturn on numerous occasions because there were  
3 votes that were not authorized. They were  
4 certified because they had to be certified. It  
5 went to court, the court overturned the election,  
6 and we ran a new election. It's happened  
7 multiple times in Banks and Habersham County  
8 because different bodies have different  
9 responsibilities.

10 **MS. GRUBBS:** So could you please give me  
11 your interpretation, then, of Georgia 21-2-493,  
12 subparagraph 5, where it says: If any error or  
13 fraud is discovered, the superintendent shall  
14 compute and certify the votes justly regardless  
15 of any fraud -- or fraudulent or erroneous  
16 returns presented to him or -- and shall report  
17 the facts to the appropriate district attorney?  
18 But you just told me that this body is the one  
19 responsible for investigating and finding out  
20 those issues.

21 And what would you suggest is an appropriate  
22 time frame for you all to do that? Because we  
23 just had -- we've just had, you know, the  
24 Moncla-Rossi. I feel like, you know, that's like  
25 saying bread and milk now because, you know, with

1 all due respect to Joe and Kevin, it's ridiculous  
2 the amount of time this has taken and that  
3 doesn't even account for all the un --  
4 uninvestigated claims that are still sitting in a  
5 file drawer at the Secretary of State's Office.

6 So the problem here -- and I hear what  
7 you're saying. You don't want us to go too deep.  
8 We see a hump of dirt in the carpet, but we just  
9 want to stomp it down; we don't want to reveal it  
10 and see what's really under there because if we  
11 do, we're going to see too much.

12 I mean. I'm not trying to be overly  
13 burdensome. This rule is not overly burdensome.  
14 It's already included in the law. It's just  
15 saying that, you know, we would not be here today  
16 if the -- if the law had been followed. And  
17 since it wasn't -- since it wasn't followed,  
18 we're saying, okay, let's give the counties some  
19 guidance because, you know, it's like -- and I  
20 said this last -- in May for the other rule  
21 proposal, it's like going to daddy and saying,  
22 Can I have 20 bucks, and it's like, I don't know,  
23 go ask your mom. And you go ask your mom and  
24 then you're -- you know, you're playing that game  
25 all day. It's the same thing here because the

1 Secretary of State is derelict in its duties.

2 Now you have the power and authority to do  
3 something about it, and it's like but let's not  
4 get too detailed on the rules, guys, because  
5 we -- we are caught in the same thing with the  
6 local boards of election, and if they made sure  
7 their precincts -- I mean, it happened in Cobb  
8 County again, you know, where files were not  
9 uploaded.

10 If we had a proper canvass and we had proper  
11 rules on canvassing, the Secretary of State would  
12 be irrelevant. You would be at the beach. We  
13 would be fat, dumb, and happy because we would  
14 have safe elections. So I don't understand why  
15 we don't want more security in our procedures.

16 **MR. HANCOCK:** One comment if I may to -- to  
17 directly address one of the issues. You said  
18 O.C.G.A. 21-2-437 says poll officers shall duly  
19 certify the number of votes cast for each person.  
20 But then there's a law, 21-2-440 which says that  
21 if any poll officer shall refuse to sign or  
22 certify the general returns, he or she shall  
23 write his reason.

24 So there's a case where it says they shall  
25 certify, and the later says if they don't

1 certify, they vote not to certify, they have to  
2 give a reason.

3 We had an election just recently where one  
4 candidate lost by 17 votes. I was going through  
5 the -- the election -- we collect reams of  
6 documentation on every election. I was going  
7 through some of the material and discovered that  
8 two precincts that were in her district where she  
9 won in -- this particular candidate won in early  
10 voting. All the early voting she won. She lost  
11 on election day and by enough, the margin of 17  
12 votes.

13 I also discovered that those two precincts,  
14 there was not a note that there were two people  
15 that carried the ballots in which is chain of  
16 custody issue. And so I -- I don't know. I was  
17 told that there were two people, but the  
18 documentation showed me there wasn't. So rather  
19 than vote against certification, I voted to  
20 abstain hoping to see the information later on,  
21 and I still haven't seen it. That was an  
22 important -- 17 votes is a big deal to lose by  
23 and to have missing documentation on the chain of  
24 custody in that area is, I think, serious.

25 **MS. GHAZAL:** And that's where the candidate

1 would've had an opportunity to file an election  
2 contest on that basis because that's -- that  
3 is -- without -- without certification, a  
4 candidate cannot contest an election. And then  
5 you've got absolute uncertainty. And that's the  
6 point.

7 There is a process, and this is an important  
8 step in the process. But if you don't certify an  
9 election, nobody has any standing to contest.

10 Excuse me.

11 So if you -- it is not the be-all end-all.  
12 It is not the end, but it is -- it is an  
13 important step.

14 And if -- to answer Ms. Grubbs' previous  
15 question, the whole point is to make sure that  
16 there not more votes than ballots and not more  
17 ballots than voters checked in. That is the  
18 investigation that the certification process gets  
19 to. That is the investigation that you were --  
20 that the canvass and procedures identify. And  
21 that is what the certification is about.

22 **MR. HANCOCK:** So then why don't we just at  
23 the end of Tuesday, at the end of voting, why  
24 don't we just go ahead and certify? If -- if we  
25 aren't going to check anything, it -- it seems

1           like -- I don't understand the reason for having  
2           this step that we're required to vote to  
3           certify -- or -- or is it just a certification  
4           vote? That doesn't that -- doesn't say you have  
5           to vote yes, but we have the certification vote.  
6           I don't see why we have to have it if we aren't  
7           going to -- if we aren't going to uphold the --  
8           the document that we're going to sign.

9           **MS. GHAZAL:** But that --

10          **MR. HANCOCK:** I -- I --

11          **MS. GHAZAL:** But that is -- that is the  
12          process that has been laid out. That is the  
13          process in the statute. But also remember the  
14          legislature cut the time period in which to do  
15          this by an entire week. They could not have  
16          intended for each superintendent to conduct a  
17          thorough investigation and analysis of every  
18          single voter when they give you a week less time.

19                 We can only apply rules and regulations to  
20          what the legislature has given us in the form of  
21          the statutes.

22          **MS. GRUBBS:** But respectfully, Ms. Ghazal,  
23          it -- it doesn't really matter what the  
24          legislature's intent was. We have the law in our  
25          hands right now and that's -- it's the hand we're

1 dealt. And unfortunately, you know, I hate it  
2 when people go through the Bible and they pick  
3 out a verse and then they -- they throw it out at  
4 you and they say, you know, this -- this is --  
5 you know, what it means without taking the entire  
6 context. And I do believe that the legislature  
7 had a good intention of wanting us to have fair  
8 elections in Georgia.

9 But when you say that if there's any issues  
10 or whatever, that what y'all are here to do and  
11 deal with it, you know, ten years down the road  
12 instead of the night of the election or the week  
13 of the election, that -- I -- I can't -- I  
14 believe you're a person of character and  
15 integrity, but I can't take you seriously when  
16 you --

17 I believe your vote reflected that you did  
18 not want investigate the Moncla-Rossi complaint.  
19 So when we get here and you don't want to fully  
20 investigate issues, and you -- you have taken  
21 thus far just the advice of the Attorney  
22 General's Office and not said, "You know what, we  
23 need to dig into this," it is very difficult to  
24 take you at your word that you guys are the  
25 investigative body to really get to the bottom of

1 it when we're not seeing evidence of that.

2 And these are things that -- you know, my  
3 election director is here today, and I'm saying  
4 to her, "It's your job to run the elections,  
5 absolutely, and it's your job to make sure  
6 everyone down the chain on that -- you know, that  
7 manages the polls does this," but you're  
8 kneecapping those people from actually doing what  
9 they are legally required to do because you're  
10 not giving them the proper procedures.

11 And when I was getting into all of this in  
12 Cobb County, I asked -- I did an ORR request for  
13 the policies and procedures of the Cobb County  
14 Board of Elections, and the responsive request  
15 was "There aren't any." I kid you not.

16 So if -- we're looking to you as the wise  
17 counsel to say, "Look guys, here's the procedure,  
18 but your procedure needs to be thorough enough to  
19 expose any issues." And I don't believe that a  
20 lot of times these things happen are fraudulent.  
21 I believe it's a lack of proper procedures that  
22 these people might slip a USB card in their  
23 pocket and forget to put it with the tabulator  
24 tapes. I don't believe that there are thousands  
25 of nefarious people that go to change a memory



1 card in a tabulator and they prop it open and  
2 "whoops, we accidentally tabulated."

3 I mean, I don't think that's necessarily an  
4 evil person, but that is a weak spot in our  
5 election system that you have the power to fix  
6 with my rule. And I like my rule.

7 And with all due respect, Chairman, I like  
8 my rule better than your rule.

9 **MR. FERVIER:** Regardless of what has  
10 happened today, I will not take offense at that  
11 statement.

12 **MS. ALEXANDER:** So I -- yes, ma'am.

13 **MR. FERVIER:** Wait --

14 **UNIDENTIFIED SPEAKER:** Janelle.

15 **MR. FERVIER:** Member Johnston has already  
16 ...

17 **DR. JOHNSTON:** So, Ms. Grubbs, we do have  
18 electronic poll books; correct?

19 **MS. GRUBBS:** Unfortunately we do.

20 **DR. JOHNSTON:** And we have electronic voter  
21 lists; correct?

22 **MS. GRUBBS:** Unfortunately we do.

23 **DR. JOHNSTON:** And we have an electronic  
24 voting system; correct?

25 **MS. GRUBBS:** Unfortunately we do.

1           **DR. JOHNSTON:** So we could use the power of  
2 computing and utilize that to the advantage of  
3 producing these numbers for each precinct in a  
4 very timely and efficient way; correct?

5           **MS. GRUBBS:** Absolutely. Because that's  
6 what they tell us when we buy all this really  
7 expensive electronic stuff.

8           **DR. JOHNSTON:** Right. And according to the  
9 Georgia code 21-2- -- definitions on page 18,  
10 21-2-2, definition of superintendent is either  
11 the judge of the probate court or the county  
12 board of elections -- the county board of  
13 elections and registration or the county -- city,  
14 county board of elections; correct?

15           **MS. GRUBBS:** Correct.

16           **DR. JOHNSTON:** Okay. So when we -- when we  
17 speak of superintendent, I know sometimes it  
18 seems to blur a little bit whether that means  
19 it's the supervisor or the board of elections,  
20 but I take this -- since the board of elections  
21 certifies the election, I would -- I would read  
22 this as that when we speak of superintendent in  
23 this disregard, we're speaking of the board of  
24 elections.

25           **MS. GRUBBS:** And the collective body of

1 people; correct.

2 **DR. JOHNSTON:** Right. Okay. So I find this  
3 rule consistent with Georgia election law. I  
4 would say that there's more to canvassing than  
5 just what is in this rule according to the  
6 Election Assistance Commission. I think  
7 inspection of documents is warranted and expected  
8 as well as checking the tabulation of the votes  
9 of every vote and ballot.

10 And -- and according to Georgia law, these  
11 should all be segregated by precinct to account  
12 for every type of vote cast and every ballot. I  
13 don't think we'll ever exceed the number of  
14 electors in each precinct because our voter rolls  
15 are not accurate and there will always be way too  
16 many voters on the list in each precinct as it  
17 stands right now in Georgia. It will be very  
18 difficult to exceed the number of voters.

19 **MS. GRUBBS:** And apparently it's going to  
20 get a lot more expensive too because they want to  
21 charge us to do voter challenges now. I don't  
22 know if you've heard that or not, but just like  
23 an FYI.

24 **DR. JOHNSTON:** Well, I would say that  
25 Georgia exceeds expectations when it comes to

1 voter lists.

2 **MS. GRUBBS:** Yes.

3 **DR. JOHNSTON:** So anyway I -- I think this  
4 is a good rule, and I think -- I would move that  
5 we accept this -- this petition for rulemaking --

6 **MR. FERVIER:** The discussion is not complete  
7 yet --

8 **MR. HANCOCK:** Can I make one more brief  
9 comment --

10 **DR. JOHNSTON:** -- when the time comes.

11 **MR. HANCOCK:** -- to -- one more brief  
12 comment to address an issue that was specifically  
13 brought up. I -- we have five members on our  
14 board of elections, and Gwinnett County is -- is  
15 one of the largest counties in the state with  
16 650,000 voters.

17 Our election supervisor's actually here  
18 today and him -- yeah, Zach Manifold back there,  
19 him and his staff were absolutely stellar in  
20 getting the board all the information that we  
21 needed, and we had no trouble.

22 We are absolutely not going to check every  
23 voter and run every voter down and go knock on  
24 their door and make sure that they voted. That's  
25 not at all what we're doing.

1           There's an old saying that you've heard:  
2           You don't get what you expect, you get what you  
3           inspect. And so we have so many procedures that  
4           had to be followed, if somebody knows that at  
5           least a group of people is coming in after the  
6           election and just at least looking to make sure  
7           on the surface -- and if anything looks askew,  
8           dive down into it. But that's really what the  
9           purpose of this is.

10           It's not the purpose to catch anything. The  
11           purpose is to make sure that the election is  
12           conducted accurately, fairly, and that state law  
13           is followed.

14           **MS. KING:** Dr. Johnston --

15           **MR. FERVIER:** Member King.

16           **MS. KING:** So, it's funny. The term I was  
17           taught by my dad was, you know, if you can't  
18           investigate it, don't invest in it. So I -- my  
19           question for you, Mr. Hancock, is what -- what --  
20           that week that they have to go through this whole  
21           process, this certification process, what exactly  
22           are you supposed to do if you find something  
23           that's wrong? Do you just put it to the side and  
24           go on and certify? Like what -- what's the  
25           expectation currently?

1           **MR. HANCOCK:** It depends on the -- I think  
2 it would depend on the severity of the situation,  
3 right? If we find that -- if we find fraud, we  
4 certainly would report it. The certification  
5 vote comes up and then each person -- I think if  
6 the information was put up out there and everyone  
7 was aware that, yes, there was suspected fraud  
8 that happened in this election, I don't think  
9 there would be a problem with voting to certify  
10 to get on with the challenges and the  
11 investigation of a fraud.

12           **MS. KING:** Okay.

13           **MR. HANCOCK:** I'm not saying -- I'm not  
14 saying we have to be satisfied on everything, but  
15 we just need a procedure that allows us to go  
16 through and inspect it.

17           I had to pay \$41.25 to look at the records  
18 after the last election before I voted to certify  
19 because I wanted to actually look at some  
20 documents. I had to do an open records request.  
21 So that's -- that's inconvenient to me, but I  
22 don't mind doing it if it means I get a chance to  
23 make sure the election is certified.

24           **MS. GRUBBS:** You shouldn't have to.

25           **MS. KING:** So basically what you're saying

1 is currently if you find something that's wrong,  
2 even if it's unanimous that everyone thinks it's  
3 wrong, you're still going to all certify. And  
4 then we hope that it goes -- like, we just hope  
5 the process works out where after the fact, after  
6 the person's elected, after things are already  
7 done, then we go back and fix it? Is that what's  
8 the current practice?

9 **MR. HANCOCK:** This is -- this is a legal  
10 question that I don't know the -- I don't know  
11 the answer to.

12 **MS. KING:** Is that your current process?

13 **MR. HANCOCK:** Because this document --

14 **MR. FERVIER:** That's not what's happening.

15 **MR. HANCOCK:** Because that -- this  
16 document --

17 **MR. FERVIER:** Because we have people that  
18 are refusing to certify because they -- they  
19 think there is something that occurred. So they  
20 refuse to certify.

21 **MS. KING:** That's not what's happening. But  
22 what's the current process? Is that the current  
23 process?

24 **MR. FERVIER:** The current process is that  
25 you're supposed to certify, and if there is an

1 irregularity, you report that and it's  
2 investigated.

3 **MS. KING:** So what I was saying, right? So  
4 you certify and then you investigate; correct?

5 **MR. HANCOCK:** Right.

6 **MR. FERVIER:** Continue the investigation  
7 (indiscernible). That -- that is -- that's the  
8 process.

9 **MS. KING:** I'm just -- I'm just want to  
10 make --

11 **MR. FERVIER:** The purpose -- the purpose --

12 **MS. KING:** -- sure I'm clear and I  
13 understand what that means.

14 **UNIDENTIFIED SPEAKER:** (speaking inaudibly  
15 in the gallery)

16 **MR. FERVIER:** The purpose of this is for the  
17 board to hear the rules, the board to discuss the  
18 rules and ask questions of the petitioners. And  
19 the longer that we have interruptions, the longer  
20 it's going to take. So I would just ask you to  
21 please be respectful of the people asking the  
22 questions so that we can learn what we need to  
23 learn.

24 **MR. HANCOCK:** Well, in response to member  
25 King's question, the document from the Secretary



1 of State that we sign that I have -- I read it to  
2 you earlier where it says that I am certifying  
3 that it is a true and correct count of votes  
4 cast. And then, you know, hereunto set our hand  
5 and official seal. This is like swearing an oath  
6 that it is a true and correct count of votes  
7 cast. And I know there's going to be errors in  
8 650,000 voters with a hundred and, you know,  
9 fifty-six precincts. There's going to be little  
10 things that happen. But as long as I'm confident  
11 that this number is pretty close to a true and  
12 accurate count, then I'm willing to do it. But  
13 if -- if there are outstanding issues, I would --  
14 I have voted not to certify.

15 **MS. GRUBBS:** Yeah.

16 **DR. JOHNSTON:** One of the goals of this for  
17 my colleague is to identify areas where there may  
18 be some discrepancies that would -- would warrant  
19 process improvement.

20 **MS. GRUBBS:** Yeah, but I --

21 **DR. JOHNSTON:** So it's to identify the  
22 difficulties with counting large numbers of  
23 ballots and to correct that in the future as long  
24 as it's not too large a discrepancy or something  
25 that suggests that perhaps fraud had occurred.

1           **MS. KING:** Personally, I'm just trying to  
2 find out which process makes more sense, right?  
3 So we have the process of finding it, when we go  
4 through the process of, you know, going through  
5 all the votes. You -- if you find something  
6 that's wrong, even if it's unanimous, you all  
7 kind of put it aside. You understand this is  
8 going to be an issue. We all certify, and then  
9 investigation happens later.

10           And what you're proposing is that you have a  
11 little bit more power as it relates to going  
12 through the voters in your precinct, in your  
13 county to make sure that it's not just -- you're  
14 not just certifying that you have the total  
15 number, but there also -- that total number is  
16 actual legal votes; correct?

17           **MR. HANCOCK:** That's the document that I'm  
18 signing. And that's the same documents that are  
19 signed at each precinct, by each precinct worker.  
20 They do the same thing. They do a little mini  
21 certification, then the county does a  
22 certification, then the state does a  
23 certification.

24           **MS. KING:** Right. And the purpose of those  
25 mini certifications is to make sure when we get

1 to the big certification we don't have major  
2 issues. And then we don't have to go back and  
3 tear down the whole fence. We just go back and  
4 repair that one, right?

5 **MR. HANCOCK:** The state when they go to  
6 certify, they aren't going to check every  
7 precinct in Georgia.

8 **MS. KING:** Correct.

9 **MR. HANCOCK:** But the precinct can. The  
10 person who runs the precinct can absolutely check  
11 and make sure that there are no ballots stuck in  
12 the machine or whatever the case happens to be.

13 **MS. KING:** How much additional time would  
14 this -- how would this increase the process  
15 that's already in place? So if you have a week,  
16 how much more time?

17 **MR. HANCOCK:** It just takes time for the  
18 board. The staff has been very good about just  
19 getting the information. They have -- we have  
20 somebody that sits with us, answers any  
21 questions. But we just go through the documents.

22 And I spent maybe -- presidential preference  
23 primary was a case where there was -- there was  
24 no issue. There's never going to be an issue.  
25 Nobody's going to challenge that election. The

1 general primary and -- and the runoff for the  
2 primary we just had, maybe I personally put in,  
3 you know, four or five hours. Maybe.

4 **MS. KING:** Additionally?

5 **MR. HANCOCK:** Over the case -- yeah. I took  
6 Wednesday off because Tuesday's a rough night.  
7 We're there all night Tuesday. Took Wednesday  
8 off and Thursday came in and looked at a few.  
9 Maybe I looked at a few on Friday. And then I  
10 did some more on Monday because we had to certify  
11 at five.

12 So I came in Monday morning. We had a  
13 meeting at nine for provisional ballots and went  
14 through those. And then spent some time looking  
15 at some other little questions.

16 Gwinnett County -- and this is something  
17 that would be a great thing to standardize -- has  
18 a wonderful procedure where they -- as each poll  
19 closed at election night, and they -- the poll  
20 workers bring in all their material -- it's a --  
21 it's a lot of material -- there is a very  
22 detailed checklist. And there's two officials.  
23 We have, like, 15 stations, I believe. Don't --  
24 if I'm wrong. I'm sorry. And each precinct  
25 comes up and they say, How many poll workers had

1 the ballots? Oh, two, check. Do you know the  
2 provisional ballot bag's sealed? Yes, check. Do  
3 you have, you know, the memory card? Check.

4 And so I can look at this summary sheet for  
5 each precinct in less than an hour and  
6 immediately identify areas where there might be  
7 problems.

8 **MS. KING:** Thank you.

9 **MR. FERVIER:** Ms. Grubbs?

10 **MS. GRUBBS:** Yes, sir.

11 **MR. FERVIER:** Not surprisingly, I like my  
12 proposal better than yours. I -- I feel like the  
13 issue that I have with yours is that -- I am  
14 sympathetic to what you're trying to do, I really  
15 am. I'm sympathetic to having documents to look  
16 at before you certify and not having access to  
17 any documents in some locations. I'm very  
18 sympathetic to that.

19 I just believe that there needs to be a  
20 list, a defined list of documents that the board  
21 of registrations and elections gets to see. And  
22 so it's not a never-ending search of I need this  
23 document, I need this document, I need that  
24 document.

25 You know, I feel like there needs to be a

1 defined list and my proposal gives a defined list  
2 of what the board is allowed to see before  
3 certifying. And that way they can see the  
4 documents that are produced on election that are  
5 readily available. They have time to consider  
6 that for being certified -- before -- before  
7 certifying the election. And your proposal  
8 doesn't include a list of documents.

9 **MS. GRUBBS:** Well, I'll be happy to include  
10 it because I still like my rule better.

11 **MR. FERVIER:** We're going to arm wrestle  
12 over --

13 **MS. GRUBBS:** Yes.

14 **MR. FERVIER:** -- whose is better.

15 **MS. GRUBBS:** Because there -- there are some  
16 critical things that your rule does not include.  
17 And this is why, you know, if -- if the heart of  
18 the board really is to see that we have fair  
19 elections in Georgia, I want to see people work  
20 together. I don't want to see any board member  
21 called and harassed because we want them to do  
22 something a certain way.

23 I want -- I want Georgia to be the shining  
24 example of what election integrity looks like.  
25 And we are not that. We are anything but that

1 right now.

2 And so I would -- I would be happy to change  
3 it, but we have a very important election that is  
4 going to determine the course of this country  
5 coming up in November, and we ain't got no time  
6 to waste. And we have got to get this right.

7 And, you know, I did not write this rule.  
8 I'm presenting this rule. And I hope I'm doing  
9 it justice. But, you know, to the point of when  
10 the lobbyists -- actually not just the -- the  
11 activists who care about this country, but when  
12 the lobbyists who were paid money to come up here  
13 and oppose my rule said there was no organization  
14 that did this, this rule was -- was done by  
15 Bridget Thorne and this is subsequent to the May  
16 meeting.

17 So she took to heart what was said in the  
18 May meeting and incorporated those things and  
19 better defined those things. So here we are in  
20 the July meeting, and I just feel like it's super  
21 important for us to do this.

22 **MR. FERVIER:** I -- I -- like I said, I am  
23 sympathetic to that. My -- I sent the rule to  
24 GAVREO, my rule to GAVREO, for -- to take a look  
25 at. And GAVREO altered it as well as other

1 individuals --

2 **MS. GRUBBS:** Clearly, they did.

3 **MR. FERVIER:** Well, okay.

4 **MS. GRUBBS:** Not a big fan.

5 **MR. FERVIER:** Well, they -- they may have a  
6 different opinion. We'll allow them to speak on  
7 it. But they are election supervisors also.

8 **MS. GRUBBS:** Are they superintendents?

9 **MR. FERVIER:** Mr. Kirk, we'll let you speak  
10 in a minute. Yes.

11 So I -- anyway as I was stating earlier,  
12 my -- my issue with your rule is the fact that  
13 it's not definitive enough on the documents that  
14 the board gets to see. I think there needs to be  
15 a list of -- of documents that -- that they get  
16 to see before certifying.

17 **MS. GRUBBS:** So a lot of that has to do --  
18 like with what David said as far as Gwinnett  
19 County, you know, it has been difficult in Cobb  
20 County. And I love our elections director, but  
21 do you know that -- everybody mentions 2020, so  
22 I'll just have to throw this in there, that  
23 during the recount in 2020, I asked our  
24 then-elections director -- after the first day of  
25 the recount, I said: Could I please have the



1 tallies for the votes? And she said: I don't  
2 have those. And I said -- and Ms. Ghazal was  
3 there too, and I said: Well, I just stood here  
4 on this hard concrete floor all day and didn't  
5 eat and stomped around here watching you count  
6 all these ballots. Why can't you give me a  
7 total? She said: Oh, well, we just don't have  
8 that. It goes into Arlo and then the next day  
9 the Secretary of State gives us the count.

10 So when you talk about documents and stuff,  
11 I'm all about doing those kind of documents, but  
12 there is a certain amount of authority on the  
13 local level that -- that I do think needs to stay  
14 on the local level.

15 We need to make sure that the board of  
16 elections in our counties are certainly able to  
17 do -- certainly able to do their job. But they  
18 also need to develop good -- good practices and  
19 procedures.

20 And, you know, something stuck out -- stuck  
21 out on me in that code section that I read  
22 earlier as far as the local superintendent, which  
23 sometimes, as Dr. Johnston pointed out -- you  
24 know, I got schooled on that. The  
25 superintendent, depending on what the structure

1 is of the board of elections, whether it be a  
2 probate judge -- and I think the reason that that  
3 language is used, Ms. Ghazal, is because we have  
4 a hundred and fifty-nine counties in Georgia that  
5 are all independent. And they all have different  
6 structures on their elections.

7 So a superintendent can be one person or a  
8 superintendent can be a board. So it says  
9 when -- when they find something, they shall  
10 report it to their district attorney. And I want  
11 to know out of a hundred and fifty-nine counties,  
12 how many board of elections superintendents have  
13 ever reported something to their district  
14 attorney in the last five years?

15 And I venture to say that number is probably  
16 zero. If not zero, close to zero. And so we  
17 need that power to be on the local level for  
18 people to do that so you can be at the beach.

19 **MR. FERVIER:** But you're asking us to put  
20 guidelines in and at the same give freedom to the  
21 local boards. And what I'm saying is that if  
22 we -- we need consistent rules across the street,  
23 and by setting a defined list of documents that's  
24 easy for anyone to follow --

25 **MS. GRUBBS:** But to your point, I quoted you

1 exactly what was already in Georgia law, and  
2 everything that is in this rule is consistent  
3 with Georgia law. Your proposed list of  
4 documents is not in Georgia law. That's another  
5 reason why I think my rule is better.

6 **MS. KING:** Mr. Chairman?

7 **MR. FERVIER:** Yes.

8 **MS. KING:** Is it -- is -- let me see how I  
9 want to ask this. Is it possible to merge  
10 your -- your rule and her -- and Salleigh's rule?  
11 Is there any aspect of your rule that --

12 **MR. FERVIER:** So having only been in this  
13 job for six months and still trying to figure out  
14 why I'm doing it -- let me -- let me list what I  
15 think the board has the ability to do today when  
16 we're hearing a rule, okay? We can either accept  
17 it and initiate rulemaking procedures, we can  
18 deny the rule, we can revise the rule as we sit  
19 here, we can table the rule for further  
20 consideration to a later time, or we can assign  
21 the rule to a board member to work on with  
22 petitioner to make revisions.

23 And so, yes, could we -- could we merge the  
24 two? Yes. Likely not here today.

25 **MS. KING:** Got it, okay. So how about this?

1 Can I make a motion to hear your rule now  
2 versus -- so we can hear them back to back versus  
3 waiting to the end?

4 **MS. GHAZAL:** I would second that.

5 **MS. KING:** Let's hear them side by side.

6 **MR. FERVIER:** If we -- if discussion is  
7 over, then we can do that. So ...

8 **MR. HANCOCK:** Mr. Chair, I would make one  
9 more comment. Your -- your rule does list a  
10 number of documents, but I believe it's 21-2-72  
11 that says that any registered voter in the county  
12 can go in and look at any document that's not  
13 under seal after an election.

14 So I don't want to say this in a bad way,  
15 but you -- you aren't going to stop me from going  
16 in and looking at some of these documents.

17 **MR. FERVIER:** It -- it doesn't prevent you  
18 from looking at anything. All we're saying --  
19 all my rule says is that you -- the board has the  
20 right to look at these documents before  
21 certifying.

22 **MR. HANCOCK:** Which they do now.

23 **MR. FERVIER:** But -- but my understanding  
24 from last meeting was that some of the  
25 superintendents weren't providing documentation

1 to the board. And so the board was having to  
2 certify without having the ability to look at any  
3 documents at all.

4 **MR. HANCOCK:** Well, this -- this rule says  
5 that the documents will be made available, right?

6 **MS. GHAZAL:** But it -- but it -- but it has  
7 no list of documents. It says --

8 **MR. HANCOCK:** No. (indiscernible) --  
9 (Cross-talking)

10 **MR. FERVIER:** -- any -- any documents you  
11 want to look at. And my fear is that it just can  
12 go on and on and on: I want to see this, I want  
13 to see that, I want to see this, I want to see  
14 that.

15 **MS. GRUBBS:** Well --

16 **MR. FERVIER:** And it's like there's no end  
17 to it. And so you never get to the end of it.  
18 So I'm just trying to put some -- I'm trying to  
19 put some guardrails around and some timeliness  
20 around it.

21 **MS. GRUBBS:** There's only a finite list of  
22 available information anyway. There's -- it's  
23 not a complicated -- well, I started to say it's  
24 not a complicated process, but duh.

25 There's a finite list of available data and

1 documentation involved in the elections anyway.  
2 I mean this is not -- this is not rocket science.  
3 Number of eligible voters on the voter list --  
4 you know, it -- it's -- to say that we've got to  
5 have a list of documents is making it -- I mean,  
6 I would like to see a list of documents. That  
7 way everybody would understand and know.

8 So I see your point, but that's not what the  
9 code says.

10 **MS. KING:** I mean, quite -- to be quite  
11 frank, Mr. Chairman, I -- I have issues with  
12 increasing documents when the board is still  
13 waiting on documents. There's things that we  
14 haven't gotten from the SOS office. There's  
15 things that the board -- I mean, from my  
16 understanding, that we're still waiting on as it  
17 relates to documents. There's missing documents.  
18 I think the problem is too many documents.

19 I think what we need to do is have a process  
20 that ensures that we can catch things in the --  
21 in the interim versus dragging it out. I -- I  
22 have a problem with people spending three and  
23 four years of their time working on something  
24 that we all should be doing quickly. That is an  
25 issue for me personally.

1           So I -- I'm not a fan of all the additional  
2 documents. I just want to make sure that we are  
3 attacking this issue or attacking possible issues  
4 at the early stage. That's what I hear in this  
5 rule.

6           **MR. FERVIER:** The difference between them is  
7 that her rule does not define what documents  
8 people can answer for. So they could ask for any  
9 document they want to or any number of documents  
10 they want to.

11           Mine -- mine gives a definitive list of  
12 documents that they would be able to ...

13           **DR. JOHNSTON:** Mr. Chair, this proposal for  
14 this petition very nicely separates the -- the  
15 precertification reconciliation by precinct, and  
16 it does specifically list a list of voters, a  
17 comparison of number of ballots to voters, and  
18 actually this rule is slightly different.  
19 It's -- it's 183-1-12-12.1 rather than just 12  
20 which is -- is your petition.

21           So I -- I would move that we vote to accept  
22 this.

23           **MR. FERVIER:** The difference is paragraph --  
24 well, it would be paragraph 6; it's listed as  
25 paragraph 5 in this -- her addendum here. It

1 says: Board members shall be permitted to  
2 examine all election-related documentation  
3 created during the conduct of elections prior to  
4 certification of results, which means they could  
5 ask for any document that was produced during the  
6 conduct of the elections.

7 **MS. GRUBBS:** Because that's actually already  
8 the law, all the documents are required by law to  
9 be produced anyway because it's all evidence in  
10 an election.

11 **MS. GHAZAL:** Well, let -- if -- if I could  
12 -- if I could.

13 **MS. GRUBBS:** Uh-huh. Go right ahead.

14 **MS. GHAZAL:** Is it -- so documents created  
15 in the course of an election include  
16 certification letters for poll watchers. So  
17 under your rule, a board member could refuse to  
18 certify until they see all of those. Do you  
19 think that that is necessary for certification?

20 **MS. GRUBBS:** I am not a hypothetical person.  
21 People very rarely even pay attention to the --  
22 and here's -- my answer to that is I support what  
23 is in Georgia law, and I support transparency.  
24 And I believe that if there was a board member  
25 who thought that there were poll watchers who



1 were illegal poll watchers, and they wanted to  
2 see certification, if that's his documents, I  
3 absolutely think they should be able to see them  
4 before certification.

5 **MS. GHAZAL:** So my point is there are lots  
6 of things that can go wrong that have nothing to  
7 do with vote totals. Certification is about vote  
8 totals. It's not about the entire election and  
9 whether there was any mis -- misdeeds or  
10 malfeasance related to anything. It's about the  
11 vote totals.

12 **MS. KING:** How are totals correct if there  
13 is -- if we're not making sure that the persons  
14 voting can legally vote, then how is the total  
15 correct?

16 **MS. GHAZAL:** I'm talking about poll  
17 watchers. I'm talking about there -- there's so  
18 much more documentation that is surrounding an  
19 election that has nothing to do with the vote  
20 totals. Absolutely. But the -- the voters  
21 are -- are checked in and all of that. That's --  
22 that's part of it. If there is one illegal vote  
23 or one illegal voter, that cannot be done -- that  
24 cannot necessarily be discovered in the  
25 certification process, that will be investigated.

1           Everything will be investigated. Every  
2 document is available through open records before  
3 it's sealed. Every document is not necessary for  
4 the certification process though.

5           **MS. GRUBBS:** Do you think that it is  
6 incumbent upon board members to have to pay open  
7 records fees to get documents related to an  
8 election?

9           **MS. GHAZAL:** If we pass the rule that the  
10 chair has -- has sponsored, they have a -- that  
11 -- that's the point of that rule is so that board  
12 members -- that the -- that the superintendent  
13 has the authority to review all of those  
14 documents prior to certification. That is the  
15 point of that rule so that that does not happen.  
16 But the issue --

17           **MS. GRUBBS:** So the point of the chairman's  
18 rule is to avoid board members from having to pay  
19 open records request fees?

20           **MS. GHAZAL:** The point of the rule is to --  
21 to define the documents that are necessary to  
22 review or that -- that are appropriate to review  
23 for certification.

24           **DR. JOHNSTON:** How --

25           **MS. GRUBBS:** The issue is --

1           **DR. JOHNSTON:** I'm sorry. Excuse me, I'm  
2 sorry.

3           **MR. FERVIER:** (indiscernible) --

4           **DR. JOHNSTON:** Yeah.

5           **MR. FERVIER:** Are you finished?

6           **MS. GHAZAL:** (indicating)

7           **MR. FERVIER:** Member Johnston.

8           **DR. JOHNSTON:** Excuse me. Every election  
9 document should be available to every member of a  
10 board. There is no election document that should  
11 be prevented from review and consideration by the  
12 election board.

13           **MS. KING:** I can -- and I can back that up  
14 by looking at this code that says that primary  
15 and election records are to be open to the  
16 public. And this includes -- which I'm not going  
17 to read all of them, but it includes reports, it  
18 includes all other documents in official custody,  
19 tally papers, return accounts, contracts. This  
20 is all stuff that's open to the public.

21           So I don't think we should determine what  
22 documents you have to request if you have an  
23 issue. It says here it's open to the public. I  
24 think we're making it more complicated when we  
25 start doing that. And then we're also limiting

1 the rights of voters when we start doing that.

2 So I -- I would like to either hear the  
3 speak -- chairman's bill so -- I mean rule so  
4 that we can compare the two, or I think we should  
5 move forward with the motion that's on the floor.

6 **MR. FERVIER:** I would like to hear from  
7 GAVREO if they have a representative here.

8 **UNIDENTIFIED SPEAKER:** (indiscernible)

9 **MR. FERVIER:** The board can hear from  
10 whoever they need knowledge from.

11 **MR. KIRK:** (indiscernible)

12 **MR. FERVIER:** Please.

13 **MR. KIRK:** Thank you, Mr. Chair. Any  
14 questions or do you want me to just address some  
15 of this?

16 **MR. FERVIER:** Would you -- would you define  
17 the -- GAVREO's opinion on this rule.

18 **MR. KIRK:** Well, we were opposed to it, as I  
19 mentioned earlier. Some of the concerns that are  
20 being raised -- excuse me -- are addressed at  
21 other points in the process. For example, voter  
22 eligibility is established when somebody applies  
23 to register to vote.

24 We verify their identity and eventually add  
25 their name to the official list of voters, then

1 verify their identity when they come in to vote,  
2 verify if they've already voted, cast another  
3 ballot.

4 If they have been issued a ballot, we have  
5 to address that before they're issued a second  
6 ballot or third ballot before they ever cast that  
7 ballot.

8 So to go through for duplicates at that  
9 point in the process is duplicating our efforts.  
10 The process to -- to certify an election -- let  
11 me back up.

12 Some of the most important work we do  
13 happens after election day. The show is not over  
14 on election night. We're going through all of  
15 the documents, all of the records. We're  
16 investigating kind of incidents that may have  
17 happened.

18 We're comparing numbers as you mentioned:  
19 How many voters are eligible compared to how many  
20 actually were issued a ballot compared to how  
21 many ballots were cast? Not just cast but were  
22 recorded at the polling place, at the county, the  
23 state level. We're looking at all these numbers  
24 to be sure everything is matching up. Why  
25 doesn't it match? Why doesn't it balance?

1           So address the idea of investigations, yes,  
2 we conduct investigations before the board goes  
3 to certify. But if we can't resolve the  
4 investigation prior to certification, that  
5 doesn't halt certification. We'll report what we  
6 found to the DA, to the state election board, to  
7 the Secretary of State's Office, and then allow  
8 them to continue on. But we can't -- well, the  
9 courts have to -- we can't act until we certify.

10           So, for example, if I was comparing these  
11 numbers and discovered there's a thousand ballots  
12 less reported for a poll than those published on  
13 the Secretary of State's website, I would look to  
14 see where the problem happened. Did we forget to  
15 upload a memory card? Was there some other  
16 problem? And if this can be corrected before we  
17 certify, of course we're going to do that.

18           There's the idea of risk-limiting audits  
19 where we're checking to be sure the tabulation  
20 was correct before the state certifies their  
21 results. And if that investigation shows -- the  
22 audit shows there's a problem, then we would vote  
23 to recertify the results and send those results  
24 to the state.

25           So at the end of this whole process, what

1 the -- what we're talking about is computation  
2 and consolidation, or in the old days we had  
3 machines with dials and levers. We had to -- we  
4 had to call those numbers out, add them together  
5 publicly, and then that's when the board made the  
6 comparison and that's when they would vote to  
7 certify.

8 Now we've come a little bit farther than  
9 that. There's reports we look at, things like  
10 that. But at its core what the board's looking  
11 at at this point in the process is were more  
12 ballots cast than should've been? Did we have  
13 more ballots we're looking at than voters who  
14 were checked in who were eligible to vote in this  
15 election? And if the answer is yes, yeah, we  
16 investigate.

17 But let's say I had a hundred additional  
18 ballots I couldn't account for. I was told by my  
19 board to certify and immediately vote to -- to  
20 forward this along to the DA. We'd vote -- we'd  
21 cooperate completely and possibly the ones asking  
22 for a new election from the judge. The judge  
23 couldn't ask until we certify. Does that make  
24 sense?

25 **MS. KING:** So what if we're not trying to

1 trigger the courts? We just wanted to make sure  
2 that what we see is accurate. Like, I mean, it's  
3 not that --

4 **MR. KIRK:** In --

5 **MS. KING:** I mean, it just -- let's say he  
6 just sees something --

7 **MR. KIRK:** Yeah.

8 **MS. KING:** -- and he's like: Look, let's  
9 just hold off on certifying until we make sure  
10 that this is accurate. Are you okay with that?

11 **MR. KIRK:** Oh, yes. But I would -- I would  
12 encourage folks to start that investigation well  
13 before the deadline to certify because that's a  
14 hard deadline. We have to meet it. If they come  
15 in an hour before the meeting and say, We want to  
16 see all the stuff, that's not possible. You'll  
17 be involved in the process ahead of time.

18 **MS. KING:** (indiscernible) have to -- I  
19 mean, you would have to start it quickly.

20 **MR. KIRK:** Exactly. And, for example, in my  
21 case, my board delegates a lot of those duties to  
22 me where I'm -- I'm going through all the  
23 paperwork. I'm -- I'm conducting interviews. I  
24 am working with the poll workers to figure out  
25 what happened so that by the time it comes time



1 for certification, I'm reporting to them publicly  
2 when we're right or we're wrong, we can improve  
3 on and kind of employment issues and hear the  
4 final results.

5 They examine them. They look at that  
6 comparison and -- and you're right, it's not a  
7 precinct-by-precinct comparison on the reports we  
8 use, but the numbers are much smaller than total  
9 voters who could've voted. And then they vote to  
10 certify.

11 So those -- those things are happening,  
12 possibly not by the board in many cases because  
13 these are volunteers, same as y'all, that have  
14 jobs, have lives that they're taking care of.  
15 We're full-time employees who were delegating  
16 duties too. But I do work for my board to be  
17 sure they have the information they need before  
18 they certify.

19 So getting to the rule we worked on with the  
20 chair, those are the documents that I look at for  
21 the most part to ensure everything is balanced.  
22 And I do have a similar procedure to what you  
23 described in Gwinnett where we're checking  
24 supplies, a form I go through and fill out for  
25 every precinct or actually polling place, be sure

1 stuff balances, make notes, make sure that  
2 everything is as it should be.

3 And, yes, every once in a while there's one  
4 less than there should be or one more than there  
5 should be. We do our best to explain that, but  
6 if we can't, it does not delay certification. We  
7 just report it as we should.

8 **MS. KING:** Okay. I just trying to wrap my  
9 brain around it.

10 **MR. KIRK:** Okay.

11 (Cross-talking)

12 **MS. KING:** (indiscernible) --

13 **MR. KIRK:** Oh, it's a lot. It really is.

14 **MS. KING:** (indiscernible) and not  
15 addressing it.

16 **MS. GRUBBS:** Mr. Chairman, may I?

17 **MR. FERVIER:** Yes, Ms. Grubbs.

18 **MS. GRUBBS:** First of all, GAVREO, we're  
19 still not talking about legal votes. So we  
20 haven't even dug into the fact that there are  
21 legal votes. So that kind of -- you know, kind  
22 of sticks in my craw.

23 But on top of that, you know, there are  
24 people, good people, who have been candidates and  
25 there are people who have been candidates and

1 held elected office on your board and in -- a lot  
2 in this room, and it is very, very unfair to  
3 candidates that they hang in the balance when  
4 there's a question on an election.

5 And it is unfair to election board members  
6 to make them -- I mean, look at the definition of  
7 certification. We -- and we talked about that  
8 last time too. It's a big topic. So certifying  
9 an election and then you throw it in the lap of  
10 the -- the candidate to say that if you --  
11 you know, if there's an issue in your election --  
12 and maybe it's outside of the margin a little bit  
13 allowed by law, but they just really think there  
14 was an issue in several precincts -- and, you  
15 know, races are determined by a small number of  
16 votes. Okay, well, if you're within the range  
17 and you ask for a recount, blah, blah, blah. But  
18 if you're outside the range but you just know or  
19 you were told something. In Cobb County we've  
20 had the whole redistricting and Home Rule issue.  
21 There have been lots of issues that a candidate  
22 would have a reason to contest an election, but  
23 now you've put that candidate -- not only have  
24 they had to run a race, but now they're going to  
25 have to hire legal counsel. And good election

1 attorneys are hard to find, let me tell you.

2 So you've now put the onus on a candidate to  
3 challenge something that is the responsibility of  
4 the board of elections and registration just to  
5 give them parameters to do their job because  
6 right now the only information they're getting is  
7 through their little chat thing from the  
8 Secretary of State.

9 They're not getting good advice, you know,  
10 from people who care like you all. They're  
11 getting direction from people that, you know --  
12 from people that maybe don't see the same things  
13 from the same world view that we do.

14 So they're getting all that hammered all the  
15 time and you're not coming back with say: Hey,  
16 you know what? These are the things that you  
17 need to be looking at instead of taking -- I  
18 mean, the Legislature thought enough to remove  
19 the Secretary of State from this board and yet  
20 you have election offices that are still having  
21 to take direction on what's required for  
22 certification and they're the ones still saying  
23 certify anyway, certify anyway. And we don't  
24 care whether they're legal voters or not, certify  
25 it anyway. And we don't care if you get the

1 reports that you need to be sure that the numbers  
2 make sense. So this is -- I just like my rule.

3 **MR. FERVIER:** Your rule -- your rule doesn't  
4 change that. Your rule still requires  
5 certification by 5:00, 5 p.m. on Monday following  
6 the date which elections are held. Requires  
7 certification.

8 **MR. KIRK:** Since you raised the topic of  
9 legal and illegal votes. I mentioned before that  
10 there are different parts of the process where  
11 things are addressed. We address whether or not  
12 someone is entitled to vote at the time they  
13 register: if they're a citizen, if they exist.

14 We address if they're eligible to vote when  
15 they apply for a ballot whether that's done  
16 through the mail or in person. We -- we check  
17 their identity in person with their photo ID and  
18 match that to our records.

19 So, yes, things fall through the cracks.  
20 Yes, mistakes are made occasionally. But at this  
21 point in the process the assumption is we're  
22 trusting our employees' work that checked voters  
23 in, that verify their identity. Check the --  
24 trusting employees who verify their -- verified  
25 the information on their applications originally,

1 that they are eligible to vote and the ballot  
2 they were given, you know, and cast is a legal  
3 vote. It's just how the process works.

4 If there's issues with the eligibility,  
5 that's addressed in the place of the code, not  
6 during certification procedures because there's  
7 no good way for a board to say: Well, okay, this  
8 one person here we don't think they were entitled  
9 to vote, we're going to take their ballot out.  
10 They have a secret ballot. There's no way to  
11 know which ballot was that person's. So  
12 there's -- there's no functional way for them to  
13 pick and choose which votes are going to count  
14 out of a precinct.

15 **MR. FERVIER:** Ms. Grubbs, I think that  
16 there's some substantial similarities between our  
17 rules.

18 **MS. GRUBBS:** I'm sorry?

19 **MR. FERVIER:** I think that there's some  
20 substantial similarities between our rules and  
21 some differences. I am willing to work with you  
22 to merge them unless you feel like mine is  
23 totally out of balance at which point then this  
24 board will have to decide which one they want to  
25 move forward with.

1           **MS. GRUBBS:** Well, there are some  
2 deficiencies. I'm willing to work --

3           **MR. FERVIER:** I feel like yours could be  
4 improved.

5           **MS. GRUBBS:** You know, I'm always willing to  
6 work with anybody who's willing to work with me.  
7 That said, I would -- I would like to give the  
8 board the opportunity -- I mean, it's not within  
9 my purview, but I think it's -- the issue of  
10 requiring documentation if the -- if the legis --  
11 not to quote what you said before but to quote  
12 what you said before: If the legislator wanted a  
13 list in there, they would've put a list in there.

14           And I feel like that legally it's a slippery  
15 slope because everything should be available and  
16 everything in an election is evidence. And if  
17 something were to happen and -- you know, this  
18 would be a great world if everybody on the board  
19 of elections or every superintendent would make  
20 sure that everything was open and transparent.  
21 But when you have some boards of election in the  
22 state that make their own board members pay for  
23 documents, that's just not right.

24           And so I -- I get what you're saying. It's  
25 just that this -- this makes sense. I mean,

1 would you debate with your bank over giving you a  
2 reconciliation on your deposit? Or would you --  
3 would you just -- now, Chairman Fervier, we know  
4 that you won a thousand dollars, but I need for  
5 you to give us, you know, whatever. Or vice  
6 versa. I don't even know what I'm saying at this  
7 point. I'm just -- I mean, I do, but, y'all, I'm  
8 tired. I've got a heavy burden going on. So I'm  
9 just saying that I like my rule and I think it  
10 should be up to the board to make that decision.

11 **DR. JOHNSTON:** Mr. Chair?

12 **MR. FERVIER:** Any more questions from the  
13 board?

14 **DR. JOHNSTON:** One more question. My  
15 concern is this rule supports the statute that  
16 says all documents are -- all election documents  
17 are available to all board members so that they  
18 can be assured that they are signing that the  
19 election outcome and tabulations are correct and  
20 certify the election.

21 I see your rule is more restrictive in  
22 listing certain documents. It's actually more  
23 restrictive than the statute provides and would  
24 be limited -- it would end up limiting the  
25 authority and ability of boards of elections



1 to -- to review the documents. Not to say that  
2 they're going to review all of the documents, but  
3 they should have the right to review all of the  
4 election documents that have taken -- have been  
5 provided or produced in the election.

6 So I would favor this -- Ms. Grubbs'  
7 petition.

8 **MR. FERVIER:** And I would disagree with you  
9 a little bit on that. My -- my rule is simply to  
10 give guidelines. So they get to see at least the  
11 documents listed in my rule. It doesn't change  
12 what's written in the statute.

13 **DR. JOHNSTON:** Well, I fear a guideline will  
14 become a restriction. And that -- that's the  
15 problem with putting it in writing as it is on --  
16 actually restricts and diminishes the authority  
17 of the board of elections.

18 **MS. KING:** Yeah. I mean, I have to say I  
19 agree. I think adding additional -- or creating  
20 a list of documents you have to request and you  
21 have to ask for or -- you don't -- you don't know  
22 what I'm thinking. What if I need something  
23 else? Like what if it's -- what if what I need  
24 is not in that list in order for me to  
25 corroborate whatever I'm -- I'm seeing?

1           So I think that will create a tricky  
2 situation. I think it's put our -- our boards as  
3 well in a tricky situation where they have to  
4 tell people no. So I just think it's going to  
5 make it more complicated. And the last thing we  
6 need right now is to be more complicated because  
7 it's already too complicated in my opinion.

8           So if that's -- if that's what the merge  
9 would be is adding that list, then I -- I think  
10 we should move forward with -- with Ms. Grubbs.

11           **MR. FERVIER:** Any more discussion from the  
12 board? As I've said before, this board has five  
13 options to either initiate rulemaking procedures,  
14 to deny the request, to revise the request, to  
15 table for further consideration, or to assign to  
16 a board member to work on with the petitioner.  
17 Is there a motion?

18           **DR. JOHNSTON:** I make a motion to approve  
19 the request for Ms. Grubbs' petition for  
20 rulemaking.

21           **MR. FERVIER:** Is there a --

22           **MS. KING:** Second.

23           **MR. FERVIER:** We have a motion and a second  
24 to approve the petition to initiate rulemaking  
25 procedures. Any discussion?

1           Hearing no discussion, all those in favor  
2 signify by saying aye. Please give a voice vote.

3           **DR. JOHNSTON:** Aye.

4           **MS. KING:** Aye.

5           **MR. JEFFARES:** Aye.

6           **MR. FERVIER:** Any opposition?

7           **MS. GHAZAL:** Nay.

8           **MR. FERVIER:** Motion carries three to one.

9           **MS. GRUBBS:** Mr. Chairman, may I say one  
10 thing? I want to thank you. I know things might  
11 seem contentious, but I appreciate you, I  
12 appreciate your service.

13           And I appreciate your service and your  
14 service.

15           And I appreciate your E.D. and his service.

16           And Mrs. King and Mrs. Ghazal, I appreciate  
17 your service because it is service to the state  
18 and I thank you.

19           **MR. FERVIER:** Thank you.

20           The next item on the -- next item on the  
21 agenda is a petition for amendment of state  
22 election board rule presented by Sharlene  
23 Alexander.

24           **MS. ALEXANDER:** Thank you. I'm --

25           **MR. COAN:** Sharlene, pull that mic down to

1           you. There you go.

2                   **MS. ALEXANDER:** Yeah. I am a tad short.

3           Okay.

4                   **MR. COAN:** No.

5           **Petition for Amendment of State Election Board Rule**  
6                           **presented by Sharlene Alexander**

7                   **MS. ALEXANDER:** Honorable members of the  
8           state election board, my name is Sharlene  
9           Alexander.

10                   I come to you with this petition, and it is  
11           submitted as an individual. You will learn later  
12           part of the reasoning behind my rules petition,  
13           but this is as a 33-year resident of Fayette  
14           County. I'm quite active. I've been a poll  
15           worker. I've been an assistant manager. I have  
16           been a poll watcher. And also as background,  
17           where I come from, I have been a CPA since 1970.  
18           I've been a senior auditor of municipals and  
19           audits and banks. I've even been an expert trial  
20           witness on embezzlements. That's the way my mind  
21           works, that you always have to have checks and  
22           balances.

23                   And so the reason for this -- I'm going to  
24           try to shorten it if that's okay and let you ask  
25           questions -- is that prior to 2022 in -- at least

1 in Fayette County and I think most of the other  
2 counties, we used to hand-count the totals of the  
3 ballots at the precinct. You know people would  
4 pull them out of the scanners and we would have  
5 three of us go over and we would each  
6 individually count all those ballots that came  
7 out of the scanner, and then we would wrap them  
8 up, you know, and put them in. We would check  
9 them with the electronic totals, but it was just  
10 a check that we had hand counts of the precincts.  
11 We all thought that was just part of the deal and  
12 we did it. We didn't really pay much attention  
13 to how much time it took. It didn't seem like it  
14 was taking a lot of time.

15 And then in October of 2022, first I was  
16 told that there was a SB-202 law change that all  
17 of a sudden we get this memo from Blake Evans  
18 at -- the elections director that poll workers  
19 have been told that they are to hand-count  
20 ballots at each polling location on election  
21 night, that is not something your poll workers  
22 should do.

23 So the word came down we were to no longer  
24 count -- hand-count the ballots at the precincts  
25 based on this memo. No rationale. Just we

1 weren't supposed to do it.

2           So my rule proposal is basically going back  
3 to what we used to do, which was you use -- in  
4 accounting, if you understand it, you're always  
5 looking for -- when you go in you're looking for,  
6 yes, do the numbers make sense? We add them up.  
7 Do they all crosscheck?

8           But we also are looking for holes or areas  
9 of opportunity for errors or for collusion. And  
10 you will learn -- the first thing you learn is  
11 that if you have two, that is collusion. So you  
12 always go with a minimum of three. I can't  
13 remember what the odds were back -- it's been a  
14 long time, but you have at least three because  
15 the odds of collusion go way down if you have  
16 three.

17           So that's the reason I picked three, all  
18 right? And it's really not that difficult, but  
19 my whole purpose is I rewrote -- all I did was  
20 add to the section of 21-20 -- wait, I'm sorry.  
21 183-1-12-.12(a)(5). All I'm doing is I'm adding  
22 that when they pull the ballots out of the  
23 scanner, it goes to a separate section with three  
24 poll workers.

25           They would take those ballots -- they're

1 going to be in a big pile -- and they each just  
2 start pulling those ballots out of the pile. And  
3 what we did is we just quickly -- as quickly as  
4 we could, we counted them into stacks of fifty.  
5 I can't tell you why fifty, but we did fifty.

6 And we would cross -- you know, lay them  
7 later crosswise in stacks of 50, and then we  
8 would push them to the next person. And it just  
9 kept going. Each of us counted out the stack.

10 So at the end result was all three of us had  
11 hand-counted and verified and we had to come up  
12 with the same number of ballots, hand-counted.  
13 Didn't take that long.

14 So my rule is basically saying that we go  
15 back to that. If you want to know, the first  
16 thing I always get is oh, that's going to take  
17 too much time. Well, this was really rough and  
18 it probably isn't really very scientific, but we  
19 -- because we couldn't remember it taking more  
20 than 30 minutes, but we didn't remember how many  
21 ballots we were counting -- just this weekend, I  
22 had four people plus myself, we went and we got  
23 brand-new reams of paper, copy paper -- granted  
24 that's different than ballots -- and I said,  
25 okay, you each take your ream of 500 pieces of

1 paper and I want you to count them in stacks of  
2 fifty, and I want you to time it. We all came up  
3 and we were right in the margin of six minutes to  
4 do 500 pieces of paper. And -- and, you know,  
5 they're not all bean counters like me.

6 So the whole idea is even if you had several  
7 thousand -- I mean, if I extended that, that the  
8 ballots would be heavier so it would take you  
9 longer, let's take it up to ten minutes. You --  
10 you could do 3,000 -- right? -- if -- if you  
11 could do them in ten minutes at 500 a pop. Ten.

12 So I don't believe that it's going to take  
13 that much time. I did this on election day.  
14 Quite frankly it should be done every time you  
15 open up the scanner. It's just a good  
16 crosscheck.

17 And one of the reasons, as I summarize this,  
18 from an audit perspective, I believe -- well, I  
19 gave three cases that if you had doing  
20 hand-counts, I gave, like, three -- three recent  
21 incidents in our -- in our county. One was the  
22 November 3, 2020, election. This board cited our  
23 director and two members of the board who  
24 happened to certify those results -- they  
25 certified -- the board recommended that they be



1 sent for criminal investigation. And the reason  
2 was there was a memory card that was missed.  
3 2,760 ballots. I don't want that to happen to  
4 me, I can tell you.

5 So that was one thing. You actually cited  
6 them as one of -- for investigation. That should  
7 not happen. You shouldn't have a situation where  
8 you've got memory cards missing, and you haven't  
9 even figured out, you know, that they're missing.

10 We also had in early voting precinct, the  
11 last day of early voting this year, the ballots  
12 were removed from the AIP scanner and the poll  
13 manager, she still -- even though she's not  
14 supposed to, she still counts the ballots.  
15 Because we've seen it too many times. She  
16 happened to crawl in that -- in that scanner and  
17 there was one stuck to the top of the scanner. I  
18 think we've all seen that, whether it's static  
19 electricity -- I don't know. But that was  
20 another incident that would've been caught at the  
21 precinct if we -- if we counted.

22 And finally in Fayette County general  
23 primary in May 21, 2024, one precinct had a  
24 discrepancy of ballots that happened to be  
25 discovered during the risk-limiting audit. And

1 just happened to be the precinct that they --  
2 that they pulled. So they sent the -- two  
3 technicians to the warehouse where the scanners  
4 are kept, and what they found was the write-in  
5 ballot bin had not been opened. Had we counted  
6 those ballots at the precinct, we would've found  
7 that.

8 And so I -- to me it's a simple thing. I  
9 mean, I like things to check. I also believe  
10 that we've had so many comments and conspiracy  
11 theories, and call it whatever you want to, right  
12 now everything that we use is all within the  
13 electronic system. It's poll pads, it's BMDs,  
14 it's the scanners. There's absolutely no  
15 crosscheck outside of that electronic system to  
16 help us gain more confidence in our elections.  
17 And that's what I believe this would do.

18 Thank you.

19 **MR. FERVIER:** Petition --

20 **MS. GHAZAL:** (off microphone) I've got a --  
21 (indiscernible) question (microphone on) and you  
22 may or may not be able to answer this. When  
23 the -- when the ballots drop into the -- the bin  
24 because they need to be hand adjudicated on the  
25 basis of a write-in ballot, are the -- are the

1 rest -- remaining votes are already scanned and  
2 tabulated when that happens and it's simply  
3 the -- the -- is that correct?

4 **MS. ALEXANDER:** Are you talking about  
5 when -- when are the write-in ballots scanned?

6 **MS. GHAZAL:** No.

7 **MS. ALEXANDER:** No?

8 **MS. GHAZAL:** When there is a ballot that  
9 goes into the -- the separate bin because it has  
10 a write-in --

11 **MS. ALEXANDER:** Yeah.

12 **MS. GHAZAL:** -- vote on that, the remaining  
13 votes that are regular, are those already  
14 tabulated so they would be included in the vote  
15 totals already?

16 And I -- I see Mr. Kirk. So -- so, in fact,  
17 while the ballot itself might not have been  
18 counted if you hand-counted, the votes were  
19 already included in the vote totals.

20 **MS. ALEXANDER:** On the scanner.

21 **MS. GHAZAL:** On the scanner. So --

22 **MS. ALEXANDER:** Yes.

23 **MS. GHAZAL:** Because -- here's my issue.  
24 We've heard some -- we've heard testimony that  
25 when this was piloted, it was problematic because

1 while you as a CPA probably ran an incredibly  
2 tight ship every time you did it and there  
3 weren't errors, there are other -- there are  
4 other counties where there -- they -- after 14  
5 hours at work, they could never reconcile the  
6 hard numbers correctly.

7 And so where the SB202 came in -- and this  
8 is where I'm going to fill in some blanks where I  
9 think that were not included in this order --  
10 that was where initially there was a hard  
11 deadline of 10 p.m. put into place by the  
12 legislature where all votes cast, not the -- all  
13 election day votes totaled and absentee votes,  
14 and that all had to be reported by 10 p.m. that  
15 night. And having to count the ballots in the  
16 precinct was causing counties to miss that  
17 deadline.

18 The first time that we had a hearing after  
19 that was put in place, more than half of the  
20 counties across the state of Georgia missed the  
21 deadline. I suspect that is what led to this  
22 order being sent out -- or this advisement being  
23 sent out from the Secretary of State's Office,  
24 because the -- the procedure was causing -- which  
25 is not necessarily required, but the procedure

1 was causing the counties to miss the statutory  
2 deadline. So that's just to give some context.

3 Now, there is also a requirement that a poll  
4 staffer stands by each tabulator and they can  
5 watch as it ticks up. And so they watch every  
6 single ballot that goes in, hopefully not -- they  
7 are not supposed to see what's on the ballot, but  
8 they see that the ballot is being tabulated. So  
9 that total number of -- of votes goes in there.  
10 That is going to be reconciled with the number of  
11 BMD ballots and the number of voters checked in  
12 at the end of the day.

13 I have seen one case in which the number of  
14 votes that was scanned in was higher than the  
15 number of voters that check in. And then it --  
16 the -- the ballot box was opened up with  
17 permission, the -- the ballots were counted by  
18 hand and a problem was found.

19 Would you be consi -- would you be willing  
20 to consider a modification where the counties are  
21 required to do the hand-count where there's a  
22 discrepancy that's identified?

23 **MS. ALEXANDER:** No. No. I'll say this. If  
24 you do this at the -- I've had some people say,  
25 well, we can do it back at the elections office.

1 You know, after everybody's tried to meet the  
2 deadline, the memory cards have come in, and da,  
3 da, da, da, da.

4 The problem is with everything that we've  
5 had go on since 2020, the whole object of all of  
6 this is to check that system, that counter that's  
7 going through because if we have a hand-count and  
8 that's the number that we're looking at in -- in  
9 the precinct, that can't be changed. Once you've  
10 got three of them to do it and it's a hand-count  
11 and they're all sealed and they go back, any time  
12 somebody wants to manipulate -- let's say they  
13 do -- with double ballots, double scans, et  
14 cetera, that -- you can't come back to those  
15 same -- that same count that we did in the  
16 precinct.

17 My whole idea of doing it in the precinct is  
18 because everything is right there. All the  
19 people that have worked the election, all the  
20 equipment that's there, and the hand-count is  
21 there. If you're missing something, you're going  
22 to start turning every table over to try to find  
23 what's missing.

24 So I would say you're not going to know a  
25 discrepancy until later, and that's too late. I

1 want to find that stuff right now, and I want to  
2 check that system. I mean -- sorry.

3 **MS. GHAZAL:** If a -- if a -- if a  
4 reconciliation is not done at poll close, then  
5 there are procedures that are not being properly  
6 followed, I will say. That (indiscernible) --

7 (Cross-talking)

8 **MS. ALEXANDER:** If you don't hand-count it,  
9 you aren't reconciling.

10 **MS. GHAZAL:** You're reconciling the number  
11 of -- of poll pad check ins, the number of BMD  
12 ballots, and the number on -- on the scanner.  
13 And my -- and again I will reiterate the reason  
14 that this was not put into place is because when  
15 it was tested in 2019, it failed.

16 Your -- your experience may not have been  
17 that way, but other counties tried it and failed.  
18 And I don't want to be setting up our counties  
19 for failure.

20 **MS. ALEXANDER:** I would be happy, free of  
21 charge, to go around and help train all hundred  
22 fifty-nine counties.

23 **MS. KING:** Quick question.

24 **MS. ALEXANDER:** Sure.

25 **MS. KING:** Currently what is the process of

1 checking to make sure that the machine count is  
2 accurate?

3 **MS. ALEXANDER:** You have recap sheets right  
4 now. As far as crosscheck, you have a recap  
5 sheet, you have recap sheets for the poll pads,  
6 you know, for the voter check-ins. You have all  
7 of your BMDs. And so you have a BMD recap sheet  
8 where they take all the totals and the -- and  
9 then you have the scanner. You also have the  
10 tape, you know, that we print, the three tapes.  
11 I have been told -- I've not seen it, I have been  
12 told that there can be differences between what's  
13 on the scanner and what is on that totals tape.  
14 I've never seen it, but let me --

15 **MS. KING:** Particularly if you have two  
16 pages.

17 **MS. ALEXANDER:** I'm sorry?

18 **MS. KING:** Particularly if you have, like,  
19 two pages and, you know, it can be scanning.

20 **MS. ALEXANDER:** Okay. Maybe. I don't know.  
21 This was the tape, the -- you know, the three --  
22 the three tapes that you print out at the end of  
23 election night. And --

24 But my whole point is, yes, they do the  
25 recap sheets. And in most cases those all three



1 will tie in. You would expect that. I mean  
2 that's what the system is designed.

3 **MS. KING:** So the recap is -- so basically,  
4 like, the scanner shoots out their number and  
5 then the recap shoots out another -- the same  
6 number again?

7 **MS. ALEXANDER:** Yeah.

8 **MS. KING:** And that's the --

9 **MS. ALEXANDER:** They're -- they're taking  
10 the number off of the scanner and putting it on  
11 the recap sheet. And then they're doing the same  
12 thing if they have ten or twelve BMDs. They go  
13 around and take each one. And they add up the  
14 totals of the BMDs, and then your poll pads  
15 automatically are in sync and so they sync and  
16 you have a count -- I mean, they can check it off  
17 through the day as to how many voters have  
18 checked in.

19 So theoretically all three of those recap  
20 sheets are supposed to balance and be the same.  
21 Sometimes they're off, you know, maybe four or  
22 five ballots in -- I don't know what they do with  
23 that or even why that happens.

24 But my whole point is as an auditor, as a  
25 bean counter, you have got to have something that

1 checks that electronic system. It would stop a  
2 lot of the stuff that everybody's theorizing is  
3 going on, you know: the software glitches, being  
4 controlled outside from the Internet, and all  
5 that stuff. I mean, I don't -- have a  
6 hand-count, you know?

7 **MS. KING:** So -- so if this was in your  
8 county, if you -- if you received a printout and  
9 your recap, everything was -- let's say all  
10 your -- all your printouts and one was off, do  
11 you immediately go to hand-counting? Or what do  
12 you do if the number's off?

13 **MS. ALEXANDER:** You -- well, typically what  
14 would happen even on -- on the hand-counts  
15 because when we did it -- if let's say we were  
16 off one or even two, we would --

17 **MS. KING:** No, no. Before -- I don't want  
18 you to go that way. Before we get to the  
19 hand-count part, right?

20 **MS. ALEXANDER:** Okay, I'm sorry.

21 **MS. KING:** (indiscernible) an option. So,  
22 like, basically if -- if I am -- and please bear  
23 with me if I don't have all the terminology. But  
24 if the machine spits out a number and says this  
25 is the total number of people who voted today,

1 and then the recap come out and said this is the  
2 number, and let's say that's off by one or two,  
3 the recap -- let's just say it's off, the  
4 technology -- is there a method to go in from the  
5 precinct level or the county level to verify,  
6 like the -- is there -- do you immediately go to  
7 a hand-count and say, hey, let's just match it?  
8 Or is there -- what do you do?

9 **MS. ALEXANDER:** To my knowledge, what has  
10 happened in the past, if they were off when they  
11 just, you know, first finished the recap -- and  
12 let's say you were off a couple, right? -- the  
13 first thing they would do is go back, of course,  
14 and -- and re-add, right? You're going to  
15 double-check your totals and stuff like that.  
16 But they also usually will go around and -- and  
17 they actually look under tables and that sort of  
18 thing because there's such a thing as an  
19 unaccompanied ballot, you know, where somebody  
20 left it, you know, in a machine or it fell down,  
21 something. It just wasn't scanned.

22 So that's usually what they would do. We  
23 would just look and see: Are there's some  
24 ballots in place that we missed?

25 **MS. KING:** Okay.

1           **MS. ALEXANDER:** Just within the system.

2           **MS. KING:** And what you're proposing would  
3 be that we eliminate the possibility of having to  
4 go look for them. You're proposing that we run  
5 it through the machine as well, but then we also  
6 do a hand-count to make sure that the numbers are  
7 accurate.

8           **MS. ALEXANDER:** Yeah. I mean, I'm not  
9 really trying to stop if there's two, looking at  
10 that. My -- my big thing is in all things, if  
11 you were a bank teller, if you were a waitress,  
12 how many times did you have to take all your  
13 total receipts for the night and -- and verify it  
14 with what was wrung up on the machine? It's just  
15 a natural part of being accountable. And so to  
16 me I want something outside of that electronic  
17 system. I think that would stop a lot of the  
18 stuff that we're hearing about what's going on in  
19 the systems. Do I like the system? Well, maybe  
20 it's faster -- won't say I'm crazy -- but I want  
21 to check on that thing.

22           I will tell you, I'm also -- I don't think I  
23 said I'm a new member of the board of elections  
24 in Fayette County. So I have now been through  
25 two or three of elections, and now I see a lot of

1 other stuff. This would help me feel a whole lot  
2 better, okay?

3 Thank you.

4 **DR. JOHNSTON:** That's got it, thank you. I  
5 have -- I have never met Ms. Alexander. And when  
6 this petition arrived, I thought it was like a  
7 Christmas present. It's exactly what I wanted.  
8 It provides uniformity and not just uniformity in  
9 accounting, but uniformity across the state.  
10 Because my understanding is some counties do  
11 hand-count, some counties do not. Some precincts  
12 do -- polling places do hand-counts, others do  
13 not.

14 And we -- we could make a big step toward  
15 achieving uniformity for the state with a simple  
16 check-and-balance process. This complies with  
17 the standard chain-of-custody practices for  
18 documents and necessary chain-of-custody  
19 documents. It provides the -- the accounting of  
20 the paper audit trail. It is consistent with  
21 HAVA requirements to have a system such as this.

22 So I think this is a no-brainer, and I thank  
23 you for providing this petition.

24 **MS. ALEXANDER:** Yeah. Can we make clear  
25 that we're only hand-counting totals. We're not

1 separating and doing the individual offices.

2 It's just a double-check on totals.

3 **DR. JOHNSTON:** I under -- I do understand,  
4 and I assume that this is any ballots that are  
5 removed from any ballot box through any part of  
6 the election.

7 **MS. ALEXANDER:** Yes, should be. Yes.

8 **DR. JOHNSTON:** So early in person and -- and  
9 election night; correct?

10 **MS. ALEXANDER:** Any time ballots are taken  
11 out of the scanner --

12 **DR. JOHNSTON:** Right.

13 **MS. ALEXANDER:** -- they need to be counted.

14 **DR. JOHNSTON:** Thank you.

15 **MS. ALEXANDER:** Yes, thank you.

16 **MR. FERVIER:** Any further questions from the  
17 board? Is there a motion?

18 **DR. JOHNSTON:** I move that we accept  
19 Ms. Alexander's petition and forward it for  
20 rulemaking procedures.

21 **MR. FERVIER:** There is a motion to initiate  
22 rulemaking procedures on this petition. Is there  
23 a second?

24 **MS. KING:** Second.

25 **MR. JEFFARES:** Second.



1           **MR. CROSS:** All right. For the benefit of  
2 the folks in the room that you don't have this  
3 document in front of you, I'll read it off here.  
4 The petitioner -- this petition is for an  
5 amendment to the -- to election rule that  
6 incorporates a change to the way ballots are  
7 mailed to electors in a way that provides for  
8 maintenance of chain of custody for ballots.

9           I filed this -- this petition in good faith.  
10 The intent of the rule is to maintain chain of  
11 custody of ballots in Georgia elections on behalf  
12 of all Georgia voters.

13           Item 2, the full text of the rule required  
14 to be amended and desired to be promulgated is  
15 with regard to rule 183-1-14-.11, mailing and  
16 issuance of ballots -- ballots. And my  
17 recommendation to the board is to strike the  
18 words "during early voting" as I think it's  
19 redundant. As additional applicants for absentee  
20 ballots are determined to be eligible, the board  
21 of registrars or absentee ballot clerk shall --  
22 instead of using the words "mail or issue" --  
23 mail by United States Postal Service restricted  
24 and tracked mail official absentee ballots for  
25 provisional absent -- or provisional absentee



1 ballots, if appropriate, to such additional  
2 applicants immediately upon determining their  
3 eligibility.

4           Instead of -- as it stands right now, when  
5 ballots are mailed, it's the only time we ever  
6 lose chain of custody. When ballots are produced  
7 at the printer, they are produced under lock and  
8 key. When they're sent to the counties, they're  
9 kept under lock and key. Then we put a  
10 first-class stamp on them and hope that they  
11 actually get to the intended recipient. It is  
12 the only time that ballots ever lose chain of  
13 custody.

14           When you or I go in to -- to vote in a --  
15 you know, in a precinct, you have to show your  
16 ID. Once your ID is verified, you're then given  
17 either a ballot or a ballot card. You go over,  
18 make your selections, and a BM -- or a ballot  
19 marking device will print out -- will print out  
20 your ballot for you. You go put it into the  
21 scanner, all under the watchful eye of election  
22 workers. So they see that that ballot never  
23 leaves the room. In fact, if you try to leave  
24 the room with your ballot, without putting it  
25 into the scanner, it's like all holy hell breaks

1 loose and they're going to call the police to  
2 come and get you, right? But when we mail  
3 ballots, we have no assurance that the ballot  
4 actually gets to the intended recipient.

5 Now, the reason for the rule and the reason  
6 why the -- why it should be amended, again, is  
7 because ballots are mailed in first-class -- you  
8 know, first-class mail, metered mail, or by a  
9 contractor, which is even worse, with the only  
10 specification that ballots are not forwardable.

11 So to maintain chain of custody on Georgia  
12 ballots, counties should be using -- in my  
13 original rule, I put down United States Postal  
14 Service restricted delivery service. And I would  
15 like to strike that in favor of using UPS or  
16 FedEx, all right?

17 Our own Senator Jon Ossoff recently came out  
18 a couple months ago and said: United States  
19 Postal Service is terrible; I don't think they're  
20 going to be able to deliver things on time.

21 And my concern there is that when election  
22 time rolls around, we're going to have people  
23 saying, Well, Jon Ossoff said that -- you know,  
24 that there's no way that the mail's going to get  
25 there on time, so we should be able to take in

1 ballots from the postal service for, like, the  
2 next week or so.

3 And, again, as you know, in 2020 it took  
4 these fantastically fast machines, I think,  
5 twenty days -- or not twenty, it took them twelve  
6 days to count -- to count the ballots.

7 So, again, the key thing here is that when a  
8 ballot is delivered and it's sent by UPS or  
9 FedEx, they have the ability to -- to check to  
10 see if those -- you know, if that -- if the -- if  
11 the delivery is being made to the person it's  
12 going to.

13 As it stands right now, the -- the cost of  
14 mailing with the United States Postal Service is  
15 \$13.65. But, of course, like I said, you get  
16 what you pay for. UPS on an unnegotiated full  
17 retail rate is \$18.30. So it's a little bit more  
18 expensive. And I do have a cost for every county  
19 if -- if the board would like to see that.

20 For the entire state of Georgia to have run  
21 the election for all the mail-in ballots to be  
22 handled properly, it would've cost the entire  
23 state \$4,000,500 -- I'm sorry \$4,000,500 -- this  
24 is not coming out right. Four million, five  
25 hundred, six hundred eleven dollars. So 4.5

1 million is what it would've cost to run it with  
2 UPS.

3 All right. So the United States Election  
4 Assistance Commission states in their publication  
5 best practices for chain of custody regarding  
6 ballots, that there are points in the life cycle  
7 of the mail -- of the mailed ballot that are  
8 important for documentation and chain of custody,  
9 including when ballots are received from the  
10 printer, when voters request a mailed ballot or  
11 an application, when a mailed ballot is  
12 transmitted to -- to a voter, when a mailed  
13 ballot is collected from a voter, when a mailed  
14 ballot has a defect, when a mailed ballot is  
15 counted, and when a mailed ballot is stored in  
16 the custody of an election official.

17 So one of the key things that's on here is  
18 that when a mailed ballot is transmitted to a  
19 voter -- so EAC wants the states to be -- they  
20 want Georgia to be keeping track of when a  
21 mail is -- or when a ballot is transmitted to a  
22 voter. So does transmitted just mean when it  
23 went out the door?

24 To me, transmitted means that it was sent  
25 and it was received and have confirmation that my

1 message was sent and received to the -- to the  
2 intended party.

3 The EAC goes on to recommend that signatures  
4 help create an auditable record whenever the  
5 equipment, supplies, and ballots change hands or  
6 location. By signing the chain-of-custody forms,  
7 the signers are certifying that they took custody  
8 of the voting equipment, supplies, and ballots  
9 and delivered them to a particular location.  
10 That -- the only time that that's not required is  
11 when a ballot is mailed to someone.

12 So delivery using tracking can satisfy the  
13 EAC's best practice recommendation because it  
14 provides a time-stamp record for each step on the  
15 way to delivery. It captures the time of  
16 mailing, it captures the time of delivery, and  
17 delivery requires proof of identification with a  
18 time-stamped signature to verify delivery.

19 One of the next questions that you're asked  
20 when you're putting in a rule, it says: Tell any  
21 and all pertinent facts as the -- as the  
22 petitioner's interest in the matter. And I said  
23 I'd personally been contacted by multiple U.S.  
24 postal workers who have stated, one, they were  
25 instructed by their postmaster to deliver ballots

1 after an election has ended. Two, they have  
2 been -- they have observed unsecure, undelivered  
3 ballots in their post office. Three, they have  
4 picked up large numbers of ballots from  
5 assisted-living homes.

6 I'm keenly interested in election integrity  
7 if you don't know. And I do not understand why  
8 we have such tight security on mailed ballots  
9 when they're manufactured, when they're stored  
10 securely prior to use, when they're stored after  
11 use, but not during use. So there's no tracking  
12 that's done on delivery.

13 Item number 5 says any and all facts known  
14 to the petitioner that might influence the  
15 decision of the board to initiate or not initiate  
16 rulemaking. The fact that the letter that I sent  
17 had to be sent certified or registered mail per  
18 the -- per the SEB rules demonstrates that the  
19 state election board values proof of delivery.  
20 If this document is required to be sent with  
21 proof of delivery, why is the same not required  
22 for our ballots? Ballots are infinitely more  
23 valuable and consequential than a letter  
24 regarding a potential rule change.

25 Now, one thing that's critical, I think,

1 to -- for folks to understand is the United  
2 States Citizenship and Immigration Services uses  
3 signature confirmation restricted delivery. They  
4 were having such difficulty making sure that  
5 people's citizenship documentation was getting to  
6 them properly and on time that on April 27, 2018,  
7 they put out a press release and they announced  
8 that day that that agency will be in phasing in  
9 use of the U.S. Postal Service signature  
10 confirmation restricted delivery service to mail  
11 citizenship documents beginning April 30, 2018.

12 So signature confirmation restricted  
13 delivery, they said, increases the security,  
14 integrity, and efficiency of document delivery.  
15 The signature confirmation restricted delivery  
16 process provides better tracking and accuracy of  
17 delivery information improving service to  
18 applicants.

19 So I believe that maintaining chain of  
20 custody is critical for election security and for  
21 the confidence in our elections. The current  
22 Georgia rules and regs require that counties mail  
23 ballots and that cost of mailing is the  
24 responsibility of the county. It's just what the  
25 law says. Opponents of this rule as you heard

1 earlier today said that it's an -- it's going to  
2 be like an unfunded mandate. It's going to cost  
3 a bunch of money. It's going to restrict people.

4 Now, I don't know about y'all, but I think  
5 most everybody has put in a delivery with Amazon  
6 and you've gotten your -- you've gotten your box  
7 delivered at your house, either by UPS or by  
8 Amazon. They can get that thing to you. And if  
9 you're not there, they'll hang something on your  
10 door that says they'll come back at another time.  
11 So this -- this is an easy and proven service.

12 Proponents would argue that voting -- early  
13 voting is an unfunded mandate also -- I would say  
14 that -- where counties employ election workers at  
15 poll places that take in just a handful of voters  
16 on some early voting days. Both folks are  
17 correct, and yet the counties have found a way to  
18 integrate the cost of mailing ballots without  
19 assistance or significant impact to their budget.

20 Number six, citations and legal authorities  
21 that require that -- the action requested. So  
22 O.C.G.A. 34-9-81, contents of written notice and  
23 manner of delivery, specifies that with -- with  
24 Georgia workers' compensation claims, written  
25 notice shall be given personally to the employer



1 or his agent, representative, or foreman or to  
2 the immediate supervisor of the injured employee  
3 and may be sent by registered or certified mail  
4 or statutory overnight delivery addressed to the  
5 employer at his last known residence.

6 So if the state is required to deliver  
7 unemployment notices or benefits by certified  
8 mail, it stands to reason that ballots, being  
9 sensitive legal documents also, should be  
10 delivered in the same manner.

11 So that is the crux of, you know, the rule  
12 change I'd like to see. I'm looking simply for  
13 maintaining chain of custody. That's the whole  
14 point. That's it.

15 **MR. FERVIER:** Thank you, Mr. Cross. I -- my  
16 issue with your rule change is it doesn't allow  
17 the flexibility for the county to use other  
18 services that might track equally or better than  
19 the United States Post Office. I know that when  
20 my wife orders frequently through the mail,  
21 through either UPS or FedEx or whatever, she  
22 knows every step of the way. And --

23 **MR. CROSS:** I'm totally happy to use UPS or  
24 FedEx. In fact, I would prefer it.

25 **MR. FERVIER:** Yeah. I'm just saying --

1 but -- but your rule change doesn't allow for  
2 that to -- the county to have the flexibility to  
3 use whatever service might be cheaper or better  
4 than the United States Post Office. So ...

5 **MR. CROSS:** Okay. Well, I'm -- I'm not  
6 the -- I'm not the expert on writing the rules.  
7 You guys, you know, and the -- and the lawyers  
8 behind you are supposed be able to help out with  
9 that. I'm amenable to making that change.

10 **MR. FERVIER:** We have a question from the  
11 mics.

12 **MR. KIRK:** Just -- yes.

13 **MR. COAN:** Do you want to ask a question?

14 **MR. KIRK:** Oh, no. No.

15 **MR. FERVIER:** Well, you -- you hit the  
16 button.

17 **MR. KIRK:** Sorry.

18 **MR. CROSS:** Oh, friendly amendment? I'm --  
19 I'm open to a friendly amendment. How about  
20 that?

21 **MS. GHAZAL:** The BallotTrax service that  
22 USPS provides -- the BallotTrax service that the  
23 United -- U.S. Postal Service provides actually  
24 provides a step-by-step tracking of exactly where  
25 the ballot is, both when it goes in -- but -- but

1 the additional benefit that BallotTrax has is it  
2 also tracks the ballot once it is returned into  
3 the mail stream by the voter and goes back to the  
4 county. It actually provides more certification  
5 than what simply a -- a signature requirement.

6 My biggest problem with this is the example  
7 of my daughter. My daughter is a college student  
8 who lives in Washington DC. She lives in an  
9 apartment. And in her apartment they have  
10 mailboxes. There is -- there will never be an  
11 occasion where she would be able to receive her  
12 ballot at her mailbox. She would have to go to  
13 her nearest post office. I have no idea where  
14 that is. She has no idea where that is. She's  
15 never been, I'm sure. And that is the case for  
16 thousands of voters who vote by absentee ballot.

17 I agree chain of custody is important, and  
18 that's why I think that the Secretary of State  
19 should use the BallotTrax service that is  
20 available and they pay for and use it in a robust  
21 manner so that every voter can actually track  
22 their ballot through the system.

23 In terms of certification that it is the  
24 voter, the legislature put into place a higher  
25 standard of verification through SB202 by

1 requiring both signature and the ID number as  
2 well as the voter's date of birth. So this is  
3 all PII that nobody else has access to. So  
4 there's confirmation that that voter has voted  
5 that ballot.

6 But under this rule not only I -- not only  
7 does it, I believe, exceed our regulatory  
8 authority because of the extreme cost that it  
9 puts onto the regulated body, because under the  
10 Georgia APA, we have to be able to justify any  
11 additional costs that we are -- that -- that we  
12 are causing by our -- our regulations and a cost  
13 that is 18 times what the current cost is, when  
14 the same service can be provided by BallotTrax  
15 which is in fact a better service to the voter  
16 themselves.

17 I don't think that -- I don't think that  
18 this would even pass muster under -- under the  
19 Georgia APA. I don't think we have the authority  
20 to pass something that is this extreme.

21 **MR. FERVIER:** Does the Attorney General's  
22 Office have an opinion on that?

23 **MS. YOUNG:** (speaking without a microphone):  
24 I wanted to correct a little bit of a statement  
25 earlier about the idea of substituting it.

1 Statutory (indiscernible). Under the APA, if  
2 there's going to be any substitution to the  
3 proposed rule, you're going to have to resubmit  
4 that.

5 **UNIDENTIFIED SPEAKER:** Can't hear.

6 **MR. CROSS:** Has she got a microphone?

7 **MS. GHAZAL:** Here, she can use mine.

8 **MR. CROSS:** Hey, even better.

9 **MS. YOUNG:** So any -- any substantive change  
10 to a proposed rule is going to require  
11 resubmission of that rule and re-promulgation of  
12 that rule with the 30-day-notice period with the  
13 changes in it.

14 I would caution that the terms "mail" and  
15 "statutory -- "statutory delivery," those are  
16 terms of art found outside of our elections code  
17 in chapter 1 and nine ten ten. So if we're going  
18 to write rules that refer to mail, mail typically  
19 means first-class mail. Registered mail,  
20 certified mail are also defined terms. And  
21 statutory overnight delivery would be the term  
22 that you would use for the delivery of FedEx or  
23 UPS. So when we're writing rules like that,  
24 please try to use that legal terminology.

25 Second of all, the statute --

1           **MR. CROSS:** I'm just a -- I'm just a  
2 citizen. I'm -- I had no idea how to write the  
3 rules --

4           **MS. YOUNG:** Sure. And I'm -- I'm trying to  
5 offer guidance if there's any further drafts of  
6 rules that come around. There are statutes that  
7 specifically require to absentee ballot delivery  
8 by mail. This board is not authorized to change  
9 that. If that is a change that is desirable to  
10 the people, they need take that up with the  
11 legislature and not this board.

12           **MR. FERVIER:** Thank you. Thank you very  
13 much.

14           **MS. KING:** Okay. (off microphone) So for me  
15 --

16           **MR. FERVIER:** Member King. Hold on.

17           **MS. KING:** Oh, sorry. For me, I have  
18 three -- three things that are a little  
19 concerning for me. One is not utilizing USPS  
20 which means that we will start utilizing an  
21 outside vendor, which also means that we'll have  
22 to throw out a RFP because we can't direct award  
23 to US -- UPS and just tell FedEx to go sit down.  
24 So -- can't do that. But so that -- so then it's  
25 who's going to review that, who's going to

1 determine that this company gets this award. So  
2 that's another -- and I'm always cautious around  
3 that.

4 And then the 18 times more cost is -- that's  
5 hefty to put on the county.

6 And then lastly, I personally -- I -- I'm  
7 one of those I don't like to police -- I don't  
8 want to police voters. Now, I do understand that  
9 we have to put in parameters, we've got to put in  
10 boundaries, we've got to make sure there are  
11 rules in place.

12 However, once the ballot is sent out, I  
13 don't want to, like, ensure the person has it in  
14 their hand. Like, that's up to that person,  
15 right? You -- you give them the right address,  
16 you make sure it's going to an address that's --  
17 that's correct. You get the ballot, you vote,  
18 you cast your -- you know, you turn it in.

19 I think that's just the duty of voters. I  
20 don't want to police it too much. So that's  
21 my -- my concern.

22 **MR. CROSS:** I -- I appreciate that. I'm not  
23 really so much concerned about legitimate voters  
24 that are -- that are asking for ballots. One of  
25 my concerns is -- is about theft of ballots when

1 they're mailed out.

2 So when a ballot is mailed out, it's sent in  
3 an odd-size envelope. It's roughly this size  
4 (indicating). It's easy to pick out. It has  
5 this cool little symbol on it that says,  
6 "official election mail," making it easy to pick  
7 out.

8 And again my concern has to do with the fact  
9 that it seems like it would be fairly simple to  
10 be able to pilfer ballots out of mailboxes, out  
11 of -- you know, out of mail centers. I think --  
12 I think it's fairly -- fairly simple.

13 With regard to BallotTrax being able to  
14 track things, my understanding is that it only  
15 tracks when it's going back. It's not when it's  
16 going to the voter. I mean, I've asked counties  
17 to send me anything that will show that -- that  
18 they are -- that they're tracking ballots  
19 being -- you know, going out. And I've got no  
20 such records exist.

21 **MS. GHAZAL:** (off microphone) I will ask --  
22 I'm going to -- I'm going to tag Mr. Kirk in  
23 this, but I will say that, again, just to be  
24 aware that your concern (indiscernible) satisfy  
25 private information (indiscernible) (microphone



1 on) available is included as part of the  
2 verification process for every ballot that gets  
3 returned.

4 So it's a signature plus the -- plus the ID  
5 number or copy of an ID or last four digits of  
6 the social security number. The vast majority of  
7 them are the Georgia ID and -- and date of birth.  
8 This is not publicly available information. This  
9 is how it's verified.

10 **MR. CROSS:** I can buy that information for  
11 everybody in Georgia this afternoon.

12 **MS. GHAZAL:** And then -- but there is no  
13 evidence that that has ever happened. There's no  
14 evidence. I can think of one case in the last  
15 three years where there was -- somebody voted  
16 somebody else's ballot. It was caught because  
17 the signature was not matched. The voter also  
18 said -- it was never counted. The voter reported  
19 that she didn't receive her ballot. The reason  
20 it was -- it was taken is because she didn't  
21 update her -- her mailing address. There has --  
22 I have not seen one instance of voter identity  
23 fraud.

24 **MR. CROSS:** Okay. Well, in the -- in the  
25 interest -- in the interest --

1           **UNIDENTIFIED SPEAKER:** (inaudible)

2           **MS. GHAZAL:** So it --

3           **MR. CROSS:** We're losing -- what's going on?  
4           What --

5           **MS. GHAZAL:** Creating -- creating virtual  
6           insurmountable barriers for vo -- certain classes  
7           of voters, particularly voters who live in  
8           apartment buildings over a -- a fear of a problem  
9           that has never been manifest as far as I can tell  
10          is not an appropriate use of our regulatory  
11          authority.

12                    But I do -- but I do want to answer your  
13           question on the BallotTrax -- and I don't have  
14           that -- because I do think that's an important  
15           process, and I will ask Mr. Kirk.

16           **MR. KIRK:** So currently -- BallotTrax is a  
17           company that tracks ballots the jurisdictions can  
18           contract with. Currently my -- my understanding  
19           is the state uses that service to alert voters to  
20           the information we put in the GARViS when the  
21           ballot's sent, when the ballot's received.  
22           There's expanded functionality that would track  
23           it in the mail kind of like tracking a package  
24           through Amazon. But we do not currently use  
25           that. But that does exist.

1           **MS. GHAZAL:** So --

2           **MR. CROSS:** Okay. So if the state's not  
3 currently using it, can we --

4           **MS. GHAZAL:** I would do --

5           **MR. CROSS:** -- enact a rule to say, hey,  
6 let's -- let's use this service?

7           **MS. GHAZAL:** -- everything in my power to  
8 try to -- to encourage the Secretary of State to  
9 expand their use.

10           I do not -- we -- we don't have the  
11 authority to order them to do that, but I  
12 certainly think we can strongly encourage, and I  
13 would also encourage all of y'all to strongly  
14 encourage the Secretary of State's Office to  
15 expand the use about BallotTrax.

16           **MR. FERVIER:** (Off microphone) Is there any  
17 other questions for the board? Is there a motion  
18 on this petition?

19           **MS. GHAZAL:** I move that we reject the  
20 petition.

21           **MR. CROSS:** Can I make a change to it before  
22 you -- before you vote on it? Very simple.  
23 Instead of -- you know, instead of using, you  
24 know, U.S. Postal Service, you know, restricted  
25 delivery, you know, insert BallotTrax in there.

1 Some -- you know, something that's going to  
2 allow -- something that if I as a citizen want to  
3 be able to make sure that ballots were sent and  
4 actually received, you know, by people to --  
5 anybody can see that. It's all in the interest  
6 of transparency, and it's in the interest of --  
7 of chain of custody.

8 **MR. FERVIER:** (off microphone) The A.G.'s  
9 office: Am I correct that you said any changes  
10 to these rules would require resubmission?

11 **MS. YOUNG:** (speaking inaudibly without a  
12 microphone)

13 **MR. FERVIER:** So we don't have the ability  
14 to change it at the meeting?

15 **MS. YOUNG:** No, it would not be appropriate  
16 to alter the rule, and it has to do with  
17 transparency. The public has a right to know  
18 what's being voted on today. So changes to that  
19 have to go through that process and be put on the  
20 agenda for a future meeting.

21 **MR. FERVIER:** (off microphone) We  
22 (indiscernible) violated that at this meeting,  
23 right?

24 We have a motion in place to deny --  
25 (microphone on) deny initiating rulemaking

1 procedures.

2 Mr. Cross, you are obviously invited to  
3 resubmit if you would like to.

4 Is there a second?

5 **MS. KING:** I'll second.

6 **UNIDENTIFIED SPEAKER:** (indiscernible)

7 **MR. FERVIER:** Pardon me?

8 **UNIDENTIFIED SPEAKER:** We have a quorum.

9 **MR. FERVIER:** Yes, we have a quorum.

10 **UNIDENTIFIED SPEAKER:** What about Dr. Jan?  
11 Jan (indiscernible).

12 **MR. FERVIER:** This board has a quorum and  
13 this board's able to take action based on the  
14 quorum present.

15 So we have a motion and a second to reject  
16 the petition as presented. Any discussion?

17 **MS. KING:** (off microphone) Yeah, I just  
18 want to say, I -- my -- I think (microphone on) a  
19 major issue that there's just some challenges  
20 with the way it's presented.

21 So I would say to go back to the drawing  
22 board and fix some of those issues, like the --  
23 the 18 times more is a lot. And like I said, the  
24 vendor thing is -- USPS may be your better  
25 option, but I don't know. But I just say revamp

1 it and then bring it back.

2 **MR. FERVIER:** We have a motion and a second  
3 to reject the rule as presented. Any further  
4 discussion? Hearing no further discussion, all  
5 those in favor of rejecting the motion as  
6 presented signify by saying aye.

7 **THE BOARD MEMBERS:** Aye.

8 **MR. FERVIER:** Any denials? Hearing no  
9 denials, the motion carries to deny it three to  
10 zero.

11 The next item on the agenda is petition for  
12 amendment of state election board rule presented  
13 by Orion Danjuma. I'm sorry if I messed that up.

14 **MR. SIMMONS:** (speaking inaudibly without a  
15 microphone)

16 **MR. FERVIER:** Orion, I'm sorry.

17 **Petition for Amendment of State Election Board Rule**  
18 **presented by Orion Danjuma**

19 **MR. SIMMONS:** Is this -- okay, there we are.

20 Chairman Fervier and esteemed members of the  
21 board, and a special welcome to our newest  
22 member, Mrs. King, my name is Peter Simmons. I'm  
23 the Georgia state policy strategist for Protect  
24 Democracy. We're a nonpartisan, nonprofit  
25 dedicated to defending the rule of law,

1 protecting democratic norms, and promoting free  
2 and fair elections.

3 I've come here today before the board to ask  
4 the court to initiate rulemaking proceedings on  
5 our proposed rule regulating voter challenges.  
6 Since the 2020 election, outside organizations  
7 from all across the country have prepared  
8 volunteers to challenge voters' registrations and  
9 their right to vote in the state. And despite  
10 the fact that these -- despite the fact that  
11 these challenges depend on unreliable information  
12 and place an extraordinary burden on election  
13 officials, they have continued to be filed.

14 During the 2020 runoff -- excuse me, expert  
15 testimony offered during recent litigation  
16 expressed the sense that the record linkage  
17 process that challengers are trying to attempt to  
18 complete is extremely difficult and has appeared  
19 that the architects of these lists have not met  
20 their duty to implement adequate quality control  
21 measures because these data sets have contained  
22 huge numbers of missing values.

23 Additionally, the district court judge who  
24 was presiding over the case, despite ruling in  
25 favor of the challengers on the issue of voter

1 intimidation under the Voting Rights Act, 11(b),  
2 remarked that the challengers' lists verged on  
3 recklessness and utterly lacked reliability.

4 Further it's become clear from the record  
5 that challengers were warned by an expert working  
6 at the secretaries of state -- the Secretary of  
7 State's Office at the time, that their lists as  
8 presented without individualized evidence would  
9 be insufficient to substantiate these challenges.

10 Despite this, hundreds of thousands of these  
11 challenges have been filed. However, they have  
12 been largely rejected and appear to target voters  
13 mostly who are already inactive and therefore on  
14 the way to being removed under proper list  
15 maintenance activities.

16 This doubling of efforts is inefficient and  
17 risks improperly shifting complex -- complex list  
18 maintenance activities through activists from  
19 election administrators who are not prepared  
20 either with the expertise or the necessary  
21 information to execute these duties adequately.  
22 This risks diverting precious time and resources  
23 away from list maintenance activities,  
24 ironically.

25 County boards have been forced to interpret



1 both of these statutes, 21-2-22 -- 21-2-229 --  
2 that's a tongue twister -- and 230 without  
3 adequate guidance. This has led to varied  
4 interpretations all across the state which has  
5 caused confusion for both voters and election  
6 administrators as they have had to expend  
7 significant time and resources attempting to  
8 comply with the law.

9 The county boards must be empowered to take  
10 common sense steps to ensure that they are  
11 spending time on appropriate challenges filed  
12 appropriately under Georgia law. And voters must  
13 be empowered to understand and navigate the  
14 process without being allowed to take advantage  
15 of it. Both of these objectives are equally  
16 important and are critical for our election  
17 administration infrastructure to function as  
18 intended.

19 In order to accomplish these objectives, we  
20 have developed regulations that, first, specify  
21 who is eligible to submit a challenge. Second,  
22 they standardize the depth and quality of  
23 information that electors are required to submit  
24 with their challenges. They ensure that the  
25 burden of substantiating challenges on their face

1 are properly allocated. And they promote  
2 uniformity across counties as it concerns the  
3 burden of proof for substantiating these  
4 challenges as well as implementing specific  
5 deadlines related to certain types of challenges  
6 and the difficulties they may face -- they may  
7 present.

8 So to start, both 21-229 and 230 -- and I'm  
9 so sorry, I can't get my distance right -- state  
10 that any elector in a county or municipality may  
11 challenge another voter's -- another voter's  
12 right to vote who remain registered in the  
13 relevant jurisdiction. This clearly restricts  
14 participation in the challenge process to those  
15 with the right to vote in the -- in the  
16 jurisdiction where that voter is challenged.  
17 Despite that, we have seen challenges that raise  
18 questions about who the actual challenger is.

19 So these regulations will emphasize that the  
20 individuals who are not eligible voters may not  
21 challenge other voters in the state.

22 Second, it clarifies that even eligible  
23 voters may only challenge other voters in the  
24 appropriate jurisdiction. And finally it creates  
25 guardrails that will allow county officials to

1 adequately determine whether a challenge is  
2 properly filed by an elect -- eligible elector  
3 and to only expend, not waste, resources on  
4 appropriate challenges.

5 Next, both of those statutes also require  
6 that challenges be in writing and specify  
7 distinctly the grounds of a challenge.  
8 Challengers must make well-supported and specific  
9 allegations and provide enough information for  
10 election officials to understand the reason for  
11 the challenge on its face.

12 However, in many instances challengers have  
13 offered precious little information to  
14 substantiate these challenges and forces -- which  
15 forces election administrators to -- excuse me,  
16 to bear the burden of substantiating themselves  
17 in violation of Georgia law.

18 Even officials who have championed recent  
19 legislation regarding voter challenges have made  
20 it clear that they believe that they -- we --  
21 that they think we have an excessive -- excessive  
22 number of challenges -- excuse me -- while some  
23 state level leaders of challenge efforts  
24 themselves have remarked that others who  
25 participated in these efforts may have created

1 lists that may be considered systematic in  
2 violation of the individualized nature of the  
3 proceedings contemplated under these statutes.

4 The 11th circuit has specified that list  
5 maintenance activities can be considered  
6 systematic if they did not rely upon  
7 individualized information or investigation to  
8 determine which names from the voter registry to  
9 remove and instead used a mass computerized  
10 data-matching process to compare the voter rolls  
11 with other state and federal databases.

12 To remedy this, these -- these regulations  
13 require challengers to demonstrate that their  
14 challenge is part of an individualized inquiry  
15 and has utilized processes that are sufficiently  
16 rigorous. It also specifies that they must  
17 produce sufficient evidence to substantiate these  
18 challenges on their face accord -- as required by  
19 the statute, and they clarify what can be  
20 considered an inappropriate systematic inquiry.

21 Next, section 229 explicitly states that the  
22 burden shall be on the elector making the  
23 challenge to prove that the person being  
24 challenged is not qualified to remain on the list  
25 of electors. Despite this, many county boards

1 have assumed sole responsibility of  
2 substantiating these claims in violation of  
3 Georgia law. This requires election boards to  
4 devote significant time and energy to adjudicate  
5 these challenges where they need their capacity  
6 to be devoted to administering the election and  
7 executing their duties effectively.

8 These regulations specify that voter  
9 challenges under the statute must meet the clear  
10 and convincing evidentiary standard. 229  
11 specifies that the challenging elector bears the  
12 burden, but the statute fails to define the  
13 standard that challengers must meet to meet their  
14 burden of proof.

15 We rectify this. Additionally we clarified  
16 that challengers can satisfy their burden by  
17 producing witnesses with personal knowledge or  
18 reliable documentary evidence that substantiates  
19 their claim.

20 And finally, section 21-2-230 requires  
21 county boards to determine whether probable cause  
22 exists to sustain a challenge as the first step  
23 of their inquiry under that statute. Many of the  
24 challenges filed, as I said before, contain very  
25 little information and that leads us to believe

1 that these are being sustained improperly and --  
2 because they're appropriately survive --  
3 surviving that part of the inquiry.

4 Our regulations define probable cause under  
5 this specific instance and in this context and  
6 clarify that unproven information and -- and  
7 unreasoned accusations cannot form the basis for  
8 probable cause.

9 We hope that the board will promulgate these  
10 regulations and provide election officials with  
11 clear guidelines and electors -- and electors the  
12 guidelines they need to adequately engage in this  
13 process.

14 Thank you. I'll take any questions now.

15 **MR. FERVIER:** Any questions? Member Ghazal.

16 **MS. GHAZAL:** I am going to take my  
17 (indiscernible) as a -- as a board member and do  
18 something that I would be horrified if I were in  
19 his position --

20 **UNIDENTIFIED SPEAKER:** No.

21 **MS. GHAZAL:** -- and I'm going to ask  
22 Mr. Manifold to -- as -- as the election director  
23 of Gwinnett County, as a county that has seen  
24 some of the greatest burdens, if he could speak.  
25 But I'm -- I'm sorry to put you in this position

1 and I've never actually spoken with you.

2 **MR. FERVIER:** Speak into your -- speak into  
3 your microphone, member Ghazal. Use your  
4 microphone.

5 **MR. SIMMONS:** I yield the well --

6 **MS. GHAZAL:** Yes.

7 **MR. SIMMONS:** -- temporarily.

8 **MR. FERVIER:** You -- you can speak from back  
9 there.

10 **MR. COAN:** Do you want to hit your button?

11 **MR. FERVIER:** Hit your button.

12 **MR. MANIFOLD:** All right. Does that work?  
13 Can you hear me? All right.

14 No, thanks actually because that's why I came  
15 down here for today, was -- was this rule in  
16 particular. I think -- I know GAVREO was  
17 supportive of the rule. I do think that we --  
18 you know, we've been waiting for a rule from this  
19 board for well over a year. I think Judge Duffey  
20 did a lot of work.

21 I know there's a lot of behind the scenes  
22 work to try to come up with a rule. I met with a  
23 lot of people for a long time to try to get to a  
24 rule on this to kind of just give counties  
25 guidance because I know -- I think even other

1 directors in this room -- we talked about it at  
2 lunch today, that it's kind of all over the  
3 board. I think we're all trying to do our best  
4 work, but there's a lot to take in from  
5 conflicting state law and then NVRA laying  
6 over -- over top of all that and what we need for  
7 a signature from the voter. There's a lot here  
8 that needs -- that we could use.

9 Like I said, GAVREO is supportive of this  
10 rule. I will point out that -- just one thing as  
11 I was reading through this, I do think seven and  
12 eight on the -- page 3 could probably be removed  
13 because the law changed on July 1st. I think  
14 that probably the 230 -- section 21-230 changed.  
15 It goes into when a 230 challenge can be filed.  
16 Those are now -- it's now 45 days. So that kind  
17 of gets outside of -- we start sending out UOCAVA  
18 ballots at 45 days. So I do think seven and  
19 eight could probably go away in this rule on  
20 page 3.

21 But I do think this provides a basic under  
22 -- kind of rule to kind of set the guidelines for  
23 counties. Talking to my predecessor that had  
24 done this job for 27 years before me, who's  
25 happily retired, she said that -- you know, some



1 legislative history. I think when this was put  
2 in, 229 was very much about "I live at this  
3 property, this person doesn't live here anymore."  
4 That is what 21-229 -- 21-2-229 challenge is very  
5 much about: I have personal knowledge of this  
6 property and this voter is not here.

7 And for 20 years that's kind of -- they  
8 would have one or two every year that -- that  
9 these challenges would come through. You know,  
10 usually it was sustained and it usually was  
11 somebody with direct knowledge of that parcel and  
12 who was living there.

13 And then I think in 2020, they just --  
14 either 2018 or 2020 a lot of NCOA lists just kind  
15 of started getting dumped onto counties and  
16 saying, hey, look these voters aren't here  
17 anymore. And I think that just gets away from  
18 the original intent of 229, which is a  
19 personal -- an individualized knowledge of is  
20 that voter still there?

21 I think we see a lot of -- I like to call  
22 them just data dumps. It's like here's five or  
23 six databases that -- put together that say that  
24 this voter's maybe not there anymore. And that's  
25 just not -- that's not a certainty. That's not a

1 hundred percent that voter's not there. It --  
2 it's just become this kind of -- like I said,  
3 like a -- it's not individualized anymore. It's  
4 not personal knowledge of -- of that property and  
5 that voter. And each one of these is a voter.

6 And so Gwinnett, we've spent a lot of  
7 time -- some boards have -- have tossed a lot of  
8 these out. In Gwinnett we view it as, hey, this  
9 is a challenge to an individual voter. The  
10 challenger and the individual voter both have a  
11 right for us to look at this, and we take this  
12 very seriously.

13 So, you know, in 2022, in August 2022, I  
14 think we had something like 35,000 challenges  
15 that I walked into our office one day and there's  
16 eight boxes of -- Xerox boxes, boxes of  
17 information sitting there. And so we spent a lot  
18 of time just going through it and what was it?  
19 And we didn't want to just toss it out without  
20 knowing what it was. But that takes time.

21 I think we spent -- I think I said in  
22 there -- mentioned the time, something like six  
23 to ten employees --

24 **MR. SIMMONS:** Over several weeks.

25 **MR. MANIFOLD:** -- and those -- yeah, I think

1 something like five or six weeks working full  
2 time on that just to get through all that data.  
3 And then at the end of the day, we figured out  
4 that of that 35,000, I think about 11,000 was  
5 actually a 229 challenge. A lot of it was  
6 related to absentee voting in 2020 which just  
7 isn't a 229 challenge.

8 And then of that, I think it was only, like,  
9 5600 or something of those 11,000 were still even  
10 registered at that address because the data was,  
11 I think, nine -- nine months old from when they  
12 had pulled it from the Secretary of State.

13 And so I think counties are spending --  
14 trying to do their due diligence, and they're  
15 spending a lot of time. And then at the end of  
16 the day, it -- it's -- there's not a whole lot --  
17 it's not individualized. And so I will say I do  
18 think we need rules sooner rather than later.

19 I had -- I got an e-mail yesterday morning  
20 with a pending voter challenge. It was a list of  
21 34,000 voters. So that's 34,000 more challenges  
22 that -- that our board's going to have to try to  
23 figure out and deal with. And this -- the one  
24 that got submitted yesterday didn't -- it just  
25 said that these people were in a new state.

1 There was no date, no information to kind of back  
2 it up, even where the data came from. But it  
3 still is a challenge that was submitted.

4 So I think -- like I said, I think Judge  
5 Duffey came to us, I think, at the GAVREO  
6 conference in 2022 and apologized to Gwinnett  
7 specifically that there been no guidance provided  
8 to counties. And we were put through the  
9 situation that we spent six weeks having to go  
10 through this data and -- and really dug in.

11 So I think -- I don't know what is going to  
12 happen with this rule, but whatever happens we  
13 really do need a rule on this so that counties  
14 can have some guidance. And I really would like  
15 to see us start to move back towards a 229  
16 challenge is very much individualized, and you  
17 need to have knowledge about the voter at that --  
18 at that property.

19 I do think that was the legislative intent  
20 decades ago, and I think getting back to that  
21 would -- would be a good thing.

22 **MS. GHAZAL:** If -- if I may --

23 **MR. FERVIER:** I --

24 **MS. GHAZAL:** -- ask one other question. I'm  
25 sorry.

1           **MR. FERVIER:** Then I'll make a comment.

2           **MS. GHAZAL:** I think it might be very  
3 helpful for the folks here also to understand  
4 the -- the systematic list maintenance activities  
5 that you all do so that -- so that everyone  
6 understands what is constantly going on anyway  
7 without the challenge process. And I know that  
8 there are extra this year that are not -- have  
9 not previously been conducted in -- in an  
10 election year.

11           **MR. MANIFOLD:** Correct. I think there's  
12 something like five different versions of list  
13 maintenance that we go -- that we go through each  
14 year. Anything from NCOA, the ERIC -- the ERIC  
15 list to, you know, if you haven't voted in  
16 several general elections, you haven't had any  
17 contact, no contact list. So there are, I think,  
18 about five different mail -- large mailings that  
19 we're conducting every year to try to clean these  
20 up.

21           At the end of the day, I think the greatest  
22 frustration even from the public is that it all  
23 comes down to the fact that the NVRA only gives  
24 us two ways to remove a voter. They either --  
25 the voter's got to come back to us with a

1 signature, saying, Hey we're moving, I'm no  
2 longer registered. Or they've got a -- if they  
3 don't return that, we've got to go through that  
4 confirmation process and they have to go two  
5 federal election cycles.

6 And I get it. It's frustrating. I --  
7 sometimes I get frustrated with how long it takes  
8 for us to get through the confirmation process.  
9 But at the end of the day, it's Congress that set  
10 it and we have to go back to them. And when I  
11 met with them -- when I go to DC, I talk to  
12 Congress, our -- our congressional delegation,  
13 all them. We could use some fixes and updates at  
14 NVRA.

15 So I get it. I get the frustrations, but at  
16 the end of the day, it feels like the 229 process  
17 currently is trying to be used to speed up the  
18 confirmation process. And I just don't think  
19 that's the proper use of a 229 challenge.

20 **MR. FERVIER:** Thank you. I --

21 **MS. REARDAN:** (speaking inaudibly without a  
22 microphone)

23 **MR. FERVIER:** In just -- yeah, just one  
24 moment. If you'd press your button, then at some  
25 point I will ... okay.

1           I appreciate you presenting this. I feel  
2 like there's a lot to unpack with this rule  
3 change. And I personally -- I don't feel like I  
4 have the ability to make a really educated  
5 decision on it today. I would like to better  
6 know the intent of the legislature with what they  
7 put into law this year and how that would be  
8 impacted by this rule change myself. I mean, I'd  
9 like some more time to -- to look at this. I  
10 don't feel like I've had enough time to really  
11 study it and ask the right questions of the  
12 legislature itself.

13           That's just my personal thing. I don't want  
14 to make an educated vote today on something that  
15 I don't fully understand the impact of.

16           So number 14.

17           **MS. REARDAN:** Thank you. Thank you, chair.  
18 My name is Pamela Reardan, and I'm in Cobb  
19 County, and I'm very familiar with vote  
20 challenges and this new legislation and the rule  
21 changes as of July the first.

22           This rule that you are proposing is  
23 preposterous at the least. So I'm just saying  
24 that -- it's very simple. It's very simple. If  
25 the counties want to really clean up the voter

1 rolls, they can make the citizens that are  
2 helping regis -- they can make them deputy  
3 registrars and they can work with the county and  
4 they can help clean up the rolls.

5 They are not taking data from anywhere and  
6 everywhere. They are taking data from other  
7 states, secretary of states, and they're  
8 comparing the NCOA -- they start with that -- and  
9 then they -- then they take another data point if  
10 the person has moved to another county or another  
11 state. And they're registered in another state.  
12 They voted in another state. They should be  
13 automatically removed from our voter rolls.

14 It is a no-brainer. And it is in the  
15 legislation. It is in the NVRA that you  
16 conveniently bring up, but it says that is on the  
17 onus of the state to clean up the rolls and do  
18 voter maintenance on the roll -- rolls.

19 And then the Secretary of State, Blake  
20 Evans, has said -- I have the e-mails -- that  
21 every single county has to do their own voter  
22 roll maintenance. That is the procedure, and  
23 that is NVRA stamped, if you want to call it,  
24 okay? It's -- they stamped it. That's what they  
25 do.



1 Congress, this week, is actually voting on  
2 the Save Act which will change the NVRA at some  
3 future time. But the Save -- that's not this  
4 week, sorry, that's coming.

5 The Save Act is the noncitizens voting, and  
6 that is a real problem that we're facing right  
7 now because we can't verify that they're -- the  
8 citizens -- that the people who are voting are  
9 all citizens because we're not at the DDS asking  
10 them for their papers when they change their  
11 driver's license or get a driver's license.

12 And it's -- it's on the honor system right  
13 now, folks. The honor system. And I don't  
14 really think that 15 million people coming across  
15 our border, invading us, is an honor system.  
16 Okay?

17 **UNIDENTIFIED SPEAKER:** Mr. Chair --

18 **MR. FERVIER:** We -- I'm sorry, we're --

19 **MS. REARDAN:** And we have multiple problems.  
20 I know I got off track.

21 **MR. FERVIER:** We're going far afield of what  
22 we're trying to discuss today.

23 **MS. REARDAN:** But we're going off facts --  
24 that's right. But there is a way to fix this.  
25 We -- there is in the law right now, July 1st,

1           okay. NCAO data, the data that the Secretary of  
2           State just released to the counties -- our county  
3           said, well, we're not going to look at it.

4           **MR. FERVIER:** Well --

5           **MS. REARDAN:** No. We -- we are going to  
6           look at it because that's the law. And that's  
7           why you guys have to have a rule. This is not  
8           the rule though.

9           Thank you very much.

10          **MR. FERVIER:** Thank you. Thank you.

11          Member King.

12          **MS. KING:** Yeah. So I have some -- some  
13          serious concerns about this, and that's because  
14          it says: Electorates making such challenges must  
15          meet this burden by -- and this is where I have a  
16          major issue -- it says, identifying and producing  
17          witnesses who can demonstrate personal knowledge  
18          of the circumstances proving the challenged  
19          voters ineligibility.

20                 I love Colombo, love Nancy Drew. But I  
21          don't want my neighbors to be -- to start  
22          rounding up other neighbors to tell -- to come  
23          and testify against me or something. That  
24          becomes way, way, way too much. And there's a  
25          couple of -- there's a couple of things in here

1 that alludes to just kind of making -- making the  
2 neighbor become the investigator. And we're not  
3 paying the neighbor. You know, we're -- we're  
4 paying these officials that are at these county  
5 offices. And it's unfortunate that, you know,  
6 there are so many.

7 And here's where I stand. I agree with you.  
8 I had a personal friend who has voted God knows  
9 how -- how many times and her -- she was  
10 challenged because she didn't have the northwest  
11 on her address. And that's ridiculous. Like  
12 that's when it starts to become ridiculous.

13 And I do think this can get completely out  
14 of hand. I feel like while we're trying to  
15 reduce neighbor investigations, that you're  
16 creating more of that because it's just too  
17 strenuous. I -- I don't want our neighbors  
18 having to do that. So ...

19 **MR. SIMMONS:** Yes, ma'am. So actually the  
20 statute, 229, anticipates that the board of  
21 registrars or board of elections would subpoena  
22 witnesses and that -- documents, papers, and  
23 other materials to prove the case in their  
24 proceedings.

25 So the statute actually itself contemplates

1 a quasi-judicial set of proceedings similar to  
2 administrative proceedings like this one or the  
3 FEC or the ethics board.

4 The intent of that part of the rule is to  
5 reemphasize that the elector who bears the burden  
6 according to the statute is doing their due  
7 diligence to take the burden off of the election  
8 officials, like those in Gwinnett County, that  
9 had all day every day for six weeks when the  
10 statute requires the elector, like a complainant,  
11 to issue enough evidence to prove their case.

12 So in this situation, the board of elections  
13 is more of a judge or quasi-judicial body, not an  
14 investigator. And the --

15 **MS. KING:** Board of elections; correct.

16 **MR. SIMMONS:** Correct.

17 **MS. KING:** For the -- what -- I don't want  
18 your -- our neighbor to become the judge, right?  
19 Like, that's the point I'm making. I don't want  
20 the neighbor to be out there subpoenaing  
21 neighbors to come and testify on behalf of their  
22 other neighbors.

23 **MR. SIMMONS:** Well, member King, that  
24 appears to be the intent of the legislature. So  
25 because this is based on an individualized

1 inquiry, and it contemplates subpoenas for  
2 witnesses similar to the language in my  
3 regulations, the neighbor investigations are  
4 built in. This would actually standardize the  
5 procedures for those type of investigations and  
6 create a more orderly --

7 **MS. KING:** Well, this is --

8 **MR. SIMMONS:** -- unified process.

9 **MS. KING:** -- asking them to do that to  
10 challenge.

11 **MR. SIMMONS:** Say again.

12 **MS. KING:** This is asking them to do that in  
13 order to challenge. You're asking them to  
14 produce witnesses that have personal knowledge in  
15 just a challenge.

16 **MR. SIMMONS:** Yes, ma'am. That's what --  
17 that's what the statute contemplates. They  
18 produce witnesses for the statute. In fact, I  
19 can read the language of 229 if you'd like.

20 **MS. KING:** Okay. I have some other issues.

21 **MR. SIMMONS:** So that would be 229.

22 **MR. FERVIER:** Would -- twenty-six?

23 **MR. SIMMONS:** 229(c).

24 **MS. KING:** Yeah. Yeah. I had some -- a  
25 couple of other issues, but ...

1           **UNIDENTIFIED SPEAKER:** (speaking inaudibly  
2 without a microphone after which the microphone  
3 was turned on) I just want to reiterate  
4 Ms. Reardon's (inaudible). One of the most  
5 important mandates that the counties in the state  
6 have is to maintain a precise and active voter  
7 roll. If they don't have the resources or the  
8 staff to do it, I would personally volunteer to  
9 get it done. You can check my résumé. You can  
10 check my (indiscernible). I would gladly help,  
11 and once it's done, I will go away and  
12 (indiscernible), but let's get the voter roll  
13 (inaudible).

14           **MR. FERVIER:** Thank you.

15           Member Ghazal.

16           **MS. GHAZAL:** I -- I think it's really  
17 important to differentiate between list  
18 maintenance and voter challenges. And that's the  
19 problem. These are two different things. List  
20 maintenance is -- is the process by which the  
21 counties maintain clean voter rolls. And the  
22 11th circuit, which is binding on Georgia, says  
23 that any list -- any voter challenges that are  
24 based on a systemized -- systematized search on a  
25 database, that is list maintenance activity, and

1 therefore you have to follow the procedures  
2 written out in 52 USC 20507 which is the National  
3 Voter Registration Act.

4 And they are very, very strict and very  
5 stringent, and this is where the frustrations  
6 that Mr. Manifold was talking about come up.  
7 Because in order to be removed from -- through  
8 list maintenance, you have to put a voter through  
9 two federal election cycles if you don't have  
10 their signature on a piece of paper.

11 Now, their signature can come through their  
12 voter registration from another state. If we  
13 have a copy of their voter registration record  
14 from another state, then we can remove them. And  
15 the way we get that data is through ERIC. ERIC  
16 is the only procedure that allows us access to  
17 that. Because the -- the publicly available  
18 databases that are used for this do not have  
19 personal identifiable information.

20 This is why in our last meeting, I made the  
21 point. We received a list of name of 60 people  
22 who allegedly had voted twice. As it turned out,  
23 two-thirds of that list were not the correct  
24 matches. People had ident -- somebody in the  
25 public identified two -- two different names that

1 were the same but their personally identifiable  
2 information turned out they were different  
3 people. It's shocking how many different people  
4 there are, how many different Sarah Tindalls or  
5 Joe Smiths who were born in 1968 are.

6 So the -- the risk of false positives  
7 through these mass databases is much greater than  
8 the risk of missing somebody who happens to be  
9 registered in two -- two states. That is why the  
10 National Voter Registration Act has these  
11 safeguards built in. And that's why  
12 personalized -- personal knowledge is required  
13 and -- and individualized data for a voter  
14 challenge.

15 These are two different procedures and they  
16 are -- with two different pathways to follow.  
17 List maintenance is one, voter challenges are  
18 another. And I -- and -- and the public very  
19 frequently mixes those two up.

20 **MR. FERVIER:** Number 28.

21 **MR. BARTELSKI:** Hello? Is it live?

22 **MR. FERVIER:** Yeah.

23 **MR. BARTELSKI:** Okay. I spoke earlier in  
24 the public comments, and I just want to reiterate  
25 again that if everything was needed to be so



1 individualized, and with due respect to the  
2 director from -- from Gwinnett, in those days  
3 when -- when these laws were set up, we had paper  
4 ballot book -- paper poll books and we had paper  
5 ballots. Things have changed. We're in the 21st  
6 century. We have computers. We have a lot of --  
7 everything gets done with computers. Everything  
8 through Amazon, through FedEx, the doctors, the  
9 health, everything's done through computers. So  
10 we have to live with the fact that we have  
11 computers.

12 I resent that a lot of the time you were  
13 saying that the data that's being used is not  
14 known. The data that is used in a lot of these  
15 tools is exactly the same data that's used by  
16 ERIC. So if our data's not good, then ERIC's not  
17 good.

18 Now, actually ERIC is not good because the  
19 director, again there from Gwinnett -- and I know  
20 other counties as well -- they complain that --  
21 he's just complained that he got a list of 34,000  
22 challenges, right? I know that most of these  
23 challenges are correct. Even if you say, okay,  
24 we make mistakes. 1 percent, 5 percent,  
25 10 percent, right? You're still at 30,000

1 registrations that should not be there.

2 And, I mean, if -- if you look at the law,  
3 228 -- 21-2-228 puts the onus firmly on the board  
4 of elections. They are the ones responsible for  
5 correct voter rolls. NVRA does the same thing.  
6 And just now we were told, well, the NVRA has  
7 list maintenance and they've got to be on the  
8 rolls in an active status, you've got to wait  
9 two -- two federal cycles. That's also not true.

10 NVRA actually says if a person has in  
11 writing said that they are in a new location,  
12 then they can be taken off the rolls immediately  
13 without waiting. What is that in writing?  
14 Doesn't say that the county or the state where  
15 they moved from needs to see that piece of paper,  
16 just says it has to be in writing. Applying for  
17 a driver's license, applying for a voter  
18 registration in your new state is -- answers the  
19 NVRA.

20 **MR. FERVIER:** Thank you. Thank you.

21 We have several people that want to speak.  
22 Let's try and keep our comments to about two  
23 minutes, if you don't mind, in the back corner.

24 **MS. PRETTYMAN:** Thank you. Amanda  
25 Prettyman, Bibb County.

1 I just wanted to share that my family moved  
2 from Bibb County to North Carolina in 2014. We  
3 bought their house in 2015. Their registration  
4 cards stayed there and ours came there too. So  
5 it looked like four voting adults lived in that  
6 house when we never lived with them.

7 And then we since moved, I believe, in 2018  
8 or so to our current home, and their voter  
9 registration cards followed us. In 2020 prior to  
10 the election, we thought we'd do our small part  
11 to clean up the voter rolls, and I contacted my  
12 county. They said, no, you can't do it. Your  
13 family has to. So I contacted my brother-in-law,  
14 said, hey, would you mind doing this? So he  
15 reached out to the county as he believes in  
16 having clean voter rolls, and -- and they told  
17 him what to do. I followed up with him. He said  
18 he did what they told him to do. He remained on  
19 the voter rolls. I only was able to get him  
20 removed with a change of registrars, and it was,  
21 I believe, just this past year.

22 So the -- you know, what you're saying,  
23 individual challenges, there are counties who  
24 aren't even following the law with that. And  
25 this is optional. You're not required to be on a

1 voter -- it's an optional list, right? And so he  
2 wanted to be off our list, and they would not  
3 remove him.

4 And then recently Bibb tossed several -- I  
5 don't remember the number, but challenges to  
6 voters who had moved to North Carolina and the  
7 voter registrations were provided. Each one was  
8 printed, but they did not look at that at all  
9 that I know within my family. You know, they  
10 weren't in that list, but they are proof that  
11 they were actual people who lived in North  
12 Carolina.

13 So I could have requested an absentee, they  
14 could've requested it, and Bibb would've counted  
15 that absentee because it -- it would've looked  
16 like they belonged in Bibb County when they  
17 didn't. Obviously we didn't do that because  
18 we're honest and he is too. But that was a  
19 potential scenario, and it's why the voter rolls  
20 need to be clean and accurate.

21 **MR. FERVIER:** This could go on for a while.  
22 I understand there's a lot of people that want to  
23 talk and we've heard a lot of comments already.  
24 The board --

25 Would the board like to hear more

1 information or is the board ready to make a  
2 motion?

3 **MS. GHAZAL:** I would move to accept the --  
4 the petition and initiate rulemaking.

5 **MR. FERVIER:** Would you consider an  
6 alternative motion to table this issue for  
7 further consideration?

8 **MS. GHAZAL:** I withdraw my motion.

9 **MR. FERVIER:** The chair will exercise its  
10 right to make a motion and will make a motion to  
11 table this petition for further review.

12 **MR. JEFFARES:** (speaking without a  
13 microphone) I second that.

14 **MR. FERVIER:** There's a motion and a second  
15 to delay -- or to table this petition for further  
16 review. Any discussion? Hearing no discussion,  
17 all those in favor signify by saying aye.

18 **THE BOARD MEMBERS:** Aye.

19 **MR. COAN:** (speaking inaudibly without a  
20 microphone) Is the motion (inaudible)?

21 **MR. FERVIER:** Aye. Any dissent? Hearing no  
22 dissent, motion carries, four to zero. This will  
23 be tabled for further review.

24 **MR. SIMMONS:** Thank you very much for your  
25 consideration and your deliberateness.

1           **MR. FERVIER:** I'm sorry about those who  
2 didn't get to speak. I felt like that was the  
3 appropriate action to take at this time so the  
4 board can further consider this.

5           If you have comments, we'd appreciate that  
6 you send them to us, through the board's website  
7 or e-mail so that we can consider those.

8           I'm at a quandary now in that we are quickly  
9 approaching 5:00. We have --

10          **MS. GHAZAL:** Is Ms. Lee here?

11          **MR. FERVIER:** -- seven -- huh?

12          **MS. GHAZAL:** Is Ms. Lee here? I think we  
13 can just --

14          **MR. FERVIER:** I'm sorry?

15          **MS. GHAZAL:** Is Ms. Lee here at the  
16 (indiscernible). Because I believe Ms. --

17          **MR. FERVIER:** Ms. Lee?

18          **MS. GHAZAL:** Yes.

19          **MR. FERVIER:** Is Ms. Lee here?

20          **MS. GHAZAL:** I think this is one we can  
21 dispose of very quickly.

22          **Petition for Amendment of State Election Board Rule**  
23                                    **presented by Gail Lee**

23          **MR. FERVIER:** Okay, Ms. Lee. We'll hear one  
24 more today, and then we will -- tomorrow we will  
25 hear the rest of the petitions, starting at

1 9:00 in this -- this room here.

2 The next item on the agenda is to hear a  
3 petition for amendment of state election board  
4 rule presented by Gail Lee.

5 Ms. Lee, you have the podium.

6 **MS. LEE:** Okay. My name is Gail Lee. I'm a  
7 concerned citizen, living in DeKalb County.  
8 Thank you for hearing and considering my proposed  
9 rule amendment.

10 The most basic metric of any election is  
11 that the number of ballots cast should equal the  
12 number of voters who cast a ballot with minor  
13 adjustments for individual situations.

14 In DeKalb County certification meeting for  
15 the May 21st primary, the number of voters who  
16 cast a ballot was reported to be 94,317, but the  
17 reported number of ballots cast was a hundred  
18 eighty-five thousand five hundred thirty-six.

19 The executive director explained the  
20 91,000-ballot discrepancy was due to some ballots  
21 having more than one page since the machines only  
22 count pages. I found that disturbing. How can  
23 we know ballots are not being inserted? How many  
24 had multiple pages? While poll watching, I did  
25 not observe multiple pages being put through the

1 scanners. Perhaps I just missed it.

2 I did however observe that absentee ballots  
3 had multiple pages. There were approximately  
4 3200 absentee ballots in DeKalb's primary. If  
5 they each had four pages, that would only be  
6 13,000 pages. Where could all those other  
7 ballots -- cast ballots be coming from?

8 Then I found SEB rule 183-1-12-.12(e),  
9 reconciliation report. The rule requires  
10 counties within 30 days following certification  
11 of election results to transmit to the Secretary  
12 of State a report that reconciles by precinct the  
13 number of ballots cast to the number of voters  
14 who received credit for voting. If the numbers  
15 do not match, the superintendent is to conduct an  
16 investigation and explain and report any  
17 discrepancies.

18 Surely, I thought, that would clear up any  
19 discrepancies for me and anyone else who has seen  
20 similar election results in their counties.

21 Thus, I propose this rule amendment to have  
22 the counties post the required reconciliation  
23 report on their websites when they submit the  
24 form to the Secretary of State. Transparency is  
25 important for the public to have confidence in



1 our election results, and this rule imposes a  
2 very minor effort for compliance.

3 However, last week I received a copy of the  
4 reconciliation report for DeKalb County through  
5 an open records request. Sadly, it did not clear  
6 up the discrepancy because it showed ballots cast  
7 by precinct of 94,315 reconciled back to 94,319  
8 voters credited, a difference of just four.

9 There was no mention of the 185,000 cast  
10 ballots that were in the official and certified  
11 election results. So my proposed rule, while  
12 informative for the public, will not enhance  
13 accountability if counties don't have to explain  
14 the numbers they've already officially reported.

15 Now I'm just a citizen wanting to ensure  
16 accuracy in our elections, and there's plenty I  
17 don't know. But it seems to me that the  
18 certified number of ballots cast should be  
19 reconci -- reconciled to the number of voters who  
20 have cast a ballot. That's all.

21 **MS. GHAZAL:** (speaking inaudibly without a  
22 microphone after which the microphone was turned  
23 on) whether this -- this information is published  
24 by each county or by the Secretary of State?

25 **MS. LEE:** I think it should be published by

1 the counties.

2 **MS. GHAZAL:** Okay.

3 **MR. FERVIER:** (speaking inaudibly without a  
4 microphone) Are there any other questions from  
5 the board? The board will entertain a motion on  
6 the petitioner.

7 **MS. KING:** (speaking inaudibly without a  
8 microphone) I make a motion that we accept this  
9 petition -- oh, wait (inaudible) and promulgate  
10 rulemaking. Initiate rulemaking.

11 **MR. FERVIER:** A motion has been made by  
12 member King that we -- that this board initiate  
13 rulemaking procedures on this petition. Is there  
14 a second?

15 **MR. JEFFARES:** Second.

16 **MR. FERVIER:** There is a motion and a second  
17 to initiate rulemaking procedures on this  
18 petition. Any discussion? Hearing no  
19 discussion, all those in favor of initiating  
20 rulemaking procedures on the petition signify by  
21 saying aye.

22 **THE BOARD MEMBERS:** Aye.

23 **MS. GHAZAL:** To make sure this is on the  
24 transcript, Dr. Johnston is participating by  
25 phone here.

1           **MR. FERVIER:** Did you ask Dr. Johnston?  
2           **MR.COAN:** I'll ask her one more time.  
3           Jan, how would you like to vote on that?  
4           Just give it a -- give us an aye. Give us a loud  
5           aye.  
6           **DR. JOHNSTON:** (via phone) Aye.  
7           **MR.COAN:** Okay. So let it be.  
8           **MR. FERVIER:** Any nays?  
9           **MR. COAN:** Thank you.  
10          **MR. FERVIER:** Hearing no nays, the motion  
11          carries, four to zero.  
12          **MS. LEE:** Thank -- thank you.  
13          **MR. FERVIER:** I don't believe that we need  
14          to go into another rule petition at this time.  
15          The board will entertain a motion to recess until  
16          tomorrow morning at 9:00.  
17          **MS. GHAZAL:** So moved.  
18          **MR. JEFFARES:** Second.  
19          **MR. FERVIER:** We have a motion and a second  
20          to recess. All in favor signify by saying aye.  
21          **THE BOARD MEMBERS:** Aye.  
22          **MR. FERVIER:** The motion carries four to  
23          zero. Thank you.  
24          (Recessed at 4:53 p.m.)  
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CERTIFICATE

STATE OF GEORGIA

I hereby certify that the foregoing meeting was taken down and was reduced to typewriting under my direction; that the foregoing transcript is a true and correct record given to the best of my ability.

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This, the 12th day of August, 2024.

**\*\*Mary K McMahan\*\***

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THE OFFICE OF SECRETARY OF STATE  
STATE OF GEORGIA

IN THE MATTER OF:  
STATE ELECTION BOARD MEETING  
Atlanta, Georgia  
Monday, August 19, 2024  
via Microsoft Teams  
9:00 a.m.

**APPEARANCE OF THE PANEL**

John Fervier, Acting Chair  
Sara Tindall Ghazal  
Janice Johnston  
Janelle King  
Rick Jeffares

Mary K McMahan, CCR, 2757  
STEVEN RAY GREEN COURT REPORTING LLC  
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1 Transcript Legend  
 2 [sic] - Exactly as said.  
 3 (ph) - Exact spelling unknown.  
 4 -- Break in speech continuity.  
 5 . . . Indicates halting speech, unfinished sentence or  
 6 omission of word(s) when reading.

7

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**P R O C E E D I N G S**

**MR. FERVIER:** So we'll call to order the Monday, August 19, 2024, meeting of the state election board, Georgia State Election Board. I appreciate everybody that is attending today virtually. It looks like we have about 256 individuals online so far, and I hope everybody can hear and see appropriately. We're all in different locations today and we will do our best to make this work as easily as we can.

I do want to address something first of all. I've had a lot of comments that have been sent to me about having this meeting virtually from a lot of members. This board has -- this will be the third meeting this year that this board has had virtually. And prior to this year, the board went almost two years having virtual meetings.

So having a virtual meeting is not something that's unknown to this board. And due to some recent circumstances, we felt that it was necessary to have this meeting virtually. It does not mean that meetings in the future will be virtual. They will be taken on a case-by-case basis, depending on what the circumstances are at the time. But it was necessary to do it this



1 time. It's not something that, like I said, is  
2 unusual for this board or other boards in the  
3 state. And this is, like I said, the third time  
4 this year that this has been done.

5 With that in mind, we will start with the  
6 invocation and the Pledge of Allegiance.

7 Dr. Johnston, would you help us with the  
8 invocation?

9 **DR. JOHNSTON:** I would be glad to.

10 (Invocation)

11 **MR. FERVIER:** Thank you, member Johnston.

12 Member Ghazal, would you lead us in the  
13 Pledge of Allegiance, please.

14 (Pledge of Allegiance)

15 **MR. FERVIER:** Thank you, member Ghazal.

16 The next item on the agenda is the approval  
17 of --

18 **DR. JOHNSTON:** Mr. Chair.

19 **MR. FERVIER:** -- board meeting minutes.

20 Yes.

21 **DR. JOHNSTON:** Mr. Chair, this is member  
22 Johnston. I'd like to make a -- amend the  
23 agenda, hopefully, if I may.

24 **MR. FERVIER:** What request -- what amendment  
25 would you like to make?

1           **DR. JOHNSTON:** I'd like to add to old  
2 business the item of U.S. citizen-only signs.

3           **MR. FERVIER:** Without any dissent from other  
4 members of the board, we'll add that to the  
5 agenda as item number (c) under old business.

6           **DR. JOHNSTON:** Mr. Chairman, may I request  
7 one more amendment to the agenda?

8           **MR. FERVIER:** And what is that Dr. Johnston?

9           **DR. JOHNSTON:** To have a set meeting date  
10 and place for the next meeting before we adjourn  
11 today.

12           **MR. FERVIER:** Without dissent, that'll be  
13 added to the old business.

14           **DR. JOHNSTON:** Thank you.

15           **MR. FERVIER:** The next item on the agenda is  
16 approval of board meeting minutes from the  
17 meetings on August 6th and 7th, 2024. I've been  
18 informed that those meetings are not available  
19 yet for presentation to the board. So we're  
20 going to refer those or delay those until the  
21 next meeting for approval.

22 **Public Comment**

23           The next item on the agenda is the public  
24 comment section. We've had 48 people that have  
25 signed up for public comment. The same as our

1 last meeting, we will hear the first 30 people  
2 for public comment and -- at the beginning of the  
3 meeting. We ask that you keep your comments to  
4 two minutes, please. When you get close to two  
5 minutes, you will hear me lightly tap on the  
6 gavel, and then at two minutes we will cut off  
7 the discussion and move to our next -- next  
8 person.

9 The -- Alexandra Hardin, our paralegal, has  
10 the list of individuals that will be speaking,  
11 and so she will call them. And we will hear from  
12 the first 30. At the end of the meeting, we will  
13 hear from all remaining people that wish to issue  
14 public comment before this board.

15 That being said, the -- I'm going to allow  
16 Ms. Hardin to start calling out the first speaker  
17 that we hear this morning.

18 **MS. HARDIN:** First speaker on the list is  
19 Kathleen Hamill. I know Ms. Hamill's in the  
20 room. I want to make sure that she has camera  
21 and microphone working.

22 **MR. FERVIER:** It's not working.

23 Is Kathleen Hamill available? I don't hear  
24 Ms. Hamill.

25 Ms. Hamill, are you in attendance today?

1           **MS. HAMILL:** Yes. Thank you so much.  
2 Apologies for that delay there. Thanks.

3           I am Kathleen Hamill, a voter in Fulton  
4 County. I am here on behalf of the Georgia  
5 Democracy Task Force. We seek to support the  
6 rule of law in the context of elections. We're a  
7 group comprised largely of lawyers and concerned  
8 citizens. Thank you for considering the written  
9 remarks that we have submitted to you.

10           Related to these two proposed rules in  
11 particular on tabulating results, we'd like to  
12 express opposition to these rules. If enacted,  
13 we are concerned that they would unnecessarily  
14 complicate --

15           **UNIDENTIFIED SPEAKER:** (indiscernible)

16           **MR. FERVIER:** Yeah, but it's garbled.

17           **UNIDENTIFIED SPEAKER:** Shoot. Now I lost --

18           **MS. HAMILL:** Can you hear me? Can you hear  
19 me?

20           **THE BOARD MEMBERS:** (nodding)

21           **MS. HAMILL:** Okay, thanks. We're concerned  
22 about these rules unnecessarily complicating the  
23 election administration process. And we have  
24 concerns that they run contrary to Georgia law as  
25 well. They potentially will burden election --

1 election workers because, as you know, they  
2 relate to tabulating results and certification.

3 In particular the rule proposed,  
4 hand-counting of ballots at all polling locations  
5 at -- before closing, really raises concerns  
6 because that adds another level of work and of  
7 potential issues related to security, related to  
8 chain of custody. And we feel that this is  
9 unnecessary and -- and does not serve the stated  
10 purpose of -- of bolstering voter confidence and  
11 the integrity of our elections. As for the  
12 second proposed --

13 (Background voices)

14 **MS. HAMILL:** -- rule, this raises issues  
15 related to overreach of individual board members'  
16 authority. And the law actually does not grant  
17 individual members the -- the power to require or  
18 summon poll officers to examine each and every  
19 document that they might choose.

20 (Background voices)

21 **MS. HAMILL:** And just in closing, I wanted  
22 to make reference to -- sorry there's some  
23 background noise. So I'm having a little bit  
24 of -- hearing some --

25 (Background voices)

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**MR. FERVIER:** Somebody -- can you hear, Dr. Johnston?

**MS. KING:** It looks like we muted everyone. Probably should just mute everyone except for the speaker.

**MS. HAMILL:** Sorry, I was muted and I just unmuted myself. I hope you can hear me.

**MR. FERVIER:** We can hear you, yes.

**MS. HAMILL:** Okay, thanks. I don't want to repeat myself but I guess the main point here is that there's -- we, as the ABA Georgia Democracy Task Force, are concerned about two rules in particular related to tabulating results that potentially could complicate and -- and undermine election integrity. And again specifically on the rule related to certification, it does not include any substantive qualifications or time limits on document requests made by individual board members which already is an inappropriate overstep of the role of individual board members under the Georgia election code.

I want to make sure I'm not taking up all the airtime here. I know there are a lot of people who want to speak. But I would just say thanks to the board members for your service.

1 Thank you for considering our written comment  
2 which I think lays this out very clearly and  
3 appreciate again all of your work. Thanks.

4 **MR. FERVIER:** Thank you very much.

5 The next individual to speak before us is  
6 Jennifer Moore.

7 Alexandra, if you'd turn on Jennifer  
8 Moore's.

9 **MS. MOORE:** Good morning.

10 (Cross-talking)

11 **MS. MOORE:** Can you hear me?

12 **MR. FERVIER:** Yes.

13 **MS. MOORE:** Thank you. Thank you. Good  
14 morning and thank you for the opportunity to  
15 speak to you today. My name is Jennifer Moore.  
16 I'm a licensed practicing attorney here in  
17 Georgia, and I'm a former adjunct professor of  
18 legal research, writing, and appellate advocacy  
19 at Emory School of Law.

20 I'm here today with the Georgia Democracy  
21 Task Force also. As a lawyer, I've spent many  
22 years analyzing statutory language and applying  
23 rules of statutory construction and also learning  
24 from state and federal courts who do the same.

25 The proposed amendment to rule

1 183-1-12-.12(a) (5) seeks to inject a  
2 hand-counting requirement at the precinct level.  
3 I urge this board to reject this proposed  
4 amendment as it is inconsistent with this board's  
5 statutory duties as described by O.C.G.A. 21-2-31  
6 and other Georgia election laws.

7 Part 2 of O.C.G.A. 21-2-31 specifies that  
8 any rules and regulations this board adopts must  
9 be consistent with the law and conducive to the  
10 fair, legal, and orderly conduct of primaries and  
11 elections. This proposed amendment is  
12 inconsistent with existing Georgia law which  
13 specifies in great detail the methods for  
14 counting paper ballots at tabulating centers and  
15 not at precincts.

16 The glaring absence of any such  
17 ballot-counting instructions or procedures at the  
18 precinct level indicates that the General  
19 Assembly did not intend that counting of paper  
20 ballots could be required to take place there.

21 The proposed amendment also conflicts with  
22 the part of the General Assembly's SEB 202 which  
23 requires that vote tallies be submitted by  
24 10 p.m. on election day. Requiring the  
25 hand-counting paper ballots multiple times at



1 precincts will lead to delays that make  
2 compliance with this deadline improbable.

3 Finally it's important to note that the poll  
4 managers' oath in O.C.G.A. 21-2-94 pertains to  
5 allowing properly registered citizens to vote and  
6 not vexatiously delaying or refusing to permit  
7 such persons to vote, not hand-counting paper  
8 ballots.

9 This amendment could prevent poll managers  
10 from fulfilling their oath because lengthy  
11 counting requirements could lead to missing  
12 deadlines and thus the disenfranchisement of  
13 every voter at a particular polling place.

14 **MR. FERVIER:** Thank -- thank you.

15 **MS. MOORE:** In conclusion --

16 **MR. FERVIER:** Appreciate --

17 **MS. MOORE:** Okay, thanks.

18 **MR. FERVIER:** Thank you.

19 Our next -- our next speaker will be Marisa  
20 Pyle.

21 Ms. Pyle, are you available? Marisa Pyle?

22 **MS. PYLE:** Can you hear me?

23 **MR. FERVIER:** Yes. Ms. Pyle, please begin.

24 **MS. PYLE:** Awesome, thank you. My name is  
25 Marisa Pyle. I'm the senior democracy defense

1 manager at All Voting is Local Action. I'm here  
2 today to join both previous commenters as well as  
3 the hundreds of Georgians who submit written --  
4 written comments and opposed to the Grubbs  
5 proposed revisions to 183-1-12-.12 which would  
6 dangerously undermine the statutory requirements  
7 for election boards to certify and transmit  
8 election results to the state.

9 For meeting after meeting this board has  
10 heard from legal experts, election administration  
11 advocates, and elected officials that this  
12 proposal in conjunction with the Heekin proposal  
13 that has already been passed by this board would  
14 make it more difficult to certify results after  
15 an election, create legal jeopardy for counties,  
16 and it risks undermining public trust in election  
17 results.

18 Much has already been said about the risk  
19 that this rule poses to certification of  
20 elections itself and as well as those who brought  
21 this rule as reported over the weekend by  
22 ProPublica. It has the potential for individual  
23 precincts to be targeted for exclusion from  
24 certified results for single discrepancies that  
25 may be real or perceived or imagined and as small

1 as a single error among thousands of votes.

2 The exclusion from an entire precinct from  
3 certified results risks disenfranchising  
4 thousands of voters from the process, putting  
5 their constitutional right to vote in serious  
6 legal jeopardy. This is not even to mention the  
7 direct conflict that this rule poses with Georgia  
8 code which states clearly that even if there is  
9 an error, that shall not stop the canvass and  
10 certification process.

11 Additionally, the provision that provides  
12 for examination of all election-related  
13 documentation created during the conduct of  
14 elections creates a risk that makes documents  
15 wholly unrelated to results themselves used for  
16 excuses for noncertification. These documents  
17 could range from training manuals to hiring  
18 documents to poll watcher credentials, meeting  
19 minutes, polling place agreements and much more,  
20 all potential bases for claims of, quote/unquote,  
21 discrepancies by anyone who is seeking to  
22 undermine faith and legitimacy of our election  
23 results.

24 Georgia law and election experts are clear  
25 this rule must be rejected to protect the best

1 interests of voters, election workers, and our  
2 democracy. And I urge you to vote accordingly.  
3 Thank you.

4 **MR. FERVIER:** Thank you, Ms. Pyle. I  
5 appreciate that.

6 Our next speaker is Betsy Shackelford.

7 **MS. SHACKLEFORD:** Okay. Can you hear me?  
8 Hello? Hello? Hello?

9 **MS. KING:** We can hear you.

10 **MS. SHACKLEFORD:** Oh, okay. Nobody  
11 responded. Okay. Once again, being called a pit  
12 bull for Donald Trump exposes a deep partisanship  
13 that has no place on the state election board.  
14 Those three uber-partisans should resign from the  
15 board immediately. But of course they will not.  
16 The three proposed rules for tabulating results  
17 are part of Trump's MAGA playbook for throwing  
18 the election into disarray.

19 These rules do not assist in transparency.  
20 They are administrative burdens to poll  
21 workers -- workers already under the gun to  
22 deliver quite a lot of paperwork, results, media,  
23 and equipment on a tight time crunch.

24 Clearly the people proposing these  
25 burdensome rules have not been poll workers. As

1 a poll worker, I know that, for example, tying up  
2 three workers for paper counts is foolish and  
3 would expose ballots insecurely. The requirement  
4 to count ballots in stacks of fifty is silly. As  
5 a poll worker who has counted ballots by hand, it  
6 is much easier to get an accurate count with  
7 smaller stacks. These are just ill-informed  
8 attempts to gum up the works. That is what all  
9 three of these proposals are about: planned  
10 interference.

11 The purported reason is to, quote, prevent  
12 fraud. There is no widespread fraud. Stop  
13 legislating and rulemaking from paranoia fanned  
14 by rampant misinformation, in other words, lies.  
15 Thank you.

16 **MS. KING:** You're muted, John.

17 **MR. FERVIER:** Our next speaker is Cindy  
18 Battles.

19 Ms. Battles, are you there? Cindy Battles?

20 **MS. BATTLES:** Yes, sir, I'm here. Thank you  
21 so much for allowing me speak today. I  
22 apologize, I'm not sure why my camera's not  
23 working, but it is, as always, a pleasure to be  
24 in front of this board. I do want to thank each  
25 one of you for your service and decry any sorts

1 of violence or accusations that have been thrown  
2 around because I know that this is a tough job.  
3 However, I will say that I am concerned about  
4 some of the actions of this board particularly in  
5 the last couple of months.

6 I am going to ask this board as it continues  
7 to consider rules and petitions that it considers  
8 that it is funding a number of unfunded mandates  
9 making it more difficult for election  
10 administrators to run our elections in the ways  
11 that you say that you want them run which is in a  
12 fair, transparent, and obviously well-run manner  
13 so that we can have faith in our elections.

14 Further, actions like passing vague and  
15 poorly written rules about certification that do  
16 not make clear that counties must certify the  
17 elections is going to throw our elections into  
18 disarray. If we are going to pass those kind of  
19 rules, we need to make sure that that kind of  
20 language is included.

21 I did appreciate the chair's attempt to  
22 outline what election records could be called  
23 into question so as to help appease some of the  
24 confusion. But one of the things that this board  
25 is supposed to be doing is educating voters on

1 how our elections are run in Georgia. And  
2 instead it feels like you are doing the work of  
3 spreading misinformation and disinformation. And  
4 obviously some of that feels very partisan which  
5 is why I think we have a lot of what is happening  
6 in this virtual room and across the state today.

7 I would just like to ask the board to take  
8 those things into consideration as it votes today  
9 and let the voters of Georgia decide who should  
10 be our next elected officials instead of passing  
11 rules that make it more difficult for the people  
12 to be heard. Thank you.

13 **MR. FERVIER:** Thank you, Ms. Battles. I  
14 appreciate you staying within your two minutes.

15 Our next speaker today is Linda Brooks  
16 Cooper. Ms. Cooper.

17 **MS. COOPER:** Yes. Can you hear me?

18 **MR. FERVIER:** Yes, I can. Please proceed.

19 **MS. COOPER:** All right, thank you.

20 Georgia's GOP-controlled state election board is  
21 poised to adopt a rule on today that would give  
22 county election board members an additional  
23 avenue to delay certification of election  
24 results, potentially allowing them to throw the  
25 state vote count into chaos this fall.

1           This rule is very concerning because it  
2 requires county boards to investigate  
3 discrepancies between the number of ballots cast  
4 and the number of people who voted in a precinct,  
5 no matter how minor. It bars counties from  
6 certifying the election tallies until officials  
7 can review an investigation of every precinct  
8 with inconsistencies and only in extreme rare  
9 cases affect the outcome of elections.

10           This requirement to explain every one of  
11 them and the litigation that goes around it could  
12 take far longer than the time allowed to certify  
13 the vote.

14           My name is Linda Brooks Cooper. I am not a  
15 lawyer. I am a registered voter in the state of  
16 Georgia, and I have voted in all general and  
17 primary elections for the last 30 years. I am a  
18 concerned citizen over your new rules added by  
19 the state election board.

20           First, let me remind you what others have  
21 said. There were over 60 cases on behalf of the  
22 GOP candidate for president in 2020 that did not  
23 come to fruition. I am concerned that the three  
24 poll workers to count ballots on elections night  
25 to make sure they match the number about by



1 recording -- by the voting machine. This will  
2 delay our election results. And in Fulton County  
3 alone, there were 527,000 votes that were cast.  
4 Counting in packs of 50 will suggest that one  
5 poll worker will have to put in a staggering  
6 number of hours which is unnecessary to the  
7 taxpayers.

8 And then again --

9 **MR. FERVIER:** (indiscernible) --

10 **MS. COOPER:** -- I want --

11 **MR. FERVIER:** Ms. Cooper --

12 **MS. COOPER:** -- to point out that this rule  
13 that refers to reasonable inquiry, there is no  
14 definition by the board of what a reasonable  
15 inquiry looks like. There is no guidelines and  
16 no suggestions.

17 **MR. FERVIER:** Thank you, Ms. Cooper.

18 **MS. COOPER:** (indiscernible) election  
19 deniers. Thank you.

20 **MR. FERVIER:** Thank you, Ms. Cooper.  
21 Appreciate your comments.

22 The next presenter is Rachel Lastinger.

23 Ms. Lastinger, are you online?

24 **MS. LASTINGER:** Yes, good morning. Can you  
25 hear me?

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**MR. FERVIER:** Yes. Please start.

**MS. LASTINGER:** Good. Thank you. So the ACLU of Georgia's voter access project works to ensure voting is easy and accessible for all Georgians. And today I urge you to reject the petition to amend rule 183-1-12-.12, addressing the process of certifying election results and the petition to amend rule 183-1-12-.12, addressing hand-counting ballots in polling places.

The proposed amendment addressing the certification process is unreasonable and has the potential for great harm to our democratic process. This rule significantly threatens counties' ability to certify election results by introducing an unnecessary and vague reconciliation process before all votes are counted.

The current certification process in Georgia has been successful in ensuring that correct and accurate results are reported. Additional requirements are completely unnecessary. The proposed rule does not specify the election-related documents that must be provided to county board members allowing for a

1 significant burden on election staff to prepare  
2 documentation on demand.

3 The petition as it stands is void under  
4 Georgia law because it allows actions by board  
5 members outside of the scope of their authority  
6 under the code. Its purported purpose is to  
7 ensure that counties, superintendents, and boards  
8 of election follow the required procedures and  
9 can uniformly, properly, and lawfully fulfill  
10 their duties. It calls for actions that is  
11 beyond the limits of that board's legal authority  
12 delineated by the Legislature. The proper way to  
13 change a scope of board power is through the  
14 Legislature not the state election board.

15 The petition to amend the rule addressing  
16 hand-counting ballots in polling places requires  
17 a large input of financial resources and staff  
18 time. Neither (background noise, indiscernible)  
19 is fair. This petition is unnecessary and  
20 unreasonable and would only delay the process of  
21 announcing county election results by (background  
22 voices, indiscernible) additional steps to the  
23 chain of custody process in handling final  
24 ballots.

25 I also urge you to dismiss any petitions

1 that would enter into rulemaking today and moving  
2 forward. Many of these petitions are outside the  
3 state election board's authority and would have  
4 significant burden on counties.

5 Moreover less than 90 days out is far too  
6 late to initiate a new ruling into the rulemaking  
7 phase. And if a rule is passed this late, it  
8 could lead to significant confusion for voters  
9 and burden local election administrators.

10 **MR. FERVIER:** Thank you.

11 **MS. LASTINGER:** International best standards  
12 calls for significant change to be within one  
13 year of an election. Thank you so much.

14 **MR. FERVIER:** Thank you, Ms. Lastinger. We  
15 appreciate your comments.

16 Our next -- next speaker is Lynn Durham.

17 Ms. Durham, are you online? Lynn Durham?  
18 Ms. Durham? One more chance. Ms. Lynn Durham.  
19 Lynn, are you online?

20 **MS. HARDIN:** I see her. She's here.

21 **MR. FERVIER:** Is her mic off?

22 **MS. HARDIN:** Uh-uh. Her mic is  
23 (indiscernible).

24 **MR. FERVIER:** Ms. Durham, we can't hear you.  
25 We'll -- we'll come back to you. See if we

1 can -- if you can work out things on your end.

2 Our next speaker is Donald Sherman.

3 Mr. Sherman, are you online?

4 **MR. SHERMAN:** I am. Thank you.

5 **MR. FERVIER:** Is this Mr. Sherman?

6 **MR. SHERMAN:** Yes.

7 **MR. FERVIER:** Please proceed.

8 **MR. SHERMAN:** Mr. Chairman and members of  
9 the board, my name is Donald Sherman and I'm a  
10 government ethics lawyer whose mother and family  
11 have lived and voted in Georgia for more than a  
12 decade.

13 My organization, Citizens for Responsibility  
14 and Ethics in Washington submitted a comment with  
15 the ACLU of Georgia and public rights project  
16 urging this board not to adopt the proposed rule  
17 permitting individual county election board  
18 members to examine all election-related  
19 documentation created during the conduct of  
20 elections prior to certification of results  
21 because it's contrary to this board's rulemaking  
22 authority under Georgia law.

23 Georgia already has a robust process for  
24 addressing election fraud. This rule could  
25 invite unnecessary chaos into that process. The

1 portion of this rule at issue, subsection 6, is  
2 contrary to Georgia law in two key ways.

3 First, the election code does not vest any  
4 power in individual members of county election  
5 boards but instead in any each county's, quote,  
6 election superintendent which is the majority of  
7 the board's voting members, not any one member.

8 Second, no Georgia statute grants even  
9 election superintendents an unconditional right  
10 of access to, quote, all election-related  
11 documentation created during the conduct of  
12 elections prior to certification of results.  
13 Rather the election code provides that the voting  
14 majority of the county board must first identify  
15 a numerical excess in vote totals from the  
16 precinct before the board has any authority to  
17 summon the poll officers with any primary  
18 election papers in their possession.

19 The proposed rule improperly omits this  
20 statutory condition. This section if adopted  
21 could disrupt any county canvassing and  
22 certification empowering -- by empowering  
23 individual board members to demand any  
24 election-related documents, even ones from  
25 different counties or that have no bearing on

1 certification, all based on mere whim. Such  
2 abuse could sow doubt in Georgia's election and  
3 certification process, compromising the votes of  
4 millions of Georgian's including my family.

5 We respectfully urge the board not to adopt  
6 this proposal. Thank you.

7 **MR. FERVIER:** Thank you, Mr. Sherman. We  
8 appreciate your comments.

9 Our next speaker is Kristen Nabers.

10 Ms. Nabers, are you online? Kristen Nabers?  
11 Ms. Nabers, we can't hear you. Is your  
12 microphone on?

13 We'll come back to Kristen Nabers. Our next  
14 speaker is Kristin Davis. Kristin Davis.

15 **MS. DAVIS:** Can you hear me?

16 **MR. FERVIER:** Yes, we can hear you. Is this  
17 Kristin Davis?

18 **MS. DAVIS:** Yes, Kristin Davis.

19 **MR. FERVIER:** Please -- please proceed.  
20 Thank you.

21 **MS. DAVIS:** Hi. My name is Kristin Davis  
22 and I'm a licensed and practicing Georgia  
23 attorney. I'm also here with the ABA's Democracy  
24 Task Force, and I wish to follow up on the task  
25 force concern and opposition to the new

1 hand-counting requirements of ballots in Georgia  
2 elections.

3           Regarding the uniformity of election  
4 practices and proceedings, implementing manual  
5 counting requirements would unduly burden the  
6 more populous precincts in counties. In fact, it  
7 would likely be impossible for all Georgia  
8 counties and precincts to uniformly comply with  
9 such requirements within the certification time  
10 frame prescribed by the General Assembly.

11           Additionally, there are already many other  
12 checks and balances in place that are more  
13 controlled, reliable, auditable, and accurate  
14 than any hand-count could ever be. This includes  
15 poll pads tracking the number of voters,  
16 ballot-marking devices tracking the number of  
17 votes, scanners tracking how many ballots have  
18 been scanned, and paperwork that requires poll  
19 workers to track each of those items and document  
20 the reason for any discrepancy. Not only are  
21 these checks and balances more accurate than  
22 hand-counts, they also allow for the protection  
23 and purity of the original ballots.

24           If the board has concerns about the lack of  
25 hand-counting at the precinct level, it can



1 following its statutory duty described in  
2 O.C.G.A. 21-2-31(6) which is to make  
3 recommendations to the Georgia General Assembly  
4 to address this issue. The General Assembly  
5 could then consider whether to impose such a  
6 requirement and how it can coordinate with its  
7 other election laws.

8 While everyone here presumably would agree  
9 that election integrity is paramount, the  
10 proposed "hand-counting of ballots" rule before  
11 you today will not further this goal. The facts  
12 in evidence are that this change is outside what  
13 the Legislature has mandated, (indiscernible)  
14 disrupting the chain of custody and inject  
15 unnecessary burdens and requirements into the  
16 process. Thank you.

17 **MR. FERVIER:** Thank you. Thank you,  
18 Ms. Davis. We appreciate your comments.

19 I want to go back to Lynn Durham. I see  
20 that Lynn is online.

21 Lynn, can you hear us? Lynn? Lynn Durham,  
22 can you -- can you speak, Lynn? We can't hear  
23 you.

24 All right, we're going to have to move  
25 forward then. The next speaker is Wanda Mosley.

1           Wanda Mosley, are you online?

2           **MS. MOSLEY:** Yes. Can you hear me?

3           **MR. FERVIER:** Yes, ma'am. Please proceed.

4           **MS. MOSLEY:** My name is Wanda Mosley. I am  
5 deputy policy director of Black Voters Matter.  
6 I'm here today to speak out against these  
7 proposed changes.

8           You know, in preparing for this meeting, I  
9 wanted to go back and do some research to see if  
10 there had been any actual credible instances of  
11 voter fraud that resulted in the changes of any  
12 elections in our state. And I could find none.

13           And so that leads me to one conclusion, that  
14 these proposed changes, which have been noted are  
15 an overreach of this board's actual abilities,  
16 are all predicated on what those of us who love  
17 democracy call the big lie.

18           We know that this is another attempt to  
19 muddy, to cause confusion, sow chaos on elections  
20 in Georgia. We know that Georgia is a very  
21 important state for the upcoming presidential  
22 election. And your desire to make things more  
23 complicated for voters in our state is beyond  
24 frustrating and is beyond maddening.

25           But we all know why. We all see why. We

1 all understand why. You know it really is  
2 frustrating that with democracy on the ballot,  
3 you would think that this body would be  
4 concerned. You would think that this body would  
5 want our state to continue to offer free and fair  
6 elections, opportunities for folks to vote. But  
7 instead your actions suggest otherwise. But if  
8 it means you get a shout out from your supreme  
9 leader, well, then I guess that's what we are all  
10 here for, right?

11 I guess that's more important than the  
12 actual democracy in this country. It's more  
13 important than making sure that elections are  
14 counted using a system that, by the way, has  
15 worked for decades. Because again we have no  
16 credible instances where elections needed to be  
17 overturned.

18 Now, we do have indictments in Fulton County  
19 but those aren't because of voters. Those are,  
20 again, outside actors fueled by outrage, a  
21 tantrum by the former president who wishes to be  
22 a dictator. And so anyone who aids and abets  
23 that is obviously not someone who cares about  
24 democracy because you are wanting to just push  
25 your partisan agenda and you want to support the

1 partisan outrage by your former leader.

2 **MR. FERVIER:** Ms. Mosley --

3 **MS. MOSLEY:** So I close today saying that  
4 I'm frustrated by your actions. This is not in  
5 your purview, and you should not be interfering  
6 in the way elections are tabulated. Have a good  
7 day.

8 **MR. FERVIER:** Thank you, Ms. Mosley. Thank  
9 you.

10 **DR. JOHNSTON:** Mr. Chair.

11 **MR. FERVIER:** The next -- yes.

12 The next speaker is Janice Swaney.

13 Ms. Swaney, are you online? Janice Swaney?  
14 Ms. Swaney, are you online?

15 All right. We'll go to the next speaker.  
16 The next speaker is (background sounds) Anita  
17 Tucker.

18 Ms. Tucker, are you online? Anita Tucker?

19 **MS. TUCKER:** Can you hear me?

20 **MR. FERVIER:** Yes. Is this Ms. Tucker?

21 **MS. TUCKER:** This is Ms. Tucker.

22 **MR. FERVIER:** Ms. Tucker, please proceed.

23 **MS. TUCKER:** Thank you. My name's Anita  
24 Tucker. I'm the assistant secretary for the  
25 Forsyth County Board of Registration and

1 Elections.

2 The new proposed rule change to  
3 183-1-12-.12, tabulating results, that requires  
4 each precinct to hand-count paper ballots after  
5 close of election night is useless  
6 (indiscernible) busywork.

7 Understand that poll workers arrive at the  
8 precincts at 5:30 a.m. on election day. The odds  
9 of a hundred and fifty-nine counties getting the  
10 hand-count right first try after 7 p.m. is zero.  
11 It is unreasonable to expect this of poll  
12 workers. The paper ballots are backup to the  
13 scanned ballots. The scanned vote count is what  
14 is considered the official vote count. Counting  
15 the paper is inconsequential on election night.

16 And members of GAVREO are the elections  
17 experts in Georgia. They can provide this state  
18 election board with the best solutions to the  
19 perceived questions that these new rules are  
20 attempting to answer. Consistently -- consist --  
21 consistently since the 2020 election, new  
22 elections legislation and rules have been pushed  
23 down to county elections officials every single  
24 year. Funding has been restricted, recruiting  
25 poll workers and staff has become more difficult.

1 Burnout is a serious problem.

2 Of the 61,000 plus voters challenged in  
3 Forsyth since the 2021 Senate runoff, only 1,152  
4 have been canceled at the county level. That is  
5 0.2 percent. Not a good return on a time and  
6 resource invested in this effort.

7 The current version of the Georgia election  
8 code is 606 pages long. That is the guideline  
9 the county elections officials must navigate to  
10 ensure fair and legal elections. Perhaps time  
11 better spent on updating this antiquated rulebook  
12 full of contradictions and vague requirements.  
13 Thank you.

14 **MR. FERVIER:** Thank you. Thank you,  
15 Ms. Tucker. We appreciate your comments.

16 The next speaker is Joseph Kirk. Mr. Kirk,  
17 are you available? Joseph Kirk?

18 **MR. KIRK:** I am -- I am here.

19 **MR. FERVIER:** Okay. Mr. Kirk, please  
20 proceed.

21 **MR. KIRK:** Thank you. My name is Joseph  
22 Kirk. I'm the election supervisor from Bartow  
23 County. I've been in this position since 2007.  
24 And I am the -- and I am also a member of the  
25 Georgia Association of Voter Registration and

1 Election Officials.

2 I am here today to speak in opposition of  
3 rule 183-1-12-.12 regarding certification. One,  
4 the deadline in that rule of 3 p.m. does not  
5 match the deadlines in law. But other GAVREO  
6 members will speaker on that.

7 What I'm more concerned about is the  
8 impression that the rule gives that the board has  
9 more authority that it does. The rule restates  
10 the code but leaves out some important language.

11 It says the board shall (indiscernible)  
12 justly but leaves out regardless of any  
13 fraudulent or erroneous results presented --  
14 brought to him or her. Regardless is defined as  
15 without paying attention to.

16 So the board is required by law to  
17 (indiscernible) votes justly without paying  
18 attention to any fraudulent or erroneous results,  
19 but then to report their findings of any kind of  
20 fraud or erroneous results to the district  
21 attorney for the DA to do their job. We -- that  
22 omission seems to be very telling and gives --  
23 seems to grant the board more authority than they  
24 legally have.

25 The other things to talk about is the rule

1 creates more questions than answers. You know,  
2 one example is that the majority of the  
3 procedures in the code were written for older  
4 sorts of voting systems -- mechanical voting  
5 machines or hand-marked hand-counted paper  
6 ballots -- and matching our -- our -- these --  
7 our current procedures to those code sections  
8 creates a lot of confusion.

9 Most of all our tabulation, aggregation,  
10 comparison happens through the voting system now  
11 and then we go back and double-check it through  
12 other means that the poll workers report to us.  
13 And there's a lot of work that goes into that.  
14 We're happy to share that work with y'all and  
15 explain how things work with the current system,  
16 but this rule has to take that into account.

17 The last one I want to mention is that I  
18 regret I'm going to speak in opposition to this.  
19 We desperately need rules on certification and  
20 precertification procedures. This one just isn't  
21 it and does not answer the question we need to  
22 answer.

23 **MR. FERVIER:** Thank you --

24 **MR. KIRK:** But thank y'all very much.

25 **MR. FERVIER:** -- Mr. Kirk. Thank you,



1 Mr. Kirk.

2 All right. Ms. Durham, I can see you  
3 online, but I can't hear you.

4 **MS. DURHAM:** Can you hear me now? Can you  
5 not --

6 **MR. FERVIER:** I can hear you now,  
7 Ms. Durham. I can (indiscernible) --

8 (Cross-talking)

9 **MS. DURHAM:** I'm sorry about that. When the  
10 (indiscernible) got turned off, it turned off my  
11 mic too and I had to switch to phone.

12 **MR. FERVIER:** Please --

13 **MS. DURHAM:** I'll be very quick here. I'm  
14 Lynn Durham. I'm a registered Gwinnett County  
15 voter and I vote regularly. I represent the  
16 majority of Georgians. Rather than Republican or  
17 Democrat, we're in the middle. Sometimes we vote  
18 one way, sometimes we vote another. We base our  
19 votes on policies as well as characteristics such  
20 as vision, courage, strength, integrity,  
21 leadership, and empathy.

22 In 2020, a candidate tried to steal the  
23 presidential election in Georgia, but our  
24 honorable Republican Secretary of State upheld  
25 the sanctity of our vote. Because of this, our

1 Republican State Legislature installed three  
2 election deniers to the board even though  
3 recounts by Republicans in state after state  
4 found that the Republican had lost the  
5 presidential election.

6 Out of nearly 400 voting irregularity  
7 complaints that this board examined, five were  
8 found valid and noncitizens were not found to be  
9 voting. The audience may also be interested to  
10 know that the Heritage Foundation, a bastion of  
11 ultra right-wing politics, maintains an election  
12 fraud conviction database. That database shows  
13 that since 1991 an average of only 33 cases of  
14 fraud per year have been convicted, in no way  
15 sufficient to change the course of a presidential  
16 election.

17 Today the board seeks to institute a rule  
18 that relies on the word "reasonable," an  
19 inherently subjective word without defining what  
20 that means in this context. To someone in  
21 Atlanta, an hour in traffic might seem reasonable  
22 while someone from Plains might think that's  
23 crazy. To bulldog fans, an eight and oh  
24 conference season is reasonable. For Yellow  
25 Jackets, it might seem a dream.

1           It's clear to see that refusal to define the  
2 term "reasonable" is a recipe for chaos that this  
3 board surely would want to avoid. Here's another  
4 example. I guarantee that if I gave each of  
5 these board members 5,000 paper ballots to count  
6 and compare results, the reported results would  
7 not match. They wouldn't be off by much, not  
8 enough to throw an election, and yet we're being  
9 asked to accept that absolutely no difference  
10 between comparisons is reasonable. I reject  
11 that.

12           Patrick Henry said the Constitution is not  
13 an instrument for the government to restrain the  
14 people. It is an instrument for the people to  
15 restrain the government. And yet Georgia's  
16 leaders have continually sought to restrain the  
17 voting franchise of its citizens and our state  
18 government continues to defund safe and fair  
19 elections.

20           **MR. FERVIER:** Thank you.

21           **MS. DURHAM:** The eye of Georgians are on  
22 this board. The eye of the world is on this  
23 board. And more importantly history has its eyes  
24 on you. Thank you.

25           **MR. FERVIER:** Thank you, Ms. Durham, we

1 appreciate -- appreciate your comments. Thank  
2 you.

3 I'm going to go back to Kristen Nabers.

4 Kristen, are you online? Are you available  
5 to speak, Kristen?

6 Okay, Janice Swaney? Janice Swaney? No?

7 All right. Rebecca Anglin? Rebecca Anglin?

8 **MS. ANGLIN:** Hi. Can you hear me?

9 **MR. FERVIER:** Yes, I can. Is that you,  
10 Rebecca?

11 **MS. ANGLIN:** It is.

12 **MR. FERVIER:** Thank you, please --

13 **MS. ANGLIN:** Good morning. Thank you,  
14 Chairman.

15 Good morning. My name is Rebecca Anglin and  
16 I'm the election director for Greene County. I  
17 have worked in elections for 24 years and have  
18 served as a poll worker and elections technician,  
19 state election employee, and director for two  
20 counties as well as a board chair. And I am a  
21 member of GAVREO.

22 I'm speaking in opposition today of rule  
23 183-1-12-.12(a)(5), hand-counting ballots. One  
24 of the top priorities on election day is security  
25 and chain of custody of the ballots. My concern

1 with this proposed rule is that the chain of  
2 custody could be compromised with ballots being  
3 handled by so many individuals on election night.  
4 At our precincts all items, including equipment,  
5 must be removed and cleaned out on election  
6 night. Many counties are (indiscernible) and  
7 picking up equipment and such the next day. What  
8 happens when ballots from hand-counted counting  
9 are mistakenly left behind and the cleaning crew  
10 comes through the next day and discards them? I  
11 would have no idea of this.

12 Currently ballot boxes are locked and sealed  
13 and returned to our office. If by chance ballots  
14 are mistakenly left in the scanner or the  
15 write-in bin, we have the -- we have them in our  
16 custody and our staff are able to retrieve them  
17 in our office which is a controlled environment.

18 I humbly ask that a compromise be made in  
19 this matter or that I myself work with the writer  
20 of this rule or a member of the state election  
21 board to reach a reasonable resolve.

22 I thank you so much for your time today.

23 **MR. FERVIER:** Thank you, Rebecca. We  
24 appreciate you.

25 The next person to speak will be Deidre

1 Holden.

2 Deidre Holden, are you online?

3 **MS. HOLDEN:** Yes. Good morning. Can  
4 everyone hear me?

5 **MR. FERVIER:** Yes. Please proceed.

6 **MS. HOLDEN:** Thank you. I'm Deidre Holden.  
7 I'm the elections director for Paulding County.  
8 We are currently serving 135,790 voters. I've  
9 worked in elections for 20-plus years and I'm  
10 also the past president of the Georgia  
11 Association of Voter Registration and Election  
12 Officials. I love elections and I was called to  
13 be a public servant and I take this very  
14 seriously.

15 If you pass rule 183-1-12-.12(a)(5), you  
16 will be setting 159 counties up for failure on  
17 election night. You will be responsible for the  
18 delaying of the results in the most crucial  
19 election that has been conducted in the state  
20 this year. The Paulding County Board of  
21 Elections agreed that we will hire an additional  
22 132 poll workers to come in after the polls close  
23 to count the ballots.

24 You're looking at poll workers who have been  
25 there for over 15 hours that are fatigued and not

1 thinking correctly. So we wanted to do this to  
2 get the best results and do it the best way.  
3 However, the additional cost to our county will  
4 be \$7,000. Could be more depending on the number  
5 of ballots that we have. Some counties, due to  
6 their already strained budgets, will not be able  
7 to afford this.

8 I'm here to ask you to please consider that  
9 the count be completed prior to state  
10 certification. Ballots will be counted in our  
11 office, a controlled location with monitors.

12 In closing I would also like to suggest that  
13 this board create an election support committee  
14 to assist the state election board in future  
15 endeavors so that the state election board and  
16 election officials will have a team that can  
17 ensure the voters of Georgia that they are  
18 conducted fairly, securely, transparently, and  
19 with the most -- the utmost integrity for the  
20 voters of our state.

21 We will be here to answer any questions if  
22 you need us and I appreciate your time. Thank  
23 you so much.

24 **MR. FERVIER:** Thank you, Ms. Holden. We  
25 appreciate your comments.

1           The next speaker is Travis Doss. Is Travis  
2 Doss online?

3           **MR. DOSS:** Hello, chairman. Can you hear  
4 me?

5           **MR. FERVIER:** Yes, I can. Please proceed,  
6 Mr. Doss.

7           **MR. DOSS:** Yes, hi. Well, thank you,  
8 chairman and the SEB members for allowing us an  
9 opportunity to speak. I, too, am an elections  
10 director. I am currently the elections director  
11 from Richmond County. I have been in elections  
12 for the past 29 years, and I am currently serving  
13 as president of the Georgia Association of Voter  
14 Registration and Election Officials.

15           (indiscernible) are those comments from my  
16 other members who are over 500 members strong.  
17 We are in opposition of 183-1-12-.2[sic] (a) (5)  
18 regarding the hand-count. It is not that we are  
19 against hand-counting ballots. We are against  
20 the potential of the chain of custody being  
21 broken when those ballots are removed from the  
22 ballot box and spread out over tables after being  
23 in a secure ballot box and locked. We would  
24 rather seal those ballots up and then be able  
25 to -- if -- if counting is necessary, do it in a



1 controlled environment rather than at the polling  
2 place where mistakes can be made.

3 The reason that we use electronics nowadays  
4 is because we use technology. We do not count  
5 money by hand. We use hand -- we use money  
6 counters. We do not add up in our heads or an  
7 abacus. We use calculators. So there is a  
8 reason that we trust the scanners to give us the  
9 accurate numbers.

10 Also speaking out against 183-1-12-.12, the  
11 certification. The 3:00 required meeting by  
12 board members is in direct contrast to state  
13 rules and state laws. Both of those allow voters  
14 to allow their absentee ballots and the  
15 provisional ballots to be cured and/or counted by  
16 5 p.m. A meeting prior to 3 p.m. will result in  
17 vote totals being inaccurate and then lead to the  
18 possibility of undermining the public trust  
19 during that election process.

20 Then the final rule being proposed today  
21 183-12[sic]-12(e), posting the reconciliation  
22 report, that rule is poorly written. Not all  
23 election offices have a website where they can  
24 post those rules. I would recommend -- or I  
25 would suggest that all rules be suspended 90 days

1 prior to any election just like federal law has  
2 us reserve the voter registration rolls.

3 Thank y'all very much for your time and for  
4 listening.

5 **MR. FERVIER:** Thank you, Mr. Doss. We  
6 appreciate it.

7 Our next speaker today is Tonnie Adams.  
8 Tonnie Adams?

9 **MR. ADAMS:** I'm here. Yes, sir.

10 **MR. FERVIER:** All right. You're up and  
11 please proceed.

12 **MR. ADAMS:** My name is Tonnie Adams. I'm a  
13 member of the Georgia Association of Voter  
14 Registrars and Election Officials and the  
15 election supervisor in Heard County.

16 I wish to express my opposition to the  
17 amendment to SEB rule 183-1-12-.12(a)(5)  
18 concerning the hand-counting of ballots at the  
19 precinct. While we appreciate the intent of the  
20 rule -- the rule change and accounting for  
21 ballots at the precinct, the proposed change will  
22 potentially delay the reporting results on  
23 election night.

24 The General Assembly has passed laws that  
25 make it clear that they prioritize timely results

1 to be reported on election night. Any prolonged  
2 delay in reporting results creates doubt and sows  
3 mistrust with the results reported from  
4 precincts. Requiring the ballots to be  
5 hand-counted three times will delay results in  
6 precincts that have large turnout on election  
7 day. There are counties throughout the state  
8 that will have more than 2,000 ballots to be  
9 counted, and some may have as many as 5,000 to  
10 6,000 ballots on election night.

11 These precincts will see a prolonged delay  
12 of two to three hours or more before they can  
13 finish their returns and report results. If the  
14 priority of the state election board is to have  
15 timely results on election night, then we ask  
16 that you vote no when this issue comes before  
17 you. Listen to your election officials. We are  
18 the experts and will be the individuals  
19 responsible for enacting this rule.

20 And finally, the amendment to SEB rule  
21 183-1-12-.12, concerning certification, we ask  
22 how can we begin the certification meeting before  
23 the deadline for a cure of absentee ballot,  
24 UOCAVA ballot submission, and provisional ballot  
25 approval? The numbered list you refer to in the

1 amendment will change during the two hours after  
2 the board convenes. Until 5 p.m., the board  
3 cannot make a final determination of the exact  
4 number of ballots that were cast that will be  
5 counted. Some absentee ballots cast will be  
6 rejected because they were not cured, and some  
7 provisional ballots that were cast will be  
8 rejected because the board of registrars has  
9 decided they will not be accepted.

10 We ask that you work with your election  
11 officials to craft a rule that clarifies state  
12 code rather than introduces a meeting deadline  
13 that has no basis in law. Thank you.

14 **MR. FERVIER:** Thank you very much, Tonnie.  
15 We appreciate your comments.

16 The next speaker today is Konrad Hayashi.  
17 Konrad Hayashi? Hayashi?

18 **DR. HAYASHI:** Yes, Mr. Chairman.

19 **MR. FERVIER:** I'm sorry if I butchered your  
20 last name. I'm trying my best.

21 **DR. HAYASHI:** I sometimes joke that it's  
22 Smith but it's spelled funny.

23 **MR. FERVIER:** Well, we'll call you Konrad  
24 Smith.

25 **DR. HAYASHI:** Okay.

1           **MR. FERVIER:** Please proceed.

2           **DR. HAYASHI:** Okay, certainly. I am  
3 Dr. Konrad Hayashi, navy captain retired. I've  
4 been a DeKalb County registered voters since 2008  
5 after over 30 years active duty and just before  
6 starting at the CDC.

7           Like so many others, I urge you reject the  
8 petitions revising rule 183-12-02[sic] that would  
9 enable overreaching discretion in investigation  
10 and hand-counting of ballots. The proposed  
11 alterations are highly objectionable because,  
12 first, it contradicts existing Georgia state law  
13 requiring that county officials, quote, shall  
14 certify results, unquote, with precedent set for  
15 over a century.

16           Second, alteration would grant undue license  
17 to members to investigate all documents and  
18 perceived discrepancies following the subjective  
19 extremist partisan perspective indefinitely.  
20 This would sabotage certification and would  
21 disenfranchise voters.

22           By the way, even the Heritage Foundation  
23 previously found Georgia to have among the  
24 highest election integrity measures in the  
25 country.

1 Third, Georgia code powers and duties,  
2 15(b), states that the board of election oath  
3 includes, quote: And that I will at all times  
4 truly, impartially, and faithfully perform my  
5 duties, unquote. Adopting the alterations would  
6 have board members betraying their oath.

7 Fourth, no confirming factual evidence was  
8 found despite millions spent to find proof of  
9 widespread voter fraud in Georgia and other  
10 states. To paraphrase the writer, Dorothy  
11 Parker: There is no there there.

12 The state election board would show profound  
13 cluelessness at best, election subversion at  
14 worse were it to adopt these unwarranted changes.  
15 Thank you.

16 **MR. FERVIER:** Thank you, Mr. Hayashi. And  
17 thank you for all your service to our country.  
18 We appreciate that.

19 (Cross-talking)

20 **DR. HAYASHI:** (indiscernible)

21 **MR. FERVIER:** Thank you.

22 The next speaker is Pamela Reardon.

23 Pamela Reardon, are you online?

24 **MS. REARDON:** Hello, chair.

25 **MR. FERVIER:** Hello, Pamela. Please begin.

1           **MS. REARDON:** Okay. So I'm Pamela Reardon  
2 and I'm a voter and a citizen in Cobb County.

3           I, for the life of me, sit here and cannot  
4 understand all these previous speakers objecting  
5 to common sense rules that should be followed by  
6 every county. I myself was a poll watcher in  
7 Smyrna in '22. And the people at the end closed  
8 out the polls and the workers had plenty left  
9 over to pull out the ballots from the scanner  
10 boxes, put them in groups of 50 or however they  
11 were doing it, and make sure that that number is  
12 the same as the scanner number.

13           Now there's been so much misinformation, it  
14 drives me crazy. Marc Elias is a liar. I'm just  
15 going to say it. And all these  
16 democracy-something groups are lying, lying,  
17 lying. These rules do not do what they're  
18 saying. So that's what I wanted to say about  
19 that.

20           But I would like to know from  
21 Mr. Raffensperger how many non-citizens were  
22 removed from the Georgia voter roll that he  
23 publicly made such a big deal about that he was  
24 going to look at. Can somebody on this board get  
25 that information? That would be great. And I

1 also wanted to know if the prison systems in  
2 Georgia are registering felons to vote because I  
3 just saw a recent article in Alabama. Wes Allen  
4 is the secretary of state there, stated that the  
5 Federal Bureau of Prisons were conducting  
6 registrations in his prisons and they are going  
7 through their rolls. So this has to be looked  
8 at, folks.

9 And, again, why don't we just go back and  
10 delete everyone off the rolls and have people  
11 turn up with their proof of citizenship, right?  
12 And their IDs of where they -- addresses where  
13 they live on election days and vote.

14 And to answer the question about what your  
15 duties are, I think Senate Bill 189 gave you the  
16 authority to make clear the rules that -- or the  
17 lies that they made, right?

18 **MR. FERVIER:** Ms. --

19 **MS. REARDON:** Because there's a little mud  
20 there. So you're just clearing it up. So thank  
21 you so much.

22 **MR. FERVIER:** Thank you, Ms. Reardon. We  
23 appreciate your comments. Thank you very much.

24 The next speaker is Michael Chermansky(ph).  
25 And I apologize if I butchered that last name.



1 Michael Chermansky, are you online?

2 Michael?

3 We'll move on. The next speaker is Pam  
4 Woodley. Pam Woodley.

5 Pam Woodley, are you online?

6 We'll try and come back to Pam and Michael.  
7 Next speaker is Beth Hendrickson. Beth  
8 Hendrickson?

9 **MS. HENDRICKSON:** Yes, Mr. Chair. I'm here.

10 **MR. FERVIER:** Good. Thank you, Beth.  
11 Please proceed.

12 **MS. HENDRICKSON:** My name is Elizabeth  
13 Hendrickson and I am a registered voter and  
14 citizen of Cobb County. Election officials are  
15 polite, professional, helpful, and patient  
16 despite the long hours, high pressure  
17 environment, and intense scrutiny. They have  
18 performed their jobs with meticulous diligence  
19 day after day.

20 The proposed board rule adding hand-counts  
21 at polling locations would unnecessarily burden  
22 election workers, introduce a new risk of human  
23 error, undermine current security protocols by  
24 having more hands on ballots, and introduce  
25 another point of potential confusion into the

1 process.

2 This rule would also take effect far too  
3 close to the upcoming election to ensure a smooth  
4 rollout as all these elections directors have  
5 mentioned, adding further stress and even greater  
6 likelihood of human error. Requiring the county  
7 boards to meet by the Friday following election  
8 day to review precinct returns, investigate  
9 potential discrepancies, and review all election  
10 related materials is unrealistic and conflicts  
11 directly with Georgia law requiring  
12 certification.

13 The statutory requirement to certify is not  
14 discretionary and should not be made so.  
15 Certification means that all procedures have been  
16 followed and the vote being reported is what came  
17 from the required documents. It's not asking  
18 anyone to sign something stating that they have  
19 personally checked and double-checked every  
20 number involved. Should there be evidence, not  
21 merely suspicion of an irregularity, there are  
22 already procedures in place to address them after  
23 the legally mandated certification.

24 Rules created by the Secretary of State's  
25 Office and this board are only intended to

1 clarify and operationalize state law, not change  
2 or contradict it. These two proposed rules go  
3 beyond or contradict the intent of state law and  
4 will add uncertainty and potential  
5 contentiousness into the process which will be  
6 detrimental to confidence in our electoral  
7 process.

8 Thank you for this opportunity to speak and  
9 for your role in keeping Georgia's election  
10 secure and accessible.

11 **MR. FERVIER:** Thank you, Ms. Hendrickson,  
12 for your comments.

13 The next speaker is Allison Pen --  
14 Prendergast. Allison Prendergast?

15 **MS. PRENDERGAST:** Yes, sir. Can you hear  
16 me?

17 **MR. FERVIER:** I can. Just one moment,  
18 please. I want to -- hit your reset. Please  
19 proceed.

20 **MS. PRENDERGAST:** I'm Allison Prendergast, a  
21 registered voter in Gwinnett County. Ronald  
22 Reagan said: True peace rests on the pillars of  
23 individual freedom, human rights,  
24 self-determination, and the respect for the rule  
25 of law.

1           Based on that, I'd say we don't have true  
2 peace in Georgia because some members of this  
3 state election board do not respect the rule of  
4 law. Georgia law clearly states your duties  
5 shall be to establish uniform practices for  
6 election officials as well as legality in all  
7 elections and to establish rules that are  
8 consistent with law and are conducive to the  
9 fair, legal, and orderly conduct of elections.

10           This board has wasted time and taxpayer  
11 money to reopen issues that have already been  
12 settled. That's a misuse of power. Election  
13 lawyers, the board chairman, and even the state's  
14 top election official have all stated several  
15 rules recently adopted contradict state law.

16           Today the board is discussing adopting rules  
17 requiring county election boards to hand-count  
18 ballots and to meet the Friday after election day  
19 to review returns and allow for examining  
20 election-related documents, risking the  
21 chain-of-custody protocol. Again this conflicts  
22 with state law since it allows for ongoing review  
23 of documents well past certification deadlines.

24           Where else can people ignore state law and  
25 not face fines or liability? If ordinary

1 citizens did this in their own lives, they could  
2 go to jail. The difference is, unlike an  
3 individual, when y'all ignore state law, it  
4 doesn't just impact you. It throws the entire  
5 state election process into chaos and chaos is  
6 the opposite of the rule of law and the orderly  
7 conduct of elections.

8 But I have to say that's exactly why some of  
9 y'all were chosen for this board. Thank you.

10 **MR. FERVIER:** Thank you, Mr.[sic]

11 Pendergra-- Allison Prendergast --

12 (Cross-talking)

13 **MS. WOODLEY:** Chairman?

14 **MR. FERVIER:** We appreciate your comments.

15 **MS. WOODLEY:** Pam Woodley is unmuted now.

16 **MR. FERVIER:** All right.

17 **MS. WOODLEY:** Thank you.

18 **MR. FERVIER:** Pam, please proceed.

19 **MS. WOODLEY:** Thank you, if that's okay.

20 I --

21 **MR. FERVIER:** Yes.

22 **MS. WOODLEY:** -- I wasn't unmuted before.

23 Okay. Yeah, I'm also going to talk about the  
24 manual counting of ballots requirement. If you  
25 all were poll workers, you would know that this

1 is a ridiculous, unnecessary, and harmful idea.  
2 You would know that we verify all machine counts  
3 are at zero at the beginning of the day and that  
4 the scanner is empty. We take pictures to prove  
5 all this and send them to the county. We  
6 reconcile the counts on the poll pads, voting  
7 machines, and the scanner every hour and send  
8 that to the county.

9 The worker manning the scanner watches that  
10 the count increases by one every time a voter  
11 feeds a ballot in. We complete dozens of forms  
12 documenting that everything reconciles at the end  
13 of the day.

14 But now at the end of a 16-hour day, you  
15 want to add a requirement that three of us  
16 hand-count thousands of pieces of paper that a  
17 machine has already counted. This is completely  
18 ridiculous.

19 I also heard you to reject the proposed rule  
20 regarding certification. I'm not an attorney or  
21 representing any organization. So I'm just going  
22 to say clearly this is driven by your belief in  
23 the con of voter fraud. People have been trying  
24 to prove this voter fraud con for four years and  
25 no one has succeeded and you will not succeed

1 either because this is America and in our great  
2 country you actually have to have evidence to  
3 prevail. Thank you.

4 **MR. FERVIER:** Thank you very much, Pamela.  
5 I appreciate you working with us on these  
6 technical issues.

7 The next person to speak is Michael Beach.  
8 Michael, are you online?

9 **DR. BEACH:** I'm online. Can you hear me?

10 **MR. FERVIER:** I can. Please proceed.

11 **DR. BEACH:** Okay, thank you. My name is  
12 Dr. Michael Beach and I have served as a poll  
13 worker and assistant poll manager in DeKalb  
14 County for almost three years now, since my  
15 retirement. The proposed rule to hand-count  
16 ballots at polling locations, as you've heard, is  
17 duplicative and unnecessary, could introduce more  
18 errors, and certainly will delay when ballots are  
19 delivered to the main office.

20 As we know confidence in elections is  
21 undermined when results are delayed. As a poll  
22 worker, we already check hourly for discrepancies  
23 between check-ins at the poll pads, voting at the  
24 touchscreens, ballot counts at the scanner.

25 In my precinct actually, we have tried

1 hand-counting of ballots and found that issues  
2 with count consistency are always due to human  
3 counting error. The scanner count has always  
4 been correct.

5 The proposed rule for the county board's  
6 role in certification conflicts with Georgia  
7 laws, as you've heard, that require  
8 superintendent certification on the Monday after  
9 the election. Giving a hundred and fifty-nine  
10 boards discretion to hold up certification with  
11 ambiguous wording, allowing members to, quote,  
12 examine all election-related documentation could  
13 be used to delay election certification with  
14 potentially never-ending review of documents.

15 As we know, the U.S. has been embroiled in  
16 election chaos for four years now, questioning  
17 whether our election systems are secured.  
18 Multitudes of lawsuits and accusations have  
19 proliferated, but at the end of the day those  
20 efforts have failed due to a total lack of hard  
21 supporting evidence.

22 As seen over the past four years also,  
23 adding more rules will never satisfy those who  
24 are convinced elections are not secure. It only  
25 emboldens them to submit more and more layers of



1           unnneeded and potentially harmful changes. Even  
2           our elected Republican Secretary of State just  
3           published that these last-minute changes in  
4           election procedures undermines voter confidence  
5           and burdens election workers.

6           The election is coming up soon. Our  
7           election officials and poll workers need to be  
8           laser-focused. I ask that you deny these changes  
9           and allow the election to go forward unburdened,  
10          unstressed by these unnecessary last-minute  
11          changes. Thank you.

12          **MR. FERVIER:** Thank you, Dr. Beach. We  
13          appreciate your comments.

14          The next person to speak is Kathleen  
15          Kneeland. Kathleen Kneeland, are you online?  
16          Kathleen Kneeland?

17          **MS. KNEELAND:** Hello. Yes, I'm online.

18          **MR. FERVIER:** Great, great.

19          **MS. KNEELAND:** Yes. Thank you very much.  
20          I'm a registered voter in Forsyth County. And  
21          actually I had a whole lot of points to make, but  
22          I'm -- they've already been made several times.  
23          So I'll try to keep this brief.

24          And, first, addressing the whole delay of  
25          certification issue, this is been refuted legally

1 time and time again, not just recently in the  
2 four years following 2020, but literally for  
3 decades it has been rejected by the courts. And  
4 I just want to repeat a slogan that I've heard  
5 many times and that is: A definition of insanity  
6 is doing the same thing over and over and  
7 expecting different results.

8 And I don't see why Georgia would want to  
9 complicate certification once again to have it  
10 rejected once again.

11 Secondly, I think the hand-counting of  
12 ballots takes us back to the bad old days of  
13 potential ballot stuffing. This was a chronic  
14 problem in the days of paper ballots. And how we  
15 are now assuming that paper ballots are somehow  
16 more accurate than computers and electronics  
17 really escapes me.

18 But having said those two things, the main  
19 issue I'd like to raise now is one of cost. And  
20 that is how much are all these last-minute  
21 changes going to cost Georgia taxpayers? And I'd  
22 like to see a detailed cost analysis and answer  
23 to this question.

24 **MR. FERVIER:** Thank you, Ms. Kneeland.

25 **MS. KNEELAND:** Not to -- oh, sorry, thank

1 you for listening.

2 **MR. FERVIER:** Thank you. We appreciate your  
3 comments, Ms. Kneeland. Thank you very much.

4 The next speaker is -- I apologize ahead of  
5 time on this one -- Matt Rowenczak. Matt  
6 Rowenczak, are you online?

7 **MR. ROWENCZAK:** I am. Good morning, board.

8 **MR. FERVIER:** Did I butcher your last name  
9 too much?

10 **MR. ROWENCZAK:** No. You did a pretty good  
11 job, chair. Appreciate that.

12 **MR. FERVIER:** Thank you. Please proceed.

13 **MR. ROWENCZAK:** Good morning, board. So I  
14 wanted to express my support for the first three  
15 rules for final adoption as well as the two rules  
16 submitted by Ms. Lucia Frazier.

17 And one thing before I get into some of  
18 those rules is I think it's very apparent that  
19 there's been some shenanigans in this meeting  
20 because there's a couple of organizations that  
21 seems to have gotten potentially advanced notice  
22 for this meeting. When you do a virtual meeting  
23 like this -- right? -- it's all -- word gets  
24 spread on equal times -- right? -- when people  
25 have to physically show up in person to get

1 public comment -- right? -- there is a time and a  
2 place. You don't have equal process when you do  
3 this online.

4 I wanted to speak to the second rule from  
5 Ms. Sharlene Alexander. And that is it's pretty  
6 absurd that we have folks that are concerned  
7 about counting ballots to make sure that they  
8 match, right? So there are firms -- right? --  
9 when you become an accountant -- right? -- and  
10 you're -- and, you know, people often joke and  
11 call you a bean counter -- right? -- because they  
12 go physically verify the inventory that matches  
13 the books. This rule is not controversial. It's  
14 basically a reconciliation. It's a process that  
15 has been done for years. Just recently the  
16 secretary of state guided our counties to not do  
17 it.

18 And for folks that think there haven't been  
19 any issues, let me remind them -- because some  
20 said they did a lot of research, well, apparently  
21 they didn't do much research because in DeKalb  
22 County when Michelle Long Spears in the Democrat  
23 primary in 2022, all of a sudden she went from  
24 roughly 3,000 votes to 6,500 after they counted.  
25 And a hand-count of the ballots would've caught

1 it.

2 So we have a lot of partisan activists that  
3 have given public comment, and people of common  
4 sense know that this is a good rule that's been  
5 in practice previously for many, many years.

6 Thank you for the time.

7 **MR. FERVIER:** Thank you, Mr. Rowenczak. We  
8 appreciate your comments.

9 The next person to speak is Jodi Lewis  
10 Lipsitz. Jodi Lewis Lipsitz? Are you online,  
11 Jodi? Jodi Lewis Lipsitz, are you online?

12 We will go forward to -- the next person  
13 will be Matt Weiss.

14 Matt Weiss, are you online?

15 **MR. WEISS:** Oh, can hear me?

16 **MR. FERVIER:** Yes. Is this Matt?

17 **MR. WEISS:** Yes. Can you hear me?

18 **MR. FERVIER:** Yes.

19 **MR. WEISS:** Yes, it is.

20 **MR. FERVIER:** Please proceed, Matt.

21 **MR. WEISS:** I thank you, members of the  
22 state election board. I speak this morning on  
23 behalf of the Democratic Party of Georgia as its  
24 deputy general counsel in opposition to the  
25 comment regarding notice to rulemaking to amend

1 subject 183-1-12-.12, relating to tabulating  
2 results.

3 The proposed rule is problematic as it  
4 departs from its purported statutory authority,  
5 O.C.G.A. 21-2-493. The proposal rule would  
6 require boards of election to compare the total  
7 number of ballots cast to the total number of  
8 unique voter ID numbers and to determine the  
9 basis for any discrepancy.

10 Whereas, the proposed rule requires that all  
11 such discrepancies be investigated and resolved  
12 before certification, the statute requires that  
13 if error or fraud is discovered, quote, the  
14 superintendent shall compute and certify the  
15 results justly, regardless of any fraudulent or  
16 erroneous returns presented to him or her.  
17 That's O.C.G.A. 21-2-493(i), with fraud dealt  
18 with by the district attorney or in subsequent  
19 litigation.

20 So what's driving this rule? A report  
21 published by ProPublica yesterday revealed that  
22 the rule is being pushed by the Election  
23 Integrity Network, a right-wing organization  
24 involved in challenging the legitimacy of  
25 elections led by Cleta Mitchell and the Election

1 Research Institute; a right-wing group led by  
2 Heather Honey, the leader of the election monitor  
3 team for Fulton County proposed at the last  
4 meeting, and according to the New York Times, an  
5 activist known for spreading conspiracy theories  
6 about elections.

7 As detailed in the DPG's written comments on  
8 this rule, the rule ultimately further undermines  
9 the established legal principle in Georgia that  
10 the certification of elections is a ministerial  
11 duty of election superintendents which is clear  
12 from the plain reading of Georgia's election code  
13 and in precedent from the state -- the Supreme  
14 Court of Georgia dating back over a hundred  
15 years.

16 Thank you very much.

17 **MR. FERVIER:** Thank you, Mr. Weiss. We  
18 appreciate your comments, sir.

19 We're going to go back one more time and try  
20 some individuals that were unable to connect  
21 earlier: Kristen Nabers.

22 Kristen Nabers, are you online? We see you  
23 online.

24 Is Kristen Nabers' microphone off? It's  
25 enabled?

1 Ms. Nabers, are you online? Is your -- is  
2 your mic off? Kristen Nabers?

3 All right. Janice Swaney? Janice Swaney,  
4 are you online?

5 All right. Michael Chermansky? Michael  
6 Chermansky, are you online?

7 All right. Jodi Lewis Lipsitz? Jodi Lewis  
8 Lipsitz, are you online?

9 Okay. That will conclude, then, our public  
10 comment portion of the meeting this morning.  
11 We'll go into procedure matters which are discuss  
12 proposed rule amendments and -- and petition for  
13 board rules.

14 The chair would entertain a comfort recess  
15 of about five to seven minutes. Do we have a  
16 motion?

17 **MS. GHAZAL:** So moved.

18 **MR. FERVIER:** We have a motion from member  
19 Ghazal for a short recess. Is there a second?

20 **MS. KING:** Second.

21 **MR. FERVIER:** We have a motion and a second  
22 from member King. Any discussion? Hearing no  
23 discussion, all those in favor signify by saying  
24 aye. Dr. Johnston?

25 **DR. JOHNSTON:** (indicating)



1           **MR. FERVIER:** Member Ghazal?

2           **MS. GHAZAL:** Aye.

3           **MR. FERVIER:** Member King?

4           **MS. KING:** Aye.

5           **MR. FERVIER:** The ayes have it.

6           We will now recess for approximately five  
7 minutes and reconvene at 10:30 a.m. Thank you.

8 (Recess)

9           **MR. FERVIER:** We will reconvene the meeting  
10 now after that short break which I appreciate  
11 greatly.

12           We -- one of our callers from this morning  
13 just informed us -- or one of our speakers this  
14 morning just informed us that she is available,  
15 was having some technical issues. So we'll begin  
16 by hearing from Jodi Lewis Lipsitz for  
17 approximately two minutes.

18           Ms. Lipsitz, are you online?

19           **MS. LIPSITZ:** I am.

20           **MR. FERVIER:** Good. Please -- please  
21 proceed for your two minutes. And thank you.

22           **MS. LIPSITZ:** Good morning. My name is Jodi  
23 Lewis Lipsitz. My legal name is Josephine for  
24 whatever that's worth. Thank you to all the  
25 board members and thank you for letting me say my

1 piece.

2 My earliest political memory is the  
3 Kennedy-Nixon debate. I voted for the first time  
4 in the McGovern-Nixon election. Never missed  
5 voting in a presidential election since that  
6 time. It's only been in the last few years that  
7 I felt concerned that my vote might not be  
8 counted. I vote by absentee ballot because these  
9 days it is not easy for me to stand for any  
10 appreciable length of time at the polls. Frankly  
11 it's alarming that my vote could be determined to  
12 be fraudulent at the whim of someone else.

13 I'm speaking up now because as Americans we  
14 deserve to have free and fair elections. We must  
15 not let anyone or any party take away this right  
16 which was won for me by the sacrifices of people  
17 like my father who served in World War II. He  
18 would be horrified at the situation in our  
19 country at present.

20 Elections in this country have worked  
21 relatively well and smoothly until the 2020  
22 election. We don't need additional minders  
23 treating us as though we are toddlers. The  
24 system is not broken, and it does not need to be  
25 fixed. We must not interfere with this process.

1           We need to learn to discuss our differences  
2 with civility. We must put our country before  
3 party affiliation and be allowed to vote our own  
4 consciousness without fear that someone who does  
5 not agree with us will negate our vote.

6           Thank you.

7           **MR. FERVIER:** Thank you. We appreciate --  
8 appreciate your comments.

9 **Discussion and Voting on Proposed Rule Amendment to**  
10 **SEB Rule 183-1-12-.12**

11           **MR. FERVIER:** The next portion of our  
12 meeting -- of our meeting today is procedural  
13 matters which the first item is a discussion and  
14 voting on proposed rule amendment to SEB rule  
15 183-1-12-.12. This was a rule that was presented  
16 by Salleigh Grubbs, I believe, and Bridget  
17 Thorne.

18           The -- we've been presented with a list of  
19 speakers for this rule. We don't -- as we've  
20 done in -- in the meetings that we've had in  
21 person, we're going to try and limit the  
22 proponents of this rule to 20 minutes unless the  
23 board has questions for any of the speakers which  
24 the board is -- certainly can do that, can ask  
25 questions if they want to of these speakers.

1           So Ms. Grubbs has listed six speakers that  
2 she would like to speak on behalf of this rule.  
3 But we still would like to limit them to 20  
4 minutes. And then if there is any rebuttal that  
5 the board would like to hear, then the board can  
6 ask for a rebuttal from anybody else.

7           I believe that Ms. Thorne will be presenting  
8 this.

9           Is that correct, Ms. Thorne? Are you  
10 online?

11           **MS. THORNE:** Yes. Can you hear me?

12           **MR. FERVIER:** Yes. Are you going to be the  
13 first of the speakers?

14           **MS. THORNE:** Yes, I am.

15           **MR. FERVIER:** Okay. Let me -- let me get  
16 set up here. Would you proceed, Ms. Thorne,  
17 please.

18           **MS. THORNE:** Yes. I am a Fulton County  
19 commissioner but I am submitting this form as a  
20 private Georgia citizen. I'm a former precinct  
21 manager of almost nine years, a Dominion poll  
22 technician, a poll watcher, poll trainer, and  
23 election integrity advocate.

24           I was out of last -- out of town last month,  
25 so I apologize that I couldn't present this rule.

1 But I'm thankful that Salleigh and David did such  
2 a far better job than I ever could. But I'm here  
3 now as the originator of this rule.

4 This rule is a common sense rule. Most  
5 people would assume that there is a  
6 reconciliation that the number of voters who  
7 voted would equal the number of ballots cast  
8 before certification. After all, it is stated in  
9 law that -- and this rule simply offers guidance  
10 on following the existing law.

11 Fact: Fulton County had to recertify the  
12 January 2021 elections, the November 2021  
13 election, and the May 2022 election. And then  
14 they recounted the November 2023 election twice.

15 The current election director thinks that  
16 recertification is just part of the process.  
17 That process means that you are disregarding law.  
18 You certified not knowing that the account -- the  
19 count is true and correct the first time.

20 Fact: Last June Fulton County elections was  
21 forced to sign a consent decree that they  
22 double-scanned 3500-plus absentee ballots in the  
23 November 2020 election. Votes were watered down.  
24 They were suppressed. There was no longer one  
25 person equal one vote.

1           So what are you doing, state board? What  
2 place guards are you putting -- safeguards are  
3 you putting in place so that this would never  
4 happen again? Know your advocates here  
5 because -- they're advocating that: let's just  
6 keep it the same, it's all good. Who cares that  
7 people's votes were watered down?

8           I have an engineering background. I started  
9 working elections because I was amazed how broken  
10 and dysfunctional the election processes were. I  
11 thought I could make a difference. But I learned  
12 that most election directors do not have process  
13 management skills, auditing backgrounds, or  
14 experience outside of elections in the real  
15 world. They are -- they are hired straight out  
16 of college or out of government.

17           In a nonelection world, common sense  
18 processes like this would be put in place.  
19 GAVREO comments that the rule cannot change law,  
20 well, that will be addressed here by my expert  
21 attorneys that I have brought in. And the fact  
22 that they say that you -- it's ridiculous that  
23 they say you can't remove a ballot after it's  
24 been cast. Of course we know that. But we've  
25 come up with methods to prevent people's ballots

1 not being counted and that are being counted too  
2 often.

3 Even in 2020 the Secretary of State had to  
4 admit that 1500-plus people double-voted. 1500  
5 people were turned in and prosecuted. Those  
6 1500, I think, were put -- because a rule was put  
7 in place last minute that counties could go ahead  
8 and start tabulating absentee ballots early,  
9 people saw that their absentee ballots hadn't  
10 been counted. So they went ahead and went in and  
11 voted in person in a panic.

12 What are you guys doing to correct this?  
13 What are you --

14 **UNIDENTIFIED SPEAKER:** That's false.

15 **MS. THORNE:** -- (indiscernible).

16 I have here, since I'm not an attorney and  
17 I'm taking notes from what you did, Mr. Fervier,  
18 by having a CREW attorney come in, I have three  
19 legal experts to present the rule. I have Hans  
20 von Spakovsky, senior legal scholar at the  
21 Heritage Foundation and a former member of the  
22 Fulton County Board of Registration and  
23 Elections; Ken Cuccinelli, former attorney  
24 general of Virginia and president of the Election  
25 Transparency Initiative; and Harry MacDougald, an

1 attorney, managing partner at Caldwell Carlson  
2 Elliott and DeLoach and is a former member of the  
3 Fulton County Board of Registration and  
4 Elections.

5 **MR. FERVIER:** Ms. Thorne? Are you finished,  
6 Ms. Thorne?

7 **MS. THORNE:** Yes.

8 **MR. FERVIER:** Okay. We're going to leave  
9 your mic on in case the board has any questions.  
10 I have some questions about this rule after the  
11 other speakers.

12 So we'll hear from Hans von Spakovsky first.

13 **MS. THORNE:** Yes.

14 **MR. FERVIER:** Is he -- Mr. Spakovsky, are  
15 you online? Is his mic off?

16 **MR. VON SPAKOVSKY:** Can you hear me now,  
17 Mr. Chairman?

18 **MR. FERVIER:** Yes. Yes, we can. Please  
19 proceed.

20 **MR. VON SPAKOVSKY:** Good. Look, this rule  
21 simply takes the statutory provision in -- in  
22 Georgia law and sets out the common sense process  
23 for putting it in force.

24 Now, I will tell you, Mr. Chairman and  
25 members of the board, that while I work at the



1 Heritage Foundation, I'm here independently on my  
2 own, presenting my own personal opinions. And  
3 while I've got a lot of experience in the  
4 administration of elections, most relevant, as  
5 Ms. Thorne said, is that I spent five years  
6 administering elections with the rest of my  
7 county board in Fulton County.

8 Reconciliation is probably the most  
9 important function of a board. You want to be  
10 sure that the number of votes you are counting  
11 matches the number of voters who came in, went  
12 through the registration verification process and  
13 voted.

14 Now, I've heard a lot of attacks on you,  
15 attacks on others, all kinds of politics brought  
16 into that. What I would say to you is you need  
17 to ignore all these partisan allegations you've  
18 heard. This is a matter of good government, not  
19 politics.

20 And those who say this will disenfranchise  
21 voters, that's just not true. What will  
22 disenfranchise voters is if a precinct counts 900  
23 votes but when you check, it turns out a thousand  
24 voters came in. And for anyone who believes that  
25 kind of thing can't happen, I suggest you Google

1 what happened in Houston two years ago when it  
2 turned out that Houston lost until after the  
3 election 10,000 votes: 6,000 which were  
4 Democratic votes, 4,000 which were Republican.

5 Again, this is not going to delay  
6 certification. If you look at the rule and if  
7 you look at the process set up, the common sense  
8 process, it says that if the error or discrepancy  
9 can't be resolved, then the board determines a  
10 just way of counting the votes and they go  
11 forward. That's clear in the statute. It's  
12 clear in the process.

13 Now, I've heard folks constantly say, Oh,  
14 this will delay results. It's true the public  
15 wants to get the results as soon as possible, but  
16 getting quick results does not overrule making  
17 sure you have an error-free election.

18 Again, that is the most basic thing that is  
19 the responsibility of election officials. And I  
20 can't think of anything worse for public  
21 confidence than for election officials to certify  
22 an election despite errors and omissions and  
23 discrepancies that they have not actually looked  
24 at and investigated.

25 I've heard it said that members of county

1 boards don't have the authority to do that, they  
2 don't have the authority to look at documentation  
3 and other things in the election. Excuse me, but  
4 under the law and certainly when I was on the  
5 board, members of the county boards of elections  
6 have 100 percent responsibility for elections in  
7 their county from the time people register to  
8 when they're voting to when the tabulation is  
9 occurring. What, they're supposed to carry out  
10 that duty without having access to everything  
11 that's going on? That makes no sense.

12 It is not any different from the  
13 responsibility that members of the board have to  
14 investigate and determine whether provisional  
15 ballots should be counted. That is an absolute  
16 obligation that board members have, as we all  
17 know, after elections. And how is that done?  
18 They have to do a complete investigation of an  
19 individual voter who said that they registered to  
20 vote, get all of the documentation involved to  
21 find out whether that actually did occur or  
22 whether an error was made by election officials.

23 I would tell you that unless an election  
24 official, a board member, has full confidence in  
25 the administration of the election, that it was

1 done without errors, they should not certify the  
2 elections.

3 **UNIDENTIFIED SPEAKER:** Got to stay and count  
4 all those paper ballots (indiscernible).

5 **MR. FERVIER:** Let's -- excuse me.

6 Alexandra, if you could make sure that  
7 everybody's comments are -- everybody's mic is  
8 turned off.

9 **UNIDENTIFIED SPEAKER:** After staying there  
10 at 5:30 or more, do you want stay there --

11 **MR. FERVIER:** Mr. von Spavo -- I'm sorry.  
12 I -- I undid mine. Would the speaker please turn  
13 your mic on, back on. We've muted everybody at  
14 this point.

15 **MR. VON SPAKOVSKY:** Yes, sir. It's back on.

16 **MR. FERVIER:** Good. Please proceed.

17 (Cross-talking)

18 **MR. VON SPAKOVSKY:** I don't want to take a  
19 lot of time more, I would say that the absolute  
20 obligation of every election officials is to make  
21 sure that you have a fair, honest, and accurate  
22 election. And what we want at the end of  
23 election day is that everyone is confident,  
24 including the losers, that the election was  
25 fairly, honestly, and accurately conducted.

1 You -- that is not going to happen unless  
2 election officials have the authority, the power,  
3 and the ability to reconcile and investigate any  
4 discrepancies and errors that occur. And that is  
5 the ultimate goal of all election officials.

6 Thank you very much, Mr. Chairman.

7 **MR. FERVIER:** Thank you. We appreciate your  
8 comments. Thank you very much.

9 Our next speaker would be Attorney General  
10 Ken Cuccinelli.

11 Mr. Attorney General, are you online?

12 **MR. CUCCINELLI:** I am. Not getting the  
13 camera opportunity. So you -- you get my radio  
14 persona, I guess. I appreciate the chance to  
15 speak to you all. I wish it were visual, but  
16 that's okay. I want to thank you first for the  
17 opportunity to speak and for the work you all do  
18 being on this board week in, week out, month in,  
19 month out, year in, year out.

20 And the -- you know, I've heard a lot of  
21 constructive comments on both sides of this  
22 debate. I've also heard some of the things that  
23 make it harder to do your job. And I just  
24 appreciate you all bearing up through all that  
25 and using your mind, using your brain, using your

1 time, exercising your discretion which leads me  
2 to my first comment.

3 I -- I keep hearing this notion that your  
4 job or the job of boards of election is  
5 ministerial, the "shall certify" language. And I  
6 also see the code section relevant to this rule  
7 being, in my view, misquoted, particularly the --  
8 the tail end under (i). I heard at least one  
9 person sort of short the code section. Says if  
10 any or fraud is discovered, superintendent --  
11 which is board, where there isn't a  
12 superintendent -- shall compute and certify the  
13 votes, and they stop there. But the next word is  
14 "justly," which rather clearly implies that that  
15 board is intended and expected to use its  
16 judgment to determine on very short time frames  
17 what is the most proper outcome of the vote count  
18 in their area of responsibility. This is not a  
19 ministerial function. It's a very thoughtful,  
20 weighty function, and we appreciate you all  
21 engaging in your part of it here before ballots  
22 begin to be cast.

23 One of the reasons for the loss of  
24 confidence in 2020 was that the rules were  
25 changing while votes were being cast and after

1 that, often by courts, sometimes by unelected  
2 officials, secretaries of state -- yours is  
3 elected, not every state's is -- and that  
4 severely undermines confidence in an election.

5 So I appreciate you addressing a  
6 reconciliation subject before ballots begin to be  
7 cast so everybody knows the rules and how it will  
8 take place.

9 I think the honest analysis of the two sides  
10 of the debate with respect to this reconciliation  
11 rule are speed versus accuracy. And I would hope  
12 that this board will come down on the side of  
13 accuracy. And I would simply note that you are  
14 not actually sacrificing much in the way of speed  
15 except in rare instances where problems do, in  
16 fact, arise.

17 I've also heard allegations about concerns  
18 about fraud and so forth. In my experience --  
19 and as attorney general I dealt with an entire  
20 state, not yours of course, although I was a  
21 Georgia lawyer first -- that it is awfully  
22 difficult to deal with problems after they occur  
23 rather than preventing them on the front side.  
24 Elections, the old saying, "an ounce of  
25 prevention is worth a pound of cure," is probably

1 closer to an ounce of prevention is worth a ton  
2 of cure because of how difficult it is to deal  
3 with problems after the fact in the incredibly  
4 condensed time period we have.

5 Presidential elections are actually the  
6 worst because your state is just one of 50 plus  
7 the District of Columbia rather than being able  
8 to deal with it inside one state, dealing with  
9 only one state. For example, after the  
10 Abrams-Kemp race in 2018, it was just you all  
11 determining that outcome.

12 The reconciliation rule proposed here would  
13 flag serious problems at the earliest point in  
14 the process prior to certification. And if more  
15 ballots show up than voters, good grief, I would  
16 think anybody would want to flag and solve that  
17 problem as soon as possible. And that's what  
18 this rule does.

19 The opportunity to do that farther down the  
20 process gets more and more and more difficult.  
21 And I don't -- I don't really want to dwell on  
22 2020 at all because the other side was  
23 complaining in 2016 and we can -- it's whoever  
24 loses complains. So we want the best rules for  
25 everybody.



1           One of your speakers, I think it may have  
2           been Hans, said: We want the losers happy. They  
3           want -- we want them to be able to be confident.  
4           This reconciliation rule provides an element of  
5           transparency and confidence that is very common  
6           to the business world, reconciliation and  
7           accounting for example, and a very clear red flag  
8           in the very rare instances when it arises. And I  
9           will tell you from my old prosecutor days the  
10          best way to avoid problems is to make it clear to  
11          folks that you will catch the problems and fix  
12          them. And where there is maliciousness, that  
13          being the minority of instances in my view, you  
14          will hold people accountable. And this rule  
15          allows that to happen more reliably than current  
16          practice.

17          My last comment would be the only election  
18          law case most Americans might know is *Bush v Gore*  
19          from 24 years ago, when Florida was truly  
20          incompetent, and the seven to two Supreme Court  
21          rule that legal standards needed to be the same  
22          across the state. And the charge of your body of  
23          obtaining consistent application of Georgia law  
24          is fulfilled by supporting the reconciliation  
25          rule so that standards and practices are the same

1 across the state.

2 I appreciate the chance to speak to you all  
3 on this rule.

4 **UNIDENTIFIED SPEAKER:** Yeah. But I'm --  
5 that's what I was wondering --

6 **MR. CUCCINELLI:** I appreciate it being  
7 brought forward, and I will stay on and continue  
8 to listen.

9 **UNIDENTIFIED SPEAKER:** -- should I look at  
10 people who were maybe in July? It would a more  
11 accurate count?

12 **MR. FERVIER:** Thank you. Mr. Attorney  
13 General, I apologize for that. We keep having  
14 people join and you have to --

15 **MR. CUCCINELLI:** That's no problem --

16 **MR. FERVIER:** -- mute their mics --

17 **MR. CUCCINELLI:** -- I understand.

18 **MR. FERVIER:** -- as they join. And so we  
19 appreciate your comments. Thank you. If you  
20 want to remain online in case the board has any  
21 questions when -- when we're finished.

22 **MR. CUCCINELLI:** Yes, Mr. Chairman,  
23 certainly.

24 **MR. FERVIER:** The next speaker is Harry  
25 MacDougald. Mr. MacDougald.

1           **MR. MACDOUGALD:** Good morning, Mr. Chairman.

2           **MR. FERVIER:** Yes.

3           **MR. MACDOUGALD:** Are you able to hear me?

4           **MR. FERVIER:** Yes, we are. Thank you.

5           **MR. MACDOUGALD:** So good morning,  
6 Mr. Chairman and members of the board. My goal  
7 here is to give you a guidepost for evaluating  
8 the argument about whether this rule is lawful in  
9 requiring precinct level reconciliation of  
10 voters, ballots, and ballots cast. And you can  
11 figure that out for yourselves by reading two  
12 statutes which are 21-2-70 and 21-2-423. And I'm  
13 going to call a couple of provisions of those to  
14 your attention.

15                   Subsection (8) of 21-2-70 imposes on local  
16 election boards the duty that they shall inspect  
17 systematically and thoroughly the conduct of  
18 primaries and elections in the several precincts.  
19 So it's clearly within their statutory authority.

20                   Then I'd like you to consider the oath of  
21 office that local election board members take  
22 under 21-2-70, subsection 15(b): that I will to  
23 the best ability prevent any fraud, deceit, or  
24 abuse in carrying on elections and that I will  
25 make a true and perfect return of such primaries

1 and elections.

2 So the duty to certify a correct result is  
3 very clearly stated.

4 Now, as for the precinct level  
5 reconciliation, that is provided by the Georgia  
6 Election Code 21-2-493, subsection (b) requires  
7 precinct level reconciliation. And this rule  
8 applies that code section to the conduct of  
9 elections. I was on the Fulton County election  
10 board for eight years and precinct level  
11 reconciliation was required of every precinct in  
12 our county.

13 Why would this be something that needs to be  
14 reiterated in this rule? It is because in Fulton  
15 County we know that we had 3,930 duplicate  
16 ballots and we know that we had over 17,000 votes  
17 for which there were no ballot images. Those are  
18 significant irregularities that would've been  
19 caught by precinct level reconciliation.

20 And when it comes to the certification  
21 requirement, board members, when they certify,  
22 they are attesting that the results are correct.  
23 Georgia has a criminal statute that makes it a  
24 crime to submit a false document to the state or  
25 county government. That's 16-10-20. Board

1 members face legal jeopardy for certifying  
2 results if they are not accurate.

3 And so this rule will make the practice in  
4 the state uniform. Other speakers who are  
5 election directors described their procedures for  
6 reconciliation at the precinct level and they're  
7 to be commended for that. But the plain fact is  
8 that did not happen in Fulton County and we have  
9 had tremendous problems because of that and this  
10 will help solve that problem.

11 **MR. FERVIER:** Thank you, Mr. MacDougald. I  
12 appreciate that. Once again if you would stay  
13 online in case the board has any questions for  
14 you.

15 **MR. MACDOUGALD:** Yes, sir.

16 **MR. FERVIER:** Ms. Grubbs, are you online?

17 **MS. GRUBBS:** Yes, sir, I'm here.

18 **MR. FERVIER:** Now, we've gone a little past  
19 your 20 minutes, but I think all of this is  
20 important. So if you would -- you and  
21 Mr. Hancock would be brief in your comments, then  
22 we can get to board questions.

23 **MS. GRUBBS:** Yes, sir, I will be brief.  
24 You've heard from three esteemed legal scholars  
25 who know what they're talking about. What I will

1 add to the conversation is what a proper canvass  
2 is.

3 It's defined in the law dictionary as the  
4 act of examining and counting the returns of  
5 votes cast at a public election to determine  
6 authenticity. So proper canvassing is also cited  
7 by the U.S. Election Assistance Commission. They  
8 wrote -- actually I have (indiscernible) on it.  
9 Chapter 13 for canvassing and certifying an  
10 election: Canvassing and certifying should be  
11 used together to ensure that there is accuracy.  
12 And I have heard from people -- and, you know,  
13 out of 27 public commenters, two were allowed in  
14 that were pro, the rest were against the rules.  
15 And some of those were from smaller counties.

16 I will say that in Georgia we are a diverse  
17 state and we have more populous counties. But  
18 even with that, our precincts are not overwhelmed  
19 with voters. And this is something that can be  
20 achieved on the precinct level without issue.  
21 And there was something key that one of the  
22 commenters said, is that the vote's contained in  
23 the QR code anyway and, like, there's an  
24 expectation that the paper ballots are not going  
25 to reconcile with the tabulated results because

1 that's where the vote actually is.

2 Well, we have to have assurance as Georgians  
3 that what we see printed on our ballot is exactly  
4 how the ballots are cast. And the only way to do  
5 that is by hand reconciliation on the precinct  
6 level.

7 So, Mr. Chairman, I -- I do appreciate you  
8 and the other members, but I would say that there  
9 has been an unequal presentation of comments  
10 today. And I would like to also express that the  
11 talking points from some of those organizations  
12 have been pushed down to the local levels, to our  
13 local boards of elections. We had a local board  
14 of election meeting in Cobb County the other day  
15 and some of the exact same verbiage is used.

16 And I would just ask that you not let that  
17 color or influence your decisions today because  
18 as you can see, everything that's been presented  
19 in this rule is in accordance with Georgia law,  
20 and it is also to support and defend those people  
21 who are certifying elections to give them  
22 confidence and the ability to raise their right  
23 hand and certify the election without breaking  
24 law in Georgia and without violating the Georgia  
25 Constitution.

1           So thank you very much.

2           **MR. FERVIER:** Thank you, Ms. Grubbs. I -- I  
3 have to make one comment that the -- that the --  
4 it appears to be happening on both sides, the  
5 comments made, because I've receive hundreds of  
6 the very same e-mail over and over and over  
7 again. So I think that it -- both sides would be  
8 guilty of talking points. So ...

9           **MS. GRUBBS:** I hear you. I don't disagree.

10          **MR. FERVIER:** Yep.

11          **MS. GRUBBS:** (indiscernible) in entertaining  
12 those comments.

13          **MR. FERVIER:** It's been interesting.

14                 And, Mr. Hancock, are you online? David  
15 Hancock?

16          **MR. HANCOCK:** Yes, sir.

17          **MR. FERVIER:** Like I said, we -- would you  
18 just take a couple minutes to make your points,  
19 please?

20          **MR. HANCOCK:** Yes, I would. And I would  
21 like to -- speaking -- I am a county board  
22 election member, but I'm not speaking on behalf  
23 of the board. I'm speaking on my own. And I  
24 just want to address some of the -- mention the  
25 talking points that were mentioned. Some of the



1 more misleading or perhaps indicated a  
2 misunderstand -- stand -- understanding of the  
3 law.

4 Previous speaker just recently pointed out  
5 that one of our duties as board members, 21-2-70,  
6 is to inspect, and systematically and thoroughly,  
7 these election results. But also importantly is  
8 the oath that we sign -- or the document that we  
9 sign from the Secretary of State's Office.  
10 Mentioned this in the original presentation. But  
11 I take this very seriously.

12 It says once we certify -- it says: We, the  
13 undersigned board of electors, registrars,  
14 superintendents do jointly and severally certify  
15 that the attached election results summary is a  
16 true and correct count of the votes cast in this  
17 county for the candidates in the election in  
18 testimony whereof, we have un -- hereunto set our  
19 hand and ink the official seal.

20 And then another point that was made is that  
21 election board members who do not follow election  
22 law can be charged with not just a misdemeanor  
23 but a felony in some cases. And one other thing  
24 that I heard, and this is my last comment,  
25 they -- somebody mentioned that the board -- and

1 this is a true statement -- I am not the  
2 superintendent of elections. I am essentially  
3 one-third because we have a five-member board.  
4 It takes a majority to be the superintendent.

5 However, 21-2-72 says that the primary  
6 election records of each superintendent,  
7 registrar, municipal governing authority, and  
8 committee of a political party or body, including  
9 registration statements, nomination petitions,  
10 affidavits, certifications, tally papers, returns  
11 counts, contacts reports, and other documents in  
12 official custody, except the contents of voting  
13 machines shall be open to public inspection and  
14 may be inspected and copied by any elector.

15 So even if I am not representing the  
16 superintendent of elections, any elector is  
17 allowed to go and inspect these documents that  
18 we're asking to see.

19 So I will yield the rest of my time which  
20 doesn't look like there's any left.

21 **MR. FERVIER:** Thank you. Thank you. We  
22 appreciate your comments.

23 We've heard from six members presenting this  
24 petition today. I think I'd like to open it up  
25 now to comments from the board. One thing I'd

1 like to do, I understand that member Jeffares has  
2 joined us by phone, but he has called in and  
3 is -- our director Coan and member King, I  
4 would -- I would prefer that member Jeffares call  
5 Alexandra Hardin, who's in the room with me.  
6 Since I have to verify the votes on my end, I'd  
7 rather be able to hear it myself. So if you'd  
8 ask him to please call our paralegal Alexandra  
9 Hardin, then I can actually hear his vote instead  
10 of having it relayed to me when votes are taken  
11 on these.

12 **MR. CUCCINELLI:** Mr. Chairman, this is Ken  
13 Cuccinelli. Can I offer --

14 **MR. COAN:** He said he --

15 **MR. CUCCINELLI:** -- (indiscernible) for  
16 clarification?

17 **MR. FERVIER:** Yes.

18 **MR. CUCCINELLI:** Just I know you all have  
19 different business to do. I just want to clear  
20 up that the reconciliation rule and the  
21 hand-count effort are -- are separate  
22 undertakings, that the reconciliation at the  
23 precinct level is, you know, in -- we're talking  
24 about a few different things because you have  
25 lots of business before you, but on the one

1 reconciliation rule, it does not include the  
2 hand-count piece. That is held -- that is been  
3 addressed separately.

4 **MR. FERVIER:** Yes. Yes, that's correct. We  
5 have -- we have --

6 **MR. CUCCINELLI:** Thank you.

7 **MR. FERVIER:** That won't be heard. Yes.  
8 It's two different rules.

9 So, member Mr. Jeffares, are you online?

10 **MR. JEFFARES:** I'm online. I'm on the phone  
11 with Alex.

12 **MR. FERVIER:** Great. I just wanted to make  
13 sure that I could hear any comments and questions  
14 that you had.

15 **MR. JEFFARES:** Okay.

16 **MR. FERVIER:** All right. Does the board  
17 have any questions for this team of presenters?  
18 We'll go in order of seniority.

19 Member Ghazal.

20 **MS. GHAZAL:** Thank you. And I want to thank  
21 everybody who has presented this rule. It is  
22 important, and I don't think that anybody who has  
23 been involved in elections in Georgia would  
24 question the fact that a proper reconciliation  
25 and canvass effort is absolutely critical to the

1 outcome and to a proper certification and  
2 election process.

3 But what we're dealing with here is -- is  
4 very specific text of a very specific rule. And  
5 there are some very problematic portions of this.  
6 And I'm going to just address some of my  
7 questions openly for whomever would like to  
8 respond. My first question is the very first  
9 portion --

10 **MR. FERVIER:** Let me -- let me see.

11 So, Ms. Thorne, since you're presenting the  
12 rule, would you address the questions, or if you  
13 want to refer it to somebody else on your team,  
14 we'll let you do that. But if you would just  
15 kind of organize the answers for us.

16 **MS. THORNE:** Okay.

17 **MR. FERVIER:** Okay.

18 **MS. GHAZAL:** As a -- as an initial question,  
19 who actually wrote this?

20 **MS. THORNE:** It was a collaborative team of  
21 people. I actually called for an audit in  
22 October of the absentee ballot processing system  
23 after we moved into our new facility in Fulton  
24 County. I wanted to make sure we had standard  
25 operating procedures in place to prevent

1 double-scanning which I'm encouraged. They're  
2 now double-scanning in batches of 50 and  
3 reconciling it with the number of people that  
4 they had voted.

5 I expressed this concern to numerous people,  
6 that how can we prevent things like this  
7 happening? How can we prevent this from  
8 happening again in the chaotic world when you  
9 have a pandemic and you have a hundred  
10 forty-seven thousand ballots coming through and  
11 you have ballots coming through on open carts?  
12 There was no chain of custody. I was a  
13 first-hand eyewitness to early voting tabulators  
14 with no chain of custody, zero, people dumping  
15 ballots on the floor.

16 So for me I -- I work with groups of people.  
17 I'm in conversations with lots of people in  
18 election integrity. I mentioned it -- Heather  
19 Honey was at our warehouse poll watching, I  
20 mentioned it to her, mentioned it to Dr. Jan,  
21 mentioned it to my board members, both Republican  
22 board members on the board. I talked at length  
23 with the other commissioners. I talk at length  
24 when I go to conferences with people all over the  
25 state.

1           So this is something that's kind of been put  
2 together on a collaborative issue -- a  
3 collaborative effort by numerous people, and  
4 numerous groups have had their hands in it. So I  
5 couldn't pinpoint it. I don't take credit for  
6 all of it, but I will take credit for trying to  
7 get something done to correct problems and come  
8 up with solutions. That's what engineers do. We  
9 come up with solutions for problems. And it's a  
10 problem I see. And this was just an effort to --  
11 I'm -- I'm not -- I don't -- I don't write law  
12 language. I could write, okay, I see this, I  
13 understand this, but then I have lawyers and  
14 attorneys like Ken, Hans, and Harry to speak on  
15 it today.

16           **MS. GHAZAL:** Well, it seems to me a lot of  
17 this is driven by concerns over what happened in  
18 Fulton County, and this has to apply to a hundred  
19 and fifty-nine counties. One of my -- well, I'll  
20 list out several of my concerns and then hope to  
21 get some answers.

22           First is the fact that it requires a meeting  
23 to review precinct returns before precinct  
24 returns are even finished, and that seems to me  
25 to be extremely problematic because our UOCAVA,

1           which is our overseas and military ballot receipt  
2           deadline, isn't even until close of business on  
3           that Friday. And counties still have to process  
4           them to determine whether or not they meet the  
5           requirements and can be accepted. But you're  
6           requiring a meeting at 3 p.m., two hours before  
7           that deadline. So the returns aren't even  
8           finished at that point. So I'm really concerned  
9           that this is creating a heavy burden on counties  
10          and it's just going to complicate things.

11                 The process -- the canvassing process begins  
12           on the night of the election. Actually even  
13           before then because the canvassing process begins  
14           when the early voting scanners are tabulated  
15           during -- during the day. It begins when the  
16           absentee ballots may be tabulated during the day.

17                 That happens all the way through. But  
18           requiring a county to meet at 3 p.m., before the  
19           deadlines for provisional ballots, absentee  
20           ballots that need to be cured, and -- and our  
21           overseas and military ballots are even due  
22           necessarily, it's extremely problematic.

23                 I'm also wondering how it is that "board"  
24           which is not defined anywhere in our rules --  
25           because our rulemaking def -- definitions under



1 rulemaking can be found under 183-1-12-.02(1)(g).  
2 And that -- that defines election superintendent.

3 Do any of you have any idea how many  
4 counties are still using probate judges as an  
5 election superintendent?

6 **MR. FERVIER:** I believe it's approximately  
7 twenty-five.

8 **MS. GHAZAL:** Right. This law -- this rule  
9 does -- in the way it is drafted will not apply  
10 to them. So if we're looking at creating  
11 standards, this doesn't create a standard because  
12 it defines "boards." We have at least one county  
13 that has a separate board of registrars and a  
14 separate board of elections. Again this rule,  
15 because it is not defined, it's not defined code,  
16 it is not defined under O.C.G.A. 21-2-2, the --  
17 the body that has the responsibility for  
18 certifying elections is the superintendent, it's  
19 not the board.

20 The board -- the use of the term "board"  
21 here has no legal definition for it. So I don't  
22 see -- I don't understand how we can apply this  
23 the way it is written because this is the rule  
24 that was presented to us and this is an issue  
25 that I brought up the first time we saw it, but

1 nobody wanted to change it.

2 So I'm having a really hard time as an  
3 attorney understanding how you apply a rule when  
4 you are using terminology that does not have a  
5 legal definition.

6 **MS. THORNE:** I will let Harry MacDougald  
7 answer that question. There have been law  
8 changes, recent law changes to make "board"  
9 acceptable.

10 **MS. GHAZAL:** In twenty -- is that -- that --  
11 I believe you're talking about the provision that  
12 requires counties to move to boards as opposed to  
13 using judges, but that doesn't apply until 2025.

14 **MS. THORNE:** All right, Harry.

15 **MR. MACDOUGALD:** So if I would -- I think  
16 board member Ghazal is making the point that the  
17 rule might be -- it would be uniform if it  
18 referred to superintendents of elections rather  
19 than boards. That would be a -- I think a  
20 worthwhile change to make so that it's -- that  
21 it's uniform statewide.

22 The statute that I was referring to, 493 and  
23 70, they speak of the superintendent. The  
24 superintendent of elections is either a board or  
25 a probate judge. So for the sake of uniformity,

1 they should be synced up. The statute and the  
2 rule should be synced up.

3 **MS. GHAZAL:** Thank you.

4 **MR. FERVIER:** Any further questions, member  
5 Ghazal?

6 **MS. GHAZAL:** I -- I have to respectfully  
7 disagree with Mr. von Spakovsky in terms of --  
8 I -- I apologize. I don't recall if it was  
9 Mr. Cuccinelli or Mr. von Spakovsky that  
10 suggested that the provision of O.C.G.A.  
11 21-2-493(i) that says the board -- let me -- let  
12 me get it exactly right. If error or fraud is  
13 discovered, the superintendent shall compute and  
14 certify the votes justly regardless of any  
15 fraudulent or erroneous returns presented to him  
16 or her. That has been translated into -- into  
17 the rules as "the board shall determine a method  
18 to compute the votes justly" and leaves off the  
19 "regardless of any fraudulent or honest erroneous  
20 returns presented to him or her."

21 I do not read into that a grant of -- a  
22 statutory grant of authority for the board to  
23 exercise discretion here. And just as a thought  
24 experiment, one of the things -- Ms. Thorne --  
25 Commissioner Thorne pointed this out, that there

1 were certainly occasions -- we've seen occasions  
2 in which a voter inadvertently would cast two  
3 ballots because they would cast an absentee  
4 ballot, they would see that it had not been  
5 processed, so they'd vote in person.

6 So that might end up -- might result in a  
7 precinct that had one more vote cast than unique  
8 voters. What would the board do in that  
9 instance? There's one more vote. In the past  
10 what has happened and the correct procedure is  
11 that that is reported out thusly, that the -- the  
12 actual vote totals are certified because there is  
13 no way to remove one vote or one ballot from that  
14 batch. If there is a -- if there's an election  
15 that that one vote would determine the outcome,  
16 it is up to a judge to determine the proper  
17 procedures at that point.

18 It is not the role of the county board to  
19 try to change vote totals. It is the role of the  
20 county board to certify vote totals and allow a  
21 judicial process to be triggered because an  
22 election contest cannot occur until those votes  
23 are certified.

24 And so that -- that is -- I -- I simply do  
25 not agree that the word "justly" is a grant of

1 authority to the county to exercise discretion in  
2 this case.

3 **MS. THORNE:** I'm happy to speak on that, but  
4 would anybody else like to speak on that?

5 **MR. MACDOUGALD:** I would like to speak on  
6 that, Harry MacDougald, for just a second. So  
7 board member Ghazal, the statutory structure for  
8 the role of election superintendents to tabulate,  
9 compute, canvass, and certify the returns implies  
10 discretion at virtually every level. And so it  
11 would be, I think, an error of legal analysis to  
12 focus on just one parenthetical phrase in  
13 subsection (i) to conclude that there's no  
14 discretion.

15 After all, the boards are expected to vote  
16 on whether they certify. And the fact that  
17 they're expected to vote necessarily implies that  
18 they're exercising discretion. So there's  
19 antecedent duty to come up with the correct  
20 number and then certify it. And if they find a  
21 discrepancy, they're to report it out. The  
22 hypothetical that you pose, the st -- we have to  
23 follow the statute on that.

24 And the statute says they shall certify the  
25 returns justly to the best of their ability. And

1 if they're not able to do that because of a  
2 discrepancy, then they're to report that to the  
3 district attorney and, you know, post their  
4 returns and then it goes from there.

5 The post-certification remedies are an  
6 inadequate substitute for the antecedent duty to  
7 get the numbers correct in the first place.

8 **MS. GHAZAL:** And I don't think we disagree.  
9 I don't think we disagree at all. I think that  
10 conducting a proper canvass and making sure that  
11 every vote is accounted for is absolutely  
12 critical. My concern is that some of the  
13 language that's being used is suggesting that  
14 superintendents have discretion to determine  
15 which votes are counted. And that is not the  
16 case, that -- the statute does not support that.

17 And I want to make sure it's very clear to  
18 all 859 people who are listening right now that  
19 that is not the case. The statute does not allow  
20 a county superintendent to determine which votes  
21 count. It is their duty, their legal duty, their  
22 lawful duty to count votes and to account for all  
23 of them. And nothing about this changes the  
24 5 p.m. deadline on the Monday or I think in this  
25 November it's actually going be Tuesday because

1 Monday is a holiday. But nothing about this  
2 changes the absolute mandatory duty to certify at  
3 the county level seven days -- six days after the  
4 election. And nobody should have any mistake in  
5 that.

6 **DR. JOHNSTON:** Mr. Chair.

7 **MR. FERVIER:** Yes. Are you done, member  
8 Ghazal?

9 **MS. GHAZAL:** I am.

10 **MR. FERVIER:** Member Johnston, you're  
11 recognized.

12 **DR. JOHNSTON:** Thank you so much. First,  
13 thank you to everyone who said their comments.  
14 It's evident that -- that many, many people are  
15 interested in this rule petition and we  
16 appreciate all that.

17 I would differ with my colleague,  
18 Ms. Ghazal, about counting every vote. And to  
19 qualify that, that it is the duty -- it's the  
20 authority and the duty of the board or the  
21 superintendent to review and systematically count  
22 every legal vote such that if the board or the  
23 superintendent found that there were votes that  
24 were made illegally, they -- they should not be  
25 counted.

1           And so that -- that's part of the review,  
2 part of the canvass, part of the reconciliation  
3 such that if a tabulator that was given --  
4 produced with 5,000 votes that were -- could not  
5 be verified or authenticated, than they would be  
6 called into question and it should be -- it  
7 should be justly determined at that time and  
8 corrected if necessary.

9           So -- and I would emphasize 21-2-70 in the  
10 code, that the superintendent or the board is  
11 to -- they're advised, they're given the  
12 authority and the duty to inspect systematically  
13 and thoroughly the conduct of the primaries and  
14 the elections in the precincts.

15           And I -- my understanding of this petition  
16 regarding the 3 p.m. Friday meeting is it really  
17 doesn't have anything to do with certification.  
18 It's just -- it's just by that point a review  
19 should be available and provided to the board  
20 members so that they can fulfill their duties.  
21 And the certification is still four days later at  
22 the county level. So I have no problem with the  
23 3 p.m. Friday mention in this rule petition.

24           I'd also like to thank the lawyers that have  
25 so graciously given their time to give their



1 opinions of this. And I would like to enter into  
2 the record a letter from the Honorable J. Kenneth  
3 Blackwell that was to the board. And I'll read  
4 it very quickly.

5 (reading): My name is Kenneth Blackwell,  
6 and I'm chair of the Center for Election  
7 Integrity at the American First Policy Institute,  
8 AFPI, and a former secretary of state of Ohio. I  
9 spent much of my career working to ensure that  
10 Americans are guaranteed safe, secure, and  
11 transparent elections that are accountable to the  
12 people and not corrupted by outside forces.  
13 Raising American confidence in our elections is a  
14 critical piece of this mission. As a body  
15 responsible for implementing election integrity  
16 measures in Georgia, you have the task of  
17 ensuring that Georgia's elections are safe,  
18 secure, transparent, and accountable.

19 (reading): The proposed rule 183-1-12-.12  
20 would establish standard procedures for counties  
21 to comply with the existing requirement that  
22 mandates reconciliation of any discrepancies  
23 between numbers of voters, numbers of ballots,  
24 and numbers of votes before certifying election  
25 results.

1           (reading): This already required -- this is  
2 already required under Georgia law 493(b) as  
3 mentioned by Mr. MacDougald. The proposed rule  
4 simply standardizes the implementation. The AFPI  
5 report previously identified thousands of  
6 discrepancies in Georgia alone that were never  
7 reconciled prior to election certification.

8           (reading): Moving forward we want to ensure  
9 that should a scenario like this arise again, the  
10 law is followed uniformly and correctly across  
11 all Georgia counties. The number of voters,  
12 number of ballots, and number of votes should all  
13 be the same. This is just common sense. Any  
14 opposition to this proposed rule is suspicious in  
15 nature as it opposes the simple principle of one  
16 voter casting one vote at one time, counted once.

17           (reading): Georgians need to know that  
18 their vote counts and their vote matters. They  
19 need to trust their elections. I encourage you  
20 to support the proposed rule, 183-1-12-.12 at  
21 your meeting.

22           Sincerely, the Honorable J. Kenneth  
23 Blackwell.

24           Mr. Chair, I have one more letter to -- to  
25 enter into the record. This is from Senator

1 David Perdue.

2 (reading): Dear members of the Georgia  
3 State Election Board, I am a long-standing  
4 resident of Georgia and am writing to support the  
5 proposed SEB rule 183-1-12-.12 which outlines the  
6 standard procedure to reconcile the number of  
7 voters with the number ballots before the final  
8 count and certification are completed. This rule  
9 is just common sense and similar to banking  
10 disciplines used to reconcile financial accounts.  
11 This proposed rule does not introduce a new  
12 concept. It simply restates the existing  
13 procedures the Georgia State Legislature has  
14 already placed in the election code, O.C.G.A.  
15 21-2-493(b).

16 (reading): The proposed rule also ensures  
17 that reconciliation actions taken across all 159  
18 counties are being conducted uniformly as  
19 required by state and federal law. These  
20 proposed rules re -- this proposed rule requires  
21 counties to match the number of actual unique  
22 voters to the number of actual ballots counted.  
23 This assures one person, one vote, and will  
24 strengthen the integrity of the election process.

25 (reading): I believe that a disciplined and

1 fully implemented reconciliation process is  
2 absolutely required to ensure accurate election  
3 results and that this reconciliation should be  
4 completed before any vote count certification is  
5 completed. I strongly urge the Georgia State  
6 Election Board to adopt this proposed rule. It  
7 is absolutely necessary to assure the accuracy  
8 and fairness of our election process.

9 Thank you for your consideration. Kindest  
10 regards, Senator David Perdue.

11 **MR. FERVIER:** Any further questions, member  
12 Johnston?

13 **DR. JOHNSTON:** Not at this time.

14 **MR. FERVIER:** Member Jeffares, are you  
15 online?

16 **MR. JEFFARES:** (indiscernible)

17 **MR. FERVIER:** Do you have any questions?

18 **MR. JEFFARES:** (inaudible)

19 **MR. FERVIER:** I'm sorry?

20 **MR. JEFFARES:** No.

21 **MR. FERVIER:** No? Okay.

22 Member King.

23 **MS. KING:** Thank you, Mr. Chairman. I -- I  
24 don't have any questions, but I do want to make  
25 sure that I know something. As I'm listening to

1 everyone, I do feel like every concern is valid.  
2 We do take it very seriously. I've listened to  
3 both perspectives on this. That being said, a  
4 lot of the attacks that I'm hearing is centered  
5 around the idea that this particular rule or some  
6 of these rules that are being presented are being  
7 presented based off of us chasing some ghost that  
8 didn't exist or some conspiracy theory, some  
9 hypothetical. And I just want to make sure I  
10 note that several times it's been notated that  
11 there were issues that took place in the election  
12 cycle, particularly 2020, but then also elections  
13 that came following 2020.

14 That being said, this -- these issues have  
15 been noted by the Secretary of State's Office who  
16 are now saying that there were issues although  
17 that was not the case in 2020. We have a letter  
18 directly from the Governor to a citizen  
19 expressing that he also saw some major concerns  
20 that took place.

21 We -- we're -- we have evidence that there  
22 were issues in the 2020 election cycle. However,  
23 many of the opposition letters, e-mails, comments  
24 that have come are based in the conspiracy or  
25 hypotheticals that there could be issues going

1 forward, that there could be people delaying  
2 things, there could be these type of things. And  
3 so what I'm a little confused on is that you're  
4 asking us not to support these rules or some of  
5 these rules as they are because you assume that  
6 they're based in us chasing conspiracy theories  
7 while the opposition perspective is based in a  
8 theory that there could be something wrong going  
9 forward.

10 That being said, I think it's important that  
11 we address what we know occurred. And that's  
12 what we're doing by supporting this -- this  
13 particular rule.

14 **MR. FERVIER:** Any -- no questions member  
15 King?

16 **MS. KING:** No questions. I've heard  
17 everything.

18 **MR. FERVIER:** Okay. I will make a few  
19 comments and then we'll move forward with that.  
20 I do have several issues with this rule as it's  
21 written, although I'm sympathetic for what  
22 they're trying to do. As I've stated many times,  
23 I believe that the board of elections in each  
24 county deserves the right to review documentation  
25 that will help them certify and help them feel

1 comfortable with the results of the election.

2 In this particular rule, I see a couple  
3 issues, many of them member Ghazal has already  
4 stated. I see -- I believe it conflicts  
5 21-2-419(c) (1) and 21-2-386(g) which allows three  
6 days after the election occurs in order for all  
7 of the votes to come in. And so I think -- I  
8 think it conflicts with that in that it's calling  
9 for a meeting at 3:00 on Friday.

10 I also have issues with the fact that not  
11 every county in Georgia has a board of elections.  
12 Some of them have a judge that serves in there.  
13 I believe paragraph 4, the last (indiscernible)  
14 of that where you use the word "counted." The  
15 statute says, "recorded" not "counted." And I  
16 think it's a little bit confusing that paragraph  
17 in itself when it says no vote shall be counted  
18 if discrepancies are presented. But the votes  
19 must be counted in order to identify  
20 discrepancies. So I think it's a little  
21 confusing there.

22 I think paragraph 5, it is the duty of the  
23 superintendent by statute not the board. And  
24 then I -- you know, I have a question for  
25 Ms. Thorne.

1           So we -- statute 21-2-493(k) in this rule  
2 requires that the board certify by 5 p.m. on the  
3 Monday following the election; correct?

4           **MS. THORNE:** Yes.

5           **MR. FERVIER:** And if that's the case, then  
6 if we have an election board member that refuses  
7 to certify for any reason at all, are they in  
8 violation of 21-2-493(k) and in violation of this  
9 rule? And are they subject to be investigated by  
10 this board at that point for refusing to certify?

11           **MS. THORNE:** I assume. But it says the  
12 superintendent, not one person must certify. So  
13 the superintendent would be a majority of that  
14 board. It can't be one person.

15           **MS. KING:** Mr. Chair, I --

16           **MR. FERVIER:** So the board would be -- the  
17 board would be in violation then of statute and  
18 this rule and so the board, then, would be  
19 subject to investigation by this board for  
20 refusing to certify.

21           **DR. JOHNSTON:** I would -- I would beg to  
22 differ, that it says the superintendent which  
23 means the majority of the board is the vote of  
24 the board. It's not just --

25           **MS. THORNE:** One individual board member



1 does not have authority to -- to overrule the  
2 other board members. You certify as a body. And  
3 I think board members would have the right to  
4 disagree if they wanted to disagree. But  
5 hopefully by having this process in place,  
6 everybody will be confident and go ahead and  
7 certify.

8 **MS. KING:** And we have precedent,  
9 Mr. Chairman. In 2020 there were two election  
10 board members who did not certify. And the  
11 majority of the board did and that's what moved  
12 forward. So we have precedent that that's how it  
13 operates.

14 **MR. FERVIER:** Well, that's what's happened  
15 in the past, but no case has been brought before  
16 this board yet on those individuals for not  
17 certifying. And so my question is can a case be  
18 brought forward if an individual refused to  
19 certify?

20 **MS. THORNE:** Well, in a court of law, they  
21 have testified that -- Mr. Wingate has testimony  
22 that he did not certify because they did not do  
23 signature verification in Fulton County. They  
24 decided not to follow the law and just approved  
25 every ballot without signature verification. And

1 also all three counts came at different -- he  
2 didn't see that he felt comfortable certifying  
3 that election since the counts differed.

4 **DR. JOHNSTON:** And Miss --

5 **MR. MACDOUGALD:** Chairman Fervier, if I  
6 could offer a point on that in answer to your  
7 question if that's permissible.

8 **MR. FERVIER:** Sure.

9 **MR. MACDOUGALD:** So the question is a good  
10 one and it's been posed by, I think, what amount  
11 to threats from the Secretary of State's Office  
12 against local election boards that were reluctant  
13 to certify. I believe the way that the statute  
14 contemplates this dilemma being resolved is the  
15 provision in 493 that they certified the results  
16 justly without regard to any fraud or error. In  
17 other words, they certify a result they know is  
18 correct. They exclude results that they cannot  
19 truly and honestly certify are correct.

20 I think that's what the statute  
21 contemplates, but let's consider a further  
22 hypothetical where the board is presented with a  
23 countywide result and being told to certify and  
24 they know to a moral certainty that the figures  
25 are not correct. And they vote by a majority not

1 to certify. What happens then? They -- assume  
2 we're in court and the Secretary of State's  
3 Office is asking to either prosecute or have an  
4 order of mandamus to certify a result and the  
5 board members are over there saying, well, we're  
6 not going to certify it because it's not true.

7 If I were representing the board members, I  
8 would say to the judge: Your Honor, the  
9 Secretary of State's asking you to order my  
10 client to commit a felony in certifying falsely  
11 the results of this election. I don't believe  
12 there's any judge in America that would enter  
13 such an order.

14 Now that's a hypothetical. It's never  
15 happened. But we do that as a thought  
16 experiment. The board members have the right to  
17 vote on certification. That necessarily gives  
18 them the right to vote against it. And if  
19 the figures are not correct --

20 (Background voices)

21 **MR. MACDOUGALD:** -- (indiscernible) are not  
22 correct.

23 **MR. FERVIER:** Hold on just for a second.

24 **UNIDENTIFIED SPEAKER:** And isn't Bridget  
25 Thorne a fake engineer? She never got an

1 engineering job. She --

2 **MS. KING:** You are so disrespectful.

3 We're -- we -- no.

4 And, Mr. Chairman, you're muted. We can't  
5 hear you, but --

6 **MR. FERVIER:** We had to mute --

7 **MS. KING:** -- we can't allow this.

8 **MR. FERVIER:** We had to mute everybody.

9 When we have people join, they're automatically  
10 unmuted. So we had to go through and mute  
11 everybody and start over again. So ...

12 **MR. MACDOUGALD:** Okay. So I'll just finish  
13 up. But the fact that --

14 (Cross-talking)

15 **MR. MACDOUGALD:** -- they can vote implies  
16 they can vote against it. And that needs to be  
17 reconciled with the statutory scheme.

18 **MR. FERVIER:** Okay. Thank -- thank you. I  
19 think that -- and my last issue with this rule is  
20 the same one that I've always had is that -- I  
21 think it's paragraph 6 that leads for an -- just  
22 an unlimited search for documents.

23 We've discussed that at previous meetings.  
24 I -- I felt like it needed to be a limited amount  
25 of documents that a board would -- would be

1 necessary for the board to view. This rule  
2 continues to lead for an unlimited search of  
3 documents that could, I think, create a -- you  
4 know, any board member saying, oh, I didn't  
5 receive x, I didn't receive y, I didn't receive  
6 whatever, so I'm not going to -- I'm not going to  
7 certify this election.

8 I think that's just a -- open-ended. I've  
9 always believed that there needed to be  
10 guardrails around that process. I've stated that  
11 many times. And this rule does not provide any  
12 guardrails for that process. So ...

13 **MS. THORNE:** Mr. Chairman, if I could be  
14 respectful and disagree with you. Georgia Code  
15 21-2-493(b) says the superintendent shall then  
16 examine all registration and primary or election  
17 documents, whatever, relating to such precinct in  
18 the presence of representatives of each party  
19 body and interest -- interested candidate.

20 So they do have -- they do have access by  
21 law -- by law. It is tied to law to examine all  
22 election related documentation.

23 **MR. FERVIER:** I -- I understand that, but I  
24 also know that we're -- we're interchanging  
25 superintendent and board here and that we've seen

1 boards recently -- or board members recently that  
2 refuse to certify because they didn't see x, y,  
3 or z documents. And so that -- I think that this  
4 just even opens the door more to that in my  
5 opinion. But I am only one opinion on this  
6 board. So ...

7 **MS. GRUBBS:** Mr. Chairman, this is Salleigh.

8 **MR. FERVIER:** Yes.

9 **MS. GRUBBS:** One thing is we -- we also --  
10 if we're going to talk about interchanging words,  
11 you can't interchange a board for a board member.  
12 If a board member does not feel comfortable  
13 certifying because they've been refused documents  
14 that they're entitled to see by law, you can't  
15 condemn them for not being willing to cast a vote  
16 to certify as a board member because they have  
17 been selectively excluded from the process. And  
18 we have seen that happen.

19 **MR. FERVIER:** Well, I haven't -- I haven't  
20 done that. I was -- I asked my question about  
21 the investigation because it was -- it's a  
22 legitimate question that I think will occur in  
23 the future. And I wanted to obtain y'all's  
24 opinion on that. So ...

25 **DR. JOHNSTON:** Mr. Chair.

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**MR. FERVIER:** Yes.

**DR. JOHNSTON:** Just in response to the question about delay in seeking all sorts of documents, which in my opinion the whole board should be able to see any election-related document at any time before they reach the point of certification, I noticed that Mr. Sus from Citizens for Responsibility and Ethics in Washington who visited us at the last meeting wrote a lengthy letter of opinion about this petition for rule, and he mentioned a particular board member, Miss Adams, from Fulton County and the issue of her not certifying an election.

So I queried Miss Adams specifically and asked her about the incident that Mr. Sus was referring to. And I asked if he was present at the certification meeting in May that he was referring to about Miss Adams. And the answer was he was not present, but he certainly spoke about it in his letter of opinion.

And I asked if his description of the meeting was accurate and Miss Adams said it was not accurate and that she had asked for certain documents that related to the election and they were not provided. So what is a board member to

1 do if they're trying to look at election  
2 documents and the staff cannot or will not  
3 provide those documents for review that have to  
4 do with the reconciliation and the canvass?

5 I asked -- I asked Miss Adams who provided  
6 information to Mr. Sus and she did not know, but  
7 it -- it was an open meeting for anybody to  
8 watch, although there was -- there was no audio  
9 provided. So I'm not sure where Mr. Sus received  
10 his information from. And I asked if -- did she  
11 find any irregularities that led to her  
12 reluctance to certify for that primary election?  
13 And she said, yes, actually.

14 She did find irregularities and  
15 inconsistencies in the vote count and those were  
16 not answered or heard to her satisfaction. A  
17 discrepancy of 15 votes in one precinct -- and  
18 that's a significant amount as far as a counting  
19 error -- two votes in another precinct and one  
20 vote in another precinct. And to this day or at  
21 the point of asking these questions, she has not  
22 had those inconsistencies or irregularities  
23 answered.

24 So I think, one, is that there is room for  
25 improvement in the reconciliation process. But



1 also I think as compared to that the boards have  
2 full access to all documents as soon as possible,  
3 not -- not two hours before they're supposed to  
4 sign their -- put their signature on a  
5 certification that they have not adequately had  
6 the opportunity to review and investigate.

7 But I just want to make that point. And  
8 likewise the Election Assistance Commission  
9 clearly describes the reconciliation and  
10 canvassing process, and it involves a  
11 comprehensive process throughout the election,  
12 especially right after the election, including  
13 things like chain-of-custody review, ballot and  
14 voter reconciliation, documentation review, and  
15 voter verification.

16 So these are all very important things  
17 that -- that we want our boards to review and  
18 expect them to review before they certify an  
19 election. Thank you.

20 **MR. FERVIER:** Thank you. I -- I have no  
21 comment on Mr. Sus. I don't know where his  
22 information came from.

23 You know, lastly, my -- my last concern over  
24 this is that this board is once again exceeding  
25 our authority in that this rule kind of redefines

1 the certification process that's in O.C. -- you  
2 know, the 21-2-493. We -- I believe that these  
3 type of definitions need to be left up to the  
4 Legislature, not this board, and that, you know,  
5 this is a -- an issue that should go before the  
6 representatives. We're -- we're not elected  
7 officials and we shouldn't try and create law.  
8 And I see this as one of those that's outside  
9 our -- outside of our authority, but that's my  
10 opinion as a single member of this board. So ...

11 Are there any other questions from board  
12 members?

13 **UNIDENTIFIED SPEAKER:** We are merely  
14 disenfranchising the whole county because we  
15 miscounted the number of voters. Thank you.

16 **MS. KING:** Who's speaking?

17 **UNIDENTIFIED SPEAKER:** Your mother.

18 **MR. FERVIER:** (indiscernible) let's cut him  
19 off.

20 **MS. KING:** Okay. Mr. Chairman, yeah, I -- I  
21 also -- I would just like to add that, you know,  
22 the -- there are boards that are -- that have the  
23 freedom to look at all election materials and  
24 election documents in the state. There are other  
25 boards that have been doing this, you have had

1 this freedom, have exercised this freedom. So  
2 creating a uniform process is -- in my opinion is  
3 not exceeding any -- breaking any law or creating  
4 any law or new law. As a board member -- as a  
5 board member here for the SEB or any other board  
6 that we sit on, we should have the right to see  
7 whatever we need to see --

8 **UNIDENTIFIED SPEAKER:** Well, if -- if you  
9 could keep us updated on this, I would really  
10 like to know --

11 (Cross-talking)

12 **MS. KING:** (indiscernible) --

13 **UNIDENTIFIED SPEAKER:** -- (indiscernible) --

14 **MR. FERVIER:** We continue to have the same  
15 problems. Thank you.

16 **MS. KING:** No, I understand. I  
17 appreciate -- I appreciate you working through  
18 that, Mr. Chairman.

19 But, you know, as I was stating, I just  
20 think it's important to note that, you know, any  
21 time -- and we have a lot of attorneys that are  
22 on this call, that -- we have an attorney that's  
23 a member of the board, we have several attorneys  
24 around us, and I just feel like we have to make  
25 sure we're being completely transparent with the

1 fact that whenever we put a legal document in  
2 front of an individual and ask them to sign it  
3 without giving them the proper information or  
4 allowing them to do proper due diligence in order  
5 to ensure that what they are signing is accurate,  
6 whenever you put that in front of them and just  
7 tell them to sign without having that  
8 opportunity, that in my opinion is neglect and is  
9 neglectful as well as it causes us -- it puts  
10 us -- that individual in a particular situation  
11 where the onus will fall on them if something was  
12 to go wrong.

13 If we found something later, it falls on  
14 them. And I think every individual has a right  
15 to have everything they need in order to ensure  
16 that the legal documentation they are signing is  
17 accurate and that to me is the bottom line of all  
18 of this, is that we're debating the hypotheticals  
19 and the should-have could-haves and what could go  
20 down.

21 And we've debated that to exhaustion. I  
22 think at that point we need to look at the fact  
23 there were issues, there are boards that do not  
24 feel confident that they can get access to the  
25 particular information needed to make a solid

1 decision and that is the bottom line of what  
2 we're addressing.

3 So I don't just don't want to confuse those  
4 who are on this call, those who are watching to  
5 think that there's some other issue going on. At  
6 the end of the day this is about making sure that  
7 before these individuals sign a legal document,  
8 they have everything they need.

9 **MR. FERVIER:** I understand that. I mean,  
10 there is -- there -- there's an ongoing argument  
11 about whether this is a ministerial duty or  
12 whether it's a -- you know, otherwise. And so  
13 that will --

14 **DR. JOHNSTON:** Well, Mr. Chair ...

15 **MR. FERVIER:** That will ultimately be  
16 decided, I guess, outside of this board on  
17 whether it's ministerial or not. But I've --  
18 we've all made our points.

19 Dr. Johnston, did you have something else?

20 **DR. JOHNSTON:** Yes. I'd like to say one  
21 further thing. I think some of our county board  
22 members over the past year or so have been sent  
23 intimidating letters actually threatening legal  
24 action if they delay certification or decide not  
25 to certify. And I find that quite offensive and

1 actually almost constituting election  
2 interference.

3 And I'm very con -- I am very concerned  
4 about those sort of threats, threats of legal  
5 action against any of our county board members  
6 and against this state election board also. The  
7 rhetoric has -- has really ramped up, and I think  
8 it does nothing to help the actual work in  
9 process that we are obligated to perform.

10 And I would -- I would certainly ask people  
11 to temper their language and avoid inciteful  
12 wor -- inciteful words like "threat" and "you're  
13 going to be sorry." And we've all received these  
14 unwanted and threatening e-mails. And I think we  
15 need to caution people to disagree civilly and  
16 respectfully, and we will treat everyone the  
17 same. Thank you.

18 **UNIDENTIFIED SPEAKER:** Mr. Chairman,  
19 Ms. Johnston's trying to discourage lawsuits, but  
20 government officials are --

21 **MS. KING:** Who's speak -- okay.

22 **MR. FERVIER:** Yeah. People are joining and  
23 as they join, we can't automatically mute them.  
24 It's just a -- a problem with the system. So we  
25 have to go through and mute everybody and kind of

1 reset. So we're -- we're just going to have to  
2 deal with this.

3 Your -- your words are well taken,  
4 Dr. Johnston. I think that this nonsense needs  
5 to stop too. We -- we disagree on things, but we  
6 can do it in a friendly manner without having to,  
7 you know, take ourselves down to the negativity  
8 and all that certainly.

9 I agree -- I agree with many of you on many  
10 things. I disagree with many of you on many  
11 things. So ...

12 And I want to remind everybody we're all --  
13 we are all volunteers on this board. We're not  
14 getting paid for this harassment and negativity.  
15 We're doing it for some reason. But -- but we're  
16 all volunteers and we're just trying to serve the  
17 citizens of Georgia. So ...

18 Any more comments from the board? The chair  
19 will entertain a motion.

20 **DR. JOHNSTON:** Mr. Chair, I move we approve  
21 the petition for the rule for 183-1-12-.12.

22 **MS. KING:** I second.

23 **MR. FERVIER:** We have a motion to approve  
24 SEB rule 183-1-12-.12. We have a second by  
25 member King. Any discussion? Hearing no further

1 discussion, we will now have a vote. I will call  
2 out each individual member by seniority.

3 Member Ghazal, how do you vote?

4 **MS. GHAZAL:** Nay.

5 **MR. FERVIER:** Member Johnston, how do you  
6 vote?

7 **DR. JOHNSTON:** Aye.

8 **MR. FERVIER:** Member Jeffares, how do you  
9 vote?

10 **MR. JEFFARES:** Aye.

11 **MR. FERVIER:** Member Jeffares votes aye.

12 Member King, how do you vote?

13 **MS. KING:** Aye.

14 **MR. FERVIER:** The chair will exercise its  
15 right to vote. Will vote nay. The motion  
16 carries three to two.

17 **MS. THORNE:** We thank you.

18 **MR. FERVIER:** Thank you.

19 If you will give me one minute, our  
20 paralegal thinks she has a solution for these  
21 interruptions. Let me just take a minute here.

22 (Pause)

23 **MR. FERVIER:** All right. So our paralegal  
24 has gone through and given access to the members  
25 of the board only and everyone else will be muted



1 unless they're -- unless they're brought up to  
2 speak. And hopefully this will work for anybody  
3 else joining, that they -- they'll also be muted  
4 to start. So we'll try that process and see how  
5 it works.

6 Turn their microphone ...

7 **MS. HARDIN:** The board members.

8 **MR. FERVIER:** Turn them on?

9 **MS. HARDIN:** Yes. They're --

10 **MR. FERVIER:** Would each of you board  
11 members please turn your microphones on?

12 **UNIDENTIFIED SPEAKER:** (indiscernible)

13 **DR. JOHNSTON:** Good, good.

14 **MR. FERVIER:** Dr. Johnston.

15 Member Ghazal?

16 **MS. GHAZAL:** Yes.

17 **MR. FERVIER:** Okay. Let's see if this  
18 works.

19 All right, the next item on the agenda is  
20 discussion and voting on proposed rule to SEB  
21 rule 183-1-12-.12, subsection (a), subsection  
22 (5).

23 **Discussion and Voting on Proposed Rule to SEB Rule**  
24 **183-1-12-.12, Subsection (a), Subsection (5).**

25 **MS. KING:** Mr. Chairman.

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**MR. FERVIER:** Yes.

**MS. KING:** If I -- I would like to start this off because I do have an amendment that I would like to propose.

**MR. FERVIER:** Okay.

**MS. KING:** Okay. So for those who are watching to sort of give a little bit of a backstory as to why I want to amend my position a little bit on this particular rule. So initially I supported this petition in its original form. However, after attending a county board meeting, reviewing concerns expressed in several e-mails, my perspective has evolved a bit on this particular petition.

But first for those of you that are saying that there wasn't any wrongdoing or voter fraud in 2020 elections, I suggest that you go back to the August 7th meeting where the 2020 SOS attorney, Ryan Germany, admitted that there were mistakes and errors made and that that's why he is asking to be part of the monitoring team to monitor those same mistakes that were made in 2020 to be made here in 2024.

So I just want to make sure I'm very clear in the fact that there is a need for these

1 particular rules and the particular rule that is  
2 presented in front of us. However, the concerns  
3 that stood out to me were about understanding the  
4 purpose of the rule while also questioning how --  
5 it's practical use and how it would be put into  
6 action.

7 Specifically there were worries about  
8 exhaustion of people counting the votes after  
9 working 12- to 14-hour shifts. There was also  
10 inquiry as it relates to whether or not they  
11 would have to increase staffing in order to  
12 accommodate this particular rule which would lead  
13 to increased cost. And I think those are valid  
14 concerns and emphasize the importance of  
15 consulting with those who would be affected by  
16 this policy as I have.

17 So therefore I would like to propose the  
18 following amendment be added to rule  
19 183-1-12-.12(a)(5). The amendment will read as  
20 such -- well, the amendment that I presented to  
21 the team is as such. The board members did have  
22 a chance to look at it. There is a legal -- more  
23 legal form of this particular rule that will be  
24 presented in for rule -- during the 30-day  
25 process which we will -- I will discuss in a

1 second that that may come into play.

2           However, the amendment will go as such  
3 (reading): The decision on when to commence the  
4 count -- the ballot counting, ballots in each  
5 ballot box process rests with the poll manager  
6 and assistant poll manager. This determination  
7 can be to commence at the close of polls on  
8 election day or during the week allocated for  
9 county certification considering factors such as  
10 increased costs, labors, and fatigue.

11           (reading): If the ballot counting is to  
12 take place after election day, the counting shall  
13 occur in the county election office on the next  
14 business day following the election day and must  
15 conclude prior to any scheduled or announced  
16 postelection audit, all within the designated  
17 county certification period. The ballot counting  
18 of all separately counted ballot boxes shall be  
19 reconciled with the number of voter lists, number  
20 of voters certificates, BMD totals, scanner  
21 totals, and closing results tapes from that  
22 polling place postelection day. The process of  
23 opening, counting, and resealing the ballots must  
24 be conducted in the presence of three sworn-in  
25 poll officers from the corresponding polling

1 place.

2 (reading): Additionally the corresponding  
3 polling manager and assistant poll manager must  
4 be present or assistant poll manager must be  
5 present. These procedures must be conducted  
6 publicly to ensure transparency. If the counting  
7 of ballots takes place at any time or place other  
8 than the polling location, the supervisor of  
9 elections must communicate the date and time and  
10 place of such actions with all candidates on the  
11 ballot and the county chair, both major political  
12 parties.

13 The rule that will be entered into -- that  
14 will be -- that I would like to be published for  
15 the next 30 days and possibly approved will read  
16 as such -- and this is just again me adding --  
17 just making sure we have the legal aspect around  
18 this rule in place. So I want to read this to  
19 everyone as well.

20 It says that (reading): The decision on  
21 when to commence the process set forth in  
22 paragraph (a) (5) above rests with the poll  
23 manager or assistant poll manager. This  
24 determination can be to commence at the close of  
25 polls on election day or commencing the following

1 day and completing during the week allocated for  
2 county certification considering factors such as  
3 staffing needs, fatigue, and efficiency and  
4 accuracy-related concerns. If the ballot  
5 counting is to take place after election day, the  
6 relevant ballots, tabulation tapes, enumerated  
7 voter lists, and polling information shall be  
8 sealed in a tamperproof container and the number  
9 of the seal noted.

10 (reading): The counting shall occur in the  
11 county election office on the next business day  
12 following election day and must conclude prior to  
13 any scheduled or announced postelection audits.  
14 The process must be completed within the  
15 designated county certification period.

16 (reading): The process of opening,  
17 counting, and resealing ballots must be conducted  
18 in the presence of three sworn-in poll officers  
19 from the relevant polling place. Additionally  
20 the poll manager or assistant poll manager must  
21 be present. These procedures must be conducted  
22 publicly to ensure transparency.

23 (reading): If the counting of the ballots  
24 takes place at any time or place other than the  
25 polling location, the supervisor of elections

1 must immediately communicate the date, time,  
2 place of such action with all candidates on the  
3 ballot and the county chair of both major  
4 political parties no later than 10 p.m. on  
5 election day. The poll manager shall post such  
6 information on the outside windows of the polling  
7 location together with all the other information  
8 required to be -- to be so posted.

9 So this is an amendment that I am going to  
10 propose that we -- or make a motion at some point  
11 after we have discussion that we enter in that  
12 should address some of the major concerns that we  
13 heard as it relates to fatigue, as it relates to  
14 having to hire additional people, additional  
15 costs.

16 It is my understanding that there are other  
17 counties that have done this and who do do a  
18 complete hand-count of all ballots even if they  
19 are asked to only look at one particular race.  
20 So it is being done. So I just think that adding  
21 in this amendment would be important and is an  
22 important step to find some form of uniformity  
23 and acknowledgment that we do hear some of the  
24 other concerns.

25 That being said, I -- I will ask that this

1 amendment be added to the rule and posted to --  
2 no later than tomorrow by close of business so  
3 that we can go ahead and start the 30-day process  
4 of allowing the public to review this amendment  
5 that's added to this rule for us to vote on it at  
6 a later time.

7 Thank you, Mr. Chairman.

8 **MR. FERVIER:** Thank you, member King. Have  
9 you discussed this amendment with Sharlene  
10 Alexander who originally proposed this petition?

11 **MS. KING:** I have not. I sent this  
12 e-mail -- and I just thought about it yesterday  
13 as I was really going through all of the  
14 information I'd received. I considered  
15 everything that came in front of me. So I would  
16 assume that she would have an opportunity to  
17 either -- rebuttal, correct, add corrections,  
18 whatever necessary during that 30-day period.

19 **MR. FERVIER:** So I think in order to be  
20 procedurally correct, this board would need to --  
21 one of two things would need to happen.  
22 Ms. Alexander would need to withdraw her petition  
23 and then we could add the amendment to it and  
24 post it tomorrow for the 30 days of review by the  
25 public. Or Ms. Alexander could proceed with her



1 petition as is in which case this board would  
2 have to vote on her petition.

3 If her petition is voted in favor by this  
4 board, then it would go forward as is. The rule  
5 would go forward as is. If this board voted in  
6 the negative, to not accept it, then you could  
7 take her petition and your amendment to it and  
8 post it tomorrow for a 30-day review.

9 Would you turn on Ms. Alexander, please. Is  
10 she on?

11 Ms. Alexander, are you online now?

12 Ms. Alexander, are you online? Ms. Alexander,  
13 your camera and microphone has been enabled. You  
14 might want to look up at the top of your screen  
15 to make sure that your mic is on.

16 Ms. Alexander, can you hear me? Are you  
17 online?

18 Member King, I would recommend that we defer  
19 this for a few minutes and take up the next  
20 petition until we can get her online and let her  
21 respond to this.

22 **MS. KING:** Absolutely. Not a problem.

23 **MR. FERVIER:** Okay. Without dissent by the  
24 board, we'll -- we'll hear the next petition and  
25 see if we can get Ms. Alexander online. Does

1 anybody have contact information for her? We can  
2 call her.

3 **MS. HARDIN:** (indiscernible)

4 **MR. FERVIER:** You do? Will you see if you  
5 can reach her and help her get online?

6 The next petition -- or the next rule --

7 **MS. ALEXANDER:** Wait. I think I'm on now.

8 **MR. FERVIER:** Oh, she's on.

9 **MS. ALEXANDER:** Sorry.

10 **MR. FERVIER:** It's okay.

11 **MS. ALEXANDER:** Okay. First of all, I  
12 really wish I would've heard your amendment.  
13 It's rather lengthy. I'm going to go ahead and  
14 discuss my amendment as I submitted it and I will  
15 also try to answer some of your questions as we  
16 go forward.

17 Honorable members the state election board,  
18 I am Sharlene Alexander. I want to make it clear  
19 that I have presented this proposal as an  
20 individual taxpaying citizen of Fayette County  
21 and not on behalf of any organization or  
22 individual.

23 Further, I think it's important that you  
24 know my background which I have lived in Fayette  
25 County for 33 years. I've been active. I've

1 voted in every election. I have been a poll  
2 worker. I've counted these ballots after a  
3 14-hour day. I've been an assistant manager.  
4 I've been a poll watcher. Also, additionally, so  
5 you know where I come from on checks and  
6 balances, I was licensed as a CPA in 1970. I  
7 have been a senior auditor of restaurants, of  
8 cities, counties, and banks. I've also been an  
9 expert trial witness on embezzlement. So I have  
10 it up to my ears in terms of reconciling or  
11 having second checks on important things, whether  
12 it's money or ballots.

13 The purpose of my petition, as I stated, is  
14 that it enhances election integrity by providing  
15 a checkpoint outside of the electronic system,  
16 which today that's all we have because everything  
17 is within the system. It should provide more  
18 accurate results and reduce the opportunity for  
19 collusion to sabotage election results or reduce  
20 error complaints, leading to stolen election  
21 theories.

22 I also -- well, I'll address your amendment  
23 later, but basically in our petition, the reason  
24 I came up with this is because up until October  
25 of 2022, in Fayette County -- we have 36

1 precincts -- we actually hand-counted the ballots  
2 as soon as the polls closed. You have -- you  
3 know, we had six to eight people who worked the  
4 polls. The poll manager, the assistant managers,  
5 they have their duties that they have to do. And  
6 you had extras. Pick up signs, et cetera.

7 It was no problem for three of us once they  
8 pulled all those ballots out and handed it to  
9 three of us poll officials who'd been there,  
10 worked all day, and we each counted the ballots  
11 that were there. And we verified that our number  
12 agreed with the other electronic system numbers.

13 Then -- we just always did it. We didn't  
14 question it. It was expected of us to do it. I  
15 understand that a number of other counties often  
16 did that. So this is precedent that we've done  
17 it. It didn't tax the people that were doing the  
18 counting. We didn't have a lot of errors.

19 Quite frankly it's obvious that as an  
20 auditor, I come at this from a different place  
21 than a lot of people do. I also understand that  
22 in all things -- let's take, for example, banks,  
23 as I used before -- you always have the count --  
24 the count -- excuse me. The tellers always had  
25 to cash -- count their cash drawer. That's just

1 a double check on what the system said they were  
2 supposed to be turning in.

3 To me, this just common sense to have  
4 something outside of that electronic system. And  
5 we know that we've had how many complaints,  
6 whether they been proven or not, as far as  
7 election integrity goes? There have been claims  
8 that the poll pads can change numbers or that the  
9 scanners can duplicate scan. A lot of changes  
10 supposedly can happen, not proven I don't think.  
11 Well, I take that back. It has. But a lot of  
12 things can be changed after the polls close.

13 And in my opinion we need to help people  
14 understand that we've done a good job, we have  
15 free and fair results, that we have something  
16 outside of the election system that checks it. I  
17 mean it's just a check-and-balance procedure.  
18 And one of the things that I also stated was --  
19 and GAVREO comes out and they say that, you know,  
20 this would just muddy up the works, et cetera, et  
21 cetera.

22 I'm only referring to election day. That's  
23 number one. So even if you have 537,000,  
24 whatever registered voters in a county, we're  
25 looking at the turnout on election day for this

1 rule. Also if you look at some of our larger  
2 counties, they have 430-some-odd precincts. So  
3 you want to take that 20 percent take it down by  
4 precinct. And I've looked at some of these in  
5 the big counties and there was only one out of  
6 400-and-some-odd that had even more than a  
7 thousand people who voted on election day. I do  
8 not see how that this is going to change anything  
9 that what we've done before. Most of us didn't  
10 understand why it stopped in the first place.

11 So in our county, for example, we've had  
12 numerous instances -- and I say it has to happen  
13 at the precinct where everything is. You've got  
14 the scanners, you've got the BMDs, you've got the  
15 provisionals, you've got everything right there  
16 in the precinct. If you start loading these  
17 things up and taking it to, let's say, the next  
18 day, first of all, you know, if you -- I think  
19 what you said was that they have the option to do  
20 the count, presuming it's a hand-counted total --  
21 that's what we're talking about, not races but  
22 total ballots in that precinct, that three of  
23 them would go from each precinct to one place and  
24 pull those ballots out again and count them?

25 That's going to be a lot of people in one

1 place. It also means that you will not stop --  
2 just like we had the -- you know, we have rules  
3 about how many accompany the ballots, et cetera.  
4 How are you going to assure that if you pack  
5 those ballots up, take them someplace else,  
6 they're reopened and three people start messing  
7 with them in a different place, you can't resolve  
8 anything that happened at the polling place which  
9 is what we want to do. We want to satisfy right  
10 then if we've missed anything.

11 We have multiple instances in a number of  
12 counties, but I'll take mine, where copy paper  
13 has been run through that scanner and it accepted  
14 it which is not according to law. You have a  
15 case where this board actually filed a complaint  
16 against our director in 2020 and two members of  
17 the board then that -- because there was a memory  
18 card that was missed.

19 We've had situations that, yes, should  
20 people look at that -- at that scanner and make  
21 sure they got everything? The fact is they  
22 don't. This is a double check and a lot of  
23 people will still do it anyway just because  
24 that's how they've been trained. If they've been  
25 a bank teller before, a waitress, anybody else

1 that has messed with money, they know you've got  
2 to double-check something. So they can crawl in  
3 the scanner but we've had write-in bins missed,  
4 we've had ballots missed. That all needs to  
5 happen at the precinct.

6 And with -- again, yes, you're right,  
7 minimum of handling, but we're right in the same  
8 place, where we can ask questions and we can find  
9 out what the problem is and resolve it right  
10 then. We don't have questions about who touched  
11 those things once they were put in a ballot and  
12 hauled to the elections office and then pulled  
13 out again and messed all round.

14 Those are my concerns and why I believe it  
15 has to happen. Maybe you have to have an audit  
16 background to understand the need for it and why  
17 it needs to happen right there. Otherwise you'd  
18 have people -- bank tellers, what if they did it  
19 the next day? What good would that do if their  
20 tallies didn't come out right? You want to find  
21 out right then where the issue is and find it.

22 So that -- that's my point.

23 **MR. FERVIER:** Ms. Alexander, do you -- do  
24 you have anybody else that wants to speak on  
25 behalf of this rule?



1           **MS. ALEXANDER:** I did not know that I could.  
2           So the answer is no. Nobody told me how to do  
3           this. So ...

4           **MR. FERVIER:** You've done a great job by  
5           yourself. You've done a great job by yourself.

6           **MS. ALEXANDER:** I can -- I can tell you that  
7           I have spoken with precinct managers, poll  
8           managers in our county and assured that we had  
9           done this for years. Nobody understood when we  
10          stopped. A lot of people had a problem why we  
11          weren't continuing to do it at the precinct. I  
12          don't think we had any complaints about people  
13          being very tired of having errors and humans  
14          working a 12- or 14-hour day and then  
15          hand-counting the ballots while the other people  
16          picked up the signs or whatever.

17          I've even talked with people who run polls  
18          in other counties. And they assured me that  
19          they've always done it, some of them still do  
20          even though they're not supposed to. So I just  
21          think that a lot of these people that -- they're  
22          blowing smoke and they're trying -- they're  
23          saying that we're trying to stop the system.  
24          We're not going to hold up results.

25          As I understand it, in one of your bigger

1 counties, they have runners that take the memory  
2 cards to the -- to the center within 30 minutes  
3 of that poll closing. So I don't see how that's  
4 going to hold up the results. I mean, we're  
5 going to make sure that everything is the same  
6 while we're at the precinct when we have it.

7 So could we ask if there's anybody else that  
8 would like to raise their hand since I didn't  
9 know to bring anybody in?

10 **MR. FERVIER:** Well, the problem we have with  
11 that is we have 777 people online and we're just  
12 not sure about comments being made by some people  
13 that are coming on and offline. And so we're  
14 trying to --

15 **MS. ALEXANDER:** I have someone that would  
16 speak, that I would allow to speak, and that's  
17 Suzanne Brown.

18 **MR. FERVIER:** Is she online with you or is  
19 she with you?

20 **MS. ALEXANDER:** She's not with me. She is  
21 on line.

22 **MR. FERVIER:** Suzanne Brown?

23 **MS. ALEXANDER:** Yes.

24 **MR. FERVIER:** Okay.

25 **MS. HARDIN:** Can you ask her to spell that?

1 I don't see a Suzanne.

2 **MR. FERVIER:** Is there a Brown? Suzanne  
3 Brown?

4 **MS. ALEXANDER:** Suzanne Brown.

5 **DR. JOHNSTON:** Mr. Chair, I have also asked  
6 a CPA, Mr. Erik Christensen, to speak.

7 **MR. FERVIER:** Can you find Mr. Christensen?

8 Ms. Alexander, we don't have a Suzanne Brown  
9 online. She might be under -- using somebody  
10 else's computer possibly.

11 **MS. ALEXANDER:** I don't know.

12 **MR. FERVIER:** We'd need to find that out  
13 because she -- she may have logged in under  
14 somebody else's --

15 **MS. ALEXANDER:** Is there a Brown --  
16 county -- S.B., Fayette County? The initials,  
17 S.B., as in boy, Fayette County?

18 **MR. FERVIER:** Is there an S.B. from Fayette  
19 County?

20 We -- we don't see that. While you're  
21 searching that, Mr. Christensen, can you find him  
22 and turn his mic on?

23 **MS. HARDIN:** Uh-huh.

24 **MR. FERVIER:** Mr. Christensen, your mic is  
25 on. Would you like to say a few words?

1           **MR. CHRISTENSEN:** Yeah, thank you,  
2 Mr. Chairman. Thank you, Dr. Johnston for asking  
3 me to speak on this issue right here. So it's  
4 good to have Sharlene who's another fellow CPA  
5 and Ken, I guess. And there's no conspiracy  
6 here. This is all accounting and auditing 101.

7           John, you're familiar with this stuff too  
8 since you were internal audit at Waffle House.  
9 So nothing here but just trying to get to an  
10 accurate count of the votes.

11           So the first thing that we've got to do in  
12 order to get an accurate count of the votes is we  
13 have to account for all the ballots. And  
14 fortunately, I've run across some data here I'll  
15 show you. This is an absentee ballot recap from  
16 either 1985 or 1992. We did this. I don't know  
17 why we got rid of it. It's unbelievable that  
18 we're not doing it.

19           We've also got numbered list of voters. We  
20 didn't do the recap of the number of listed  
21 voters back then to the ballots because we didn't  
22 have ballots back then. We were on a DRE. But I  
23 guarantee you if we did have paper ballots like  
24 we do today, we would do a reconciliation.

25           So I'm in support of Sharlene's petition

1 unamended.

2           And I hear yours, Janelle. You've got some  
3 things that cross over some of the things that  
4 I'm going to propose, and I would propose you put  
5 that in maybe separately because I think right  
6 now we just need to do this. This is just basic  
7 stuff.

8           I -- I talked to my daughter, who used to  
9 work with my mother-in-law, her grandmother, at  
10 the polls, and she said they did this. They  
11 batched in 50s and they passed them down the  
12 line and everybody counted them to make sure they  
13 were in 50s. And they had their 50 batches.

14           So how we got rid of that, I have no idea,  
15 but it's a great accounting and audit control.  
16 And reconciling those paper ballots back to the  
17 number -- the numbered list of voters and to the  
18 machine count is the first thing that we have to  
19 do. Before we count, we've got to account for  
20 the ballots. Do we have all the ballots? Now if  
21 we've got the ballots, we can count them.

22           I know the system's counting them for us,  
23 that's fine. That's fine. The system can count  
24 them for us, but if we have to get back, then, to  
25 the paper ballot, which is the only legal

1 documentation from the ballot, then -- then we  
2 know we've got them all.

3 So that's all I've got to say. It's just no  
4 conspiracy, just normal accounting and auditing,  
5 take time to do the right thing. Everybody,  
6 whether you're on the left or the right, should  
7 all say, hey, we support this. I mean, it's  
8 something that everybody should support. And  
9 it's not onerous on the poll workers, according  
10 to my daughter who was 14 the last time she did  
11 this. Thank you.

12 **MR. FERVIER:** Well, we have to -- we have to  
13 mention people in the center too.

14 **MR. CHRISTENSEN:** The people in the center,  
15 exactly. But everybody -- I mean, I wish we  
16 could all just kind of agree on this because I  
17 hate it seems like it's a partisan thing here.  
18 And that's what I don't like about it because,  
19 you know, the press and everybody's going to say  
20 Georgia's, you know, divided down partisan lines.  
21 Let's just all agree on this. It's just -- it's  
22 normal stuff. Everybody wants one person, one  
23 vote. Can't we just all get along, you know?

24 **MS. KING:** Mr. Chairman.

25 **MR. FERVIER:** Thank you for your -- thank

1 you for your comments.

2 Member King.

3 **MS. KING:** So to be clear, because I do know  
4 that my -- my amendment is a bit lengthy. So I  
5 understand there's -- there's -- it's hard to  
6 read that.

7 So I -- to be clear, I am in support of this  
8 particular rule. My amendment was to address the  
9 idea that there could be some fatigue. Now,  
10 here's the thing. I understand that that's not  
11 everyone, but I had enough -- enough people come  
12 to me about this particular issue.

13 So my question would be for -- for Sharlene  
14 or Mr. Christensen. What -- what would -- what  
15 is the issue with allowing this counting process  
16 to take place the following day if that would --  
17 if that would allow these county offices to  
18 still, you know, do the counting process but also  
19 address potential fatigue? What is the concern  
20 on that one? I'm interested in hearing.

21 **MR. CHRISTENSEN:** Well --

22 **MS. ALEXANDER:** I will just say that --

23 **MR. CHRISTENSEN:** Go ahead, Sharlene.

24 **MS. ALEXANDER:** Thank you. Going up to  
25 2022 -- and we've had a lot of elections where we

1 constantly did that. And a number of us were  
2 seasoned, let's say well seasoned -- that's come  
3 up about age, you know -- that are poll workers  
4 and working a 10-, a 12-, a 14-hour day because  
5 we didn't know any different. None of us  
6 questioned it. It was something that we had to  
7 do just like, you know, putting the tape out on  
8 the front door or going and pick up -- picking up  
9 the hundred and fifty-foot signs outside.

10 All of that was just part of the process.  
11 And I don't recall anybody that I have talked to  
12 saying that we got tired, we made errors. We  
13 didn't make errors. I mean, if we had a problem  
14 the first time with three of us counting -- as  
15 I've said before, two is ripe for collusion, you  
16 go to three. You can add more if you want to,  
17 but three is the minimum if you take the odds for  
18 collusion downward, trying to remove any question  
19 about whether we have one vote and whether  
20 everything is correct within that electronic  
21 system.

22 I have not heard -- other than people  
23 surmising that we might have, you know, fatigue  
24 and might make errors, et cetera, I did not hear  
25 that from anybody that I know has counted



1 those -- those at the poll. As I've said before,  
2 any time you allow ballots to be moved from where  
3 they came right out of the scanner, you always  
4 have the opportunity for something, some  
5 manipulation, something happening between the  
6 precinct and getting to the election office. So  
7 that's why I keep saying it's no big deal to  
8 count them.

9 Listen. If you have -- I think I gave the  
10 thing. You know, I wasn't counting ballots but I  
11 had people count a ream of paper, 500, and it  
12 took us within six minutes for us each to count  
13 500. Granted ballots are longer maybe or they're  
14 thicker, but even if I went to ten, one person  
15 should be able to -- ten minutes, one person  
16 should count 1500 in a half an hour.

17 And I haven't seen a precinct yet that had  
18 over -- let's see, one that had over a thousand  
19 ballots on election day in one precinct. It can  
20 be done. We've done it before. I don't see --  
21 people that are bringing this up obviously are  
22 not accountants. And I'm not saying we're better  
23 than anybody else, but it sounds like speed and  
24 messing around this stuff is more important than  
25 resolving an issue that might be there that

1 night. Accuracy.

2 **MS. KING:** So I want to -- I would like to  
3 read an e-mail that I received. And this is from  
4 a county election team that did a mock version of  
5 this. And I want you to -- if you hear something  
6 that is inaccurate or that that is outside of  
7 what the rule would do, you know, please notate  
8 that and share it with me.

9 But the e-mail goes as such. First, the  
10 policy is unclear in the exact execution. Does  
11 each person count the entire stack before passing  
12 it along or can they pass along the stack of 50?  
13 They took -- and it says they took our two  
14 biggest scanner totals from a single day of A --  
15 an AIP in November 2022 -- scanner A, 3,000  
16 ballots, scanner B, 2,000 ballots -- and follow  
17 the first procedure. Each person counts the  
18 entire stack before passing it along. For  
19 scanner A, that took 2.5 hours. They followed  
20 the second procedure. They passed along each  
21 stack of 50 for scanner B and that took over an  
22 hour.

23 Each worker was a seasoned AIP site manager  
24 and expressed grave concern over the ability to  
25 do this accurately after working a

1 12-,13-,14-hour day. They are working on a  
2 statement to compile this.

3 Now, this came from one particular county  
4 election member, but I do have someone that I  
5 would like to speak as it relates to this as  
6 well, and that is Miss Deidre from the Paulding  
7 County director -- she's the director of the  
8 Paulding County Election Board. So I would like  
9 at some point to have her speak as well to this  
10 particular concern, as she and I spoke about this  
11 in depth.

12 **MR. FERVIER:** Let me --

13 **MR. CHRISTENSEN:** Ms. King, can I  
14 (indiscernible) just to answer specifically your  
15 question because you had a question what --

16 **MS. KING:** Yeah. The day -- the next day.

17 **MR. CHRISTENSEN:** Okay. So, you know,  
18 there's a chain-of-custody issue then because,  
19 you know, what do we do with the ballots that  
20 night? Are we able to lock them up, keep them  
21 secure at the precinct? I don't know if we can  
22 and maybe that's not an issue. I think it's  
23 fine. We've got seven days this year.

24 Someone pointed out that we've got a  
25 national holiday on Monday, so that pushes our

1 confirmation certification date till Tuesday. So  
2 it provides plenty of time. I like the precinct.  
3 And Harry MacDougald talked about the sanctity of  
4 the precinct. The precinct is where we want to  
5 control everything because we've got what's  
6 called segregation of duties. We've segregated,  
7 you know, in Fulton County into 244 different  
8 precincts and all of the other counties have  
9 segregation.

10 So you don't have this central place where  
11 shenanigans could go on. And, you know, if  
12 you -- and if you look, people have been saying  
13 there's no shenanigans. Just read the 69-page  
14 what I would call damning, you know, thing that  
15 was done by Joe Rossi from 2020. It's State  
16 Election Board 2023-025. Look at that.

17 I mean, no matter -- again, no matter what  
18 side of the aisle you're on, look at that and  
19 read it and see what you think. So, you know --  
20 because I believe there's truth in there. And  
21 the first thing that we've got to do is we've got  
22 to admit that we've got a problem.

23 Let's get to step 1 of the 12-step program  
24 and say we got a problem. And it's very easy to  
25 fix all this stuff, really, by going back to the

1 procedures that we had previously. I don't know  
2 how we got off of them, but if we got back to  
3 those procedures, we'd be just fine. And I've  
4 got more things that kind of -- you know, that we  
5 can go -- we're going to go into later, I guess,  
6 a rule request that I'm requesting that'll pretty  
7 much --

8 You know, people have questions about  
9 Dominion. So everybody thinks Dominion is some  
10 kind of corrupt Venezuelan, you know,  
11 election-fixing system. But we can fix that too.  
12 And it's not hard to do it. And it doesn't cost  
13 anything.

14 **MS. ALEXANDER:** Can I also add before you go  
15 to Deidre that the example that you used was AIP  
16 which is early voting. That is not a part of  
17 this rule, but also if they're saying they pulled  
18 3,000 ballots and 2,000 ballots, I would ask that  
19 they review the rule that requires that if their  
20 scanner during early voting reaches 1500, they  
21 are to pull those ballots. So if they allowed  
22 3,000, that's their bad, okay?

23 Also when we're all talking about -- well,  
24 let's go -- let's go to Deidre.

25 (Cross-talking)

1           **MR. CHRISTENSEN:** Well, I -- Sharlene -- can  
2 I add one thing to Sharlene's because I was asked  
3 to speak on this. So let me just add one more  
4 thing. So, yes, I like on the early voting or  
5 whatever the batches hit 1500, because they're  
6 not separated by precinct at early voting, that  
7 at that point in time when those ballots are  
8 pulled, that they're separated by precinct.  
9 We've got to get back to their sanctity of the  
10 precinct where we can get those ballots back to  
11 the precinct. If we have to do an audit or a  
12 recount, we've got everything in one place.

13           **MS. ALEXANDER:** Erik, that's -- that's early  
14 voting. That comes up next.

15           **MR. CHRISTENSEN:** Okay.

16           **MS. ALEXANDER:** I will also go back and say  
17 that at least in my county -- and I understand  
18 we're talking about fatigue -- our pay scales are  
19 by day. So if you want to hire more people,  
20 that's up to you, but I don't -- I've not seen  
21 any examples on election day where fatigue has  
22 stopped us from doing an accurate count.

23           And not only that, when we count those  
24 ballots, the hand-count of the ballots, we are  
25 driving a stake in the ground at that precinct

1 that those numbers cannot change after. Right  
2 then. We've driven that stake and that's what  
3 everything has to agree with is the whole --

4 **MR. FERVIER:** Thank you, Ms. Alexander.

5 Ms. Brown -- you asked Ms. Brown to speak  
6 and she's on.

7 Ms. Brown, can you hear us? Suzanne Brown?  
8 Ms. Brown?

9 **MS. HARDIN:** Her camera and microphone are  
10 enabled.

11 **MR. FERVIER:** Ms. Brown?

12 They're on?

13 **MS. HARDIN:** Her camera and microphone are  
14 on. It was enabled.

15 **MR. FERVIER:** Ms. Brown, you might need to  
16 turn on your mic. If you'll look at the upper  
17 right-hand corner of the Teams invite.

18 Well, we'll try and come back to Ms. Brown.  
19 Who was the other one you wanted to speak?

20 **MS. KING:** Ms. Deidre Holden.

21 **MR. FERVIER:** Ms. Deidre Holden?

22 **MS. HARDIN:** Okay, I see her.

23 **MS. HOLDEN:** Can y'all hear me now?

24 **MR. FERVIER:** Yes. Is this Ms. Holden?

25 **MS. HOLDEN:** It is. It's Deidre from

1 Paulding County.

2 **MR. FERVIER:** All right.

3 **MS. HOLDEN:** Just a few things that I've  
4 taken from what she's been talking about. I  
5 really struggle with the fact that any of us  
6 would be accused of ballot stuffing. I know the  
7 requirements that I have here in Paulding that no  
8 election material is left with just one person.  
9 We have a requirement here in Paulding that  
10 everything is carried with two people, and they  
11 can't be related.

12 So for somebody to say that the results are  
13 going to change from the polling location to the  
14 office, that -- that terribly upsets me. First  
15 of all, the ballots are sealed in that scanner.  
16 You break that seal, there's going to be a  
17 problem.

18 However, you know, you want to talk about  
19 leaving ballots in a precinct unattended. Yeah,  
20 that's a problem. Those ballots need to be  
21 coming back to that election office on election  
22 night and they need to be secured, which they  
23 should be in the election office in a locked  
24 room.

25 The chain of custody, you know, that's



1 another thing. There again when those ballots  
2 leave that polling location, there's a chain of  
3 custody. And when it gets to our office, there's  
4 a chain of custody that we receive those ballots.

5 The only thing you're going to get when you  
6 count in a polling location is the same number  
7 that matches that tape that's on that scanner.  
8 And that's what you're looking for. So that's a  
9 process of the certification. So bringing them  
10 back into this office is kind of like the  
11 absentee process. When we're opening absentee  
12 ballots prior to an election, we have monitors  
13 here that take an oath that watch us. We have  
14 poll watchers. We welcome that.

15 But the counting on that night, maybe it's  
16 not fatigue, but it does leave a whole door open  
17 for a lot of mistakes because those people want  
18 to go home. I don't know what world some people  
19 live in, I'm a medium-size county. I have 21  
20 precincts. There -- in November there's going to  
21 be probably five to eight thousand ballots in one  
22 scanner that we have at a polling location.  
23 That's going to take a while to count. If you're  
24 having those ballots go through that many hands  
25 on election night, nobody's going to get the same

1 number. The results will be delayed.

2 Now, we're going to continue our process.  
3 We are one of the counties that has runners.  
4 Those memory cards will be brought here and  
5 they'll be uploaded. But counting those ballots,  
6 you're going to have a lot of people sitting  
7 there waiting and waiting and waiting. And you  
8 know what? If that -- if that election is  
9 conducted properly, you're going to get the same  
10 number of ballots as you are on that tape.  
11 That's what people are beating to death. We have  
12 conducted 100 percent audits here in Paulding as  
13 we always have, and we have never been off by one  
14 vote.

15 Everything that we touch, every ballot, we  
16 count every ballot. And we also match what the  
17 results are. That -- that don't lie. You have  
18 the human element and you have the equipment  
19 element and it does not lie. If you have  
20 dishonest people in elections, you're going to  
21 get dishonest answers. The chain of custody is  
22 important. You need two people with all the  
23 results with the tapes, everything at all times.  
24 And if counties are not doing that, then shame on  
25 them.

1           We have -- we are accountable for those  
2 votes. Those votes are important. It doesn't  
3 matter where you count them at. As long as  
4 there's not a chain of custody, then you do have  
5 a problem. Whether we count them in the precinct  
6 that's going to take hours upon hours in a  
7 November election or we bring them back here, we  
8 have the managers, three counters, monitors, and  
9 poll watchers here, that's no problem. But I'm  
10 more concerned about people thinking there's  
11 ballot stuffing going on when it can't possibly  
12 happen unless you have a lot of dishonest poll  
13 workers that's working for you.

14           So, you know, I think that -- that there's a  
15 lot of conspiracies that go on here. I think  
16 that a hundred and fifty-eight counties are  
17 paying for the sins of Fulton County. No offense  
18 against Fulton, but that's who's in the news and  
19 we all have to -- we have to build our lives  
20 around what Fulton County's done. That is not  
21 right.

22           Out of the hundred and fifty-nine counties,  
23 you have 99 -- 98, 99 percent of those counties  
24 doing elections the way they're supposed to be  
25 doing.

1           So, you know, I -- I think I -- I speak for  
2 a lot of people that are on this call that are in  
3 the election business. Something's seriously  
4 wrong if the county is not accounting for every  
5 vote, they're not balancing. But whether you  
6 count them in the precinct or in the office, you  
7 should be getting the same number. Those tapes  
8 should be matching the number of ballots that's  
9 in there, wherever you count it at.

10           **MS. ALEXANDER:** And that's why you should  
11 not be afraid to count them at the precinct and  
12 get it done. If they're going to match, which in  
13 most cases they do -- but also I can tell you  
14 that while you're doing great in Paulding, I  
15 think what you said was the ballots come back to  
16 your elections office and at some point, that  
17 night or the next day, you all hand-count those  
18 ballots. If I heard that correctly, I can tell  
19 you our county doesn't do it.

20           If they're not counting them at the  
21 precinct, they are stuffing -- nobody's counting  
22 those ballots, they're stuffing them in those  
23 sealed containers. They go back to the county  
24 office and they are put away unless there's a  
25 question that comes up on a recount. And even

1           then, they're only pulling samples.

2           So not every county is doing like you're  
3           doing, Deidre, which is great, but I still  
4           maintain if they're going to come out the same,  
5           what is anybody afraid of?

6           And, plus, I will also say that we know,  
7           yes, two people are supposed to accompany those  
8           ballots to the office. That's for chain of  
9           custody. I can tell you that we have followed in  
10          different counties -- followed that poll manager  
11          with those ballots and two did not go with them.

12          So, you know, your county's great, but we  
13          don't have anything that's consistent throughout  
14          the state.

15          And, Janelle, I would be happy -- I'd be  
16          happy to work with anybody that wants to sit  
17          there and say how can we do this so that it  
18          doesn't take us all night? It doesn't have to  
19          take all night.

20          **MS. KING:** I think it's important to note  
21          that my amendment gives you the option. So if  
22          you would like to count on election day and you  
23          feel that that's the best course of action for  
24          your county, then you can. And you can count it  
25          as is. The precincts can do exactly what your

1 rule is stating.

2 It's -- all the amendment does is gives an  
3 option in case there is a poll manager or an  
4 assistant poll manager that sees that they are  
5 running into an issue of fatigue or an issue --  
6 because fatigue doesn't necessarily mean it's a  
7 hundred -- it's only a hundred ballots so you  
8 shouldn't be tired. I mean, we can't determine  
9 where people's fatigue levels are. And I can't  
10 say in confidence that I've spoken to enough  
11 people to determine that this is -- that fatigue  
12 should not play a role.

13 So I think it's important to ensure that we  
14 have some form of way of addressing that because  
15 that it is something that can happen. I -- I  
16 may -- I know I can go 14-, 16-hour days, I do it  
17 all the time, but that doesn't mean that everyone  
18 can.

19 So, again, this is just providing an option  
20 for those poll managers to have some form of  
21 control over being able to manage their people  
22 rather than putting them in a position where they  
23 have to create this plan, plan B so to speak, on  
24 the back end considering the rule being set in  
25 stone as is. So I'm just giving them an option.

1           **MS. ALEXANDER:** If you give them an option,  
2 you don't have consistent methods throughout  
3 precincts, within a county, or within county --  
4 or throughout counties if you give them an  
5 option. And if you have GAVREO opposing my  
6 rule -- which they may come out in favor of  
7 yours, but if they come out in favor -- against  
8 mine, I can tell you that the elections offices  
9 are not going to give that option to poll  
10 managers.

11           **MS. KING:** Well -- well, the option is not  
12 to not fulfill the -- what the rule is asking you  
13 to do, it's just rather you do it on the same  
14 night or the following day. And it's also prior  
15 to any audits taking place or any -- any type of  
16 postelection audits or anything that's assoc --  
17 or any scheduled audits being -- taking place as  
18 well.

19           **MR. FERVIER:** Member Ghazal has a few  
20 comments to make.

21           Member Ghazal.

22           **MS. GHAZAL:** Thank you. I appreciate it.  
23 First I've got a couple of threshold issues. And  
24 one of them is the assertion that anybody who's  
25 opposed to this rule must be opposed to it on a

1 partisan basis. And I -- that's a very dangerous  
2 sentiment. The vast majority of the opposition  
3 to this rule has come from election supervisors.  
4 And I could not tell you what partisan proclivity  
5 an elections supervisor has.

6 Universally, every elections supervisor I've  
7 had the honor to work with across the state sees  
8 their role as a neutral nonpartisan election  
9 professional. And to assert that their  
10 opposition to this rule is partisan is frankly  
11 dangerous and offensive to me and I think to  
12 every elections supervisor who has a valid reason  
13 to oppose this.

14 I think a lot of the emphasis has been on  
15 large counties with a large number of precincts.  
16 We're completely neglecting the fact that  
17 since -- in the last ten years counties have been  
18 consolidating. Many of our smaller counties have  
19 consolidated to a small handful of precincts.  
20 And even director Holden mentioned that she has  
21 precincts that have 5,000 cast ballots on  
22 election day. So I appreciate the fact that  
23 she's here to explain that.

24 I also really appreciate the fact that  
25 member King is working very hard to try to find a



1 solution that works for all of our counties.

2 This -- and I want to make sure that we're  
3 very cognizant of the fact that today is  
4 August 19th. Today is the first day that  
5 counties are already accepting absentee ballot  
6 applications. The election is already underway.  
7 So it is -- it is way too late in our cycle to be  
8 making any changes right now.

9 We received a letter during our last  
10 meeting. It was dated August 6th, so literally  
11 in the middle of our last meeting, from John  
12 Merrill and Trey Grayson. John Merrill was the  
13 secretary of state for Alabama from 2015 to 2023.  
14 Trey Grayson was the secretary of state for  
15 Kentucky from 2004 to 2011 and the president of  
16 the National Association of Secretaries of State.

17 Not partisan actors -- at least not --  
18 certainly not Democratic actors, these are GOP  
19 election officials who mentioned in the letter  
20 that in 2022 Alabama passed a constitutional  
21 amendment prohibiting changes to election  
22 processes within six months of an election  
23 precisely because making changes close to an  
24 election is one of the reasons that we had so  
25 many issues in 2020 with the public not trusting

1 it, because they changed the rules of the game.

2 It happened in 2020 because we were facing a  
3 global pandemic and states were trying to --  
4 trying their best to address the exigencies at  
5 the time. There are no exigencies right now in  
6 2024. The conditions that exist today existed a  
7 year ago, two years ago, three years ago.  
8 Changing the rules when voting basically is  
9 starting right now is something that is  
10 devastating to election administration and to  
11 public confidence.

12 I would be more than happy to work with  
13 anybody to look at a rule applicable starting  
14 2025 where we hand-count ballots in a controlled  
15 environment where the counties themselves or the  
16 superintendents would have the choice to  
17 determine whether to do it at the polling place  
18 or at the election office because, frankly, I  
19 haven't done a survey of all of our precincts to  
20 know whether or not there's even the physical  
21 space to undertake this sort of hand-count after  
22 an election. I don't think anybody here can say  
23 that they have surveyed all of our election day  
24 precincts to see if they would be conducive for  
25 this sort of activity.

1           So I think that the fact that it is our  
2 election supervisors and many board members who  
3 are opposing this needs to be taken extremely  
4 seriously. The fact that we are right up against  
5 the deadlines for -- we're already conducting the  
6 election for all intents and purposes.

7           It is too late to be making changes like  
8 this. These were good ideas. They should've  
9 been proposed six months ago. We could've taken  
10 it seriously. We could've had a deliberative  
11 process. We could've brought in election  
12 supervisors, board members, and come up with a  
13 solution that worked for everyone. Posing  
14 last-minute changes like this is a recipe for  
15 chaos.

16           **MR. FERVIER:** I've lost ... oh, you have to  
17 -- can you hear me still?

18           **UNIDENTIFIED SPEAKER:** Uh-huh.

19           **MR. FERVIER:** I have lost my connection and  
20 I cannot see anybody at this point.

21           **MS. KING:** We can hear you.

22           **MR. FERVIER:** One moment, please.

23           **MS. KING:** We can hear you and see you.

24           **MR. FERVIER:** Yeah. I -- technology is not  
25 my friend. Any other comments by the board?

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**DR. JOHNSTON:** Yes.

**MR. FERVIER:** Dr. Johnston.

**DR. JOHNSTON:** Yes, thank you. Just to reset the whole topic of paper ballots is the Help America Vote Act which is dated 2002. And part -- as part of the development or the writing of the Help America Vote Act, when they were talking about voting machines and paper -- paper ballots, one of -- they were trying to promote the use of machines or voting systems.

But they -- they said that there had to be an audit capability. And the audit capability had to be a paper audit trail, a manual audit capability. And to quote exactly the Help America Vote Act, it says: The voting system shall produce a permanent paper record with a manual audit capacity for such system. Paper record produced under subparagraph (a) shall be available as an official record for any recount conducted with respect to any election in which the system is used.

There is the crux of the matter. Our paper ballot is what is used for a recount. It's also used for -- for our audits. If you do not have a provable paper trail, it's not auditable. So if

1 we're not counting the ballots, we -- we don't  
2 have sufficient security to conduct a recount.  
3 It automatically makes any recount unacceptable.

4 So you have to have the counted ballots  
5 that -- at some point in time. And the best  
6 place is at the precinct. And I would like to  
7 read from a paper from -- that's posted at the  
8 Carter Center, and it's from the Commission for  
9 Democracy through Laws. It's *Code of Good*  
10 *Practice of Electoral Matters*.

11 And it talks -- and when it speaks about  
12 counting, it says the votes should preferably be  
13 counted at the polling stations themselves rather  
14 than special centers. Polling station staff are  
15 perfectly capable of performing this task,  
16 reducing the risk of substitution. Counting  
17 should be conducted in a transparent manner.  
18 That is dated from 2002 and Help America Vote Act  
19 was 2002.

20 I spoke with Mr. Harry Haury who is a  
21 computer expert and cybersecurity expert. He has  
22 credentials that are really quite impressive. He  
23 has extensive experience in dealing with  
24 operational security matters. And he actually  
25 was the consultant for writing the Help America

1 Vote Act 20 years ago. He's a workflow expert.  
2 He -- he helped develop the voluntary voting  
3 standards, and he continues to -- he has  
4 consulted with NSA, CIA, NORTHCOM, DHS, DTRA,  
5 treasury, DOD, FEMA, DOJ, and Sandia. Many  
6 others.

7 I spoke with him and he immediately focused  
8 on counting the paper ballots. He says you have  
9 to have these operational security controls.  
10 There must be accountability features. He went  
11 on to say that if you don't have this counting  
12 and the chain of custody that goes with it, then  
13 if and when there is a time for an audit or a  
14 recount, you've broken the chain of custody. If  
15 you have not counted the ballots, you can never  
16 establish the proper chain of custody to deal  
17 with these ballots, these paper ballots.

18 Now, mind you, we -- mostly we rely on our  
19 scanning machines and the memory cards. And  
20 that's great and it's efficient, but counting the  
21 paper ballot is the control. It is simply  
22 assuring the reconciliation of the electronic  
23 record to the actual ballots and the actual --  
24 the ballots are out votes by definition. It's in  
25 our code. The vote is the ballot. The ballot is

1 the vote.

2 So when we -- when we come to the question  
3 of what is really the vote or the count, we  
4 always speak of going back to the paper ballot.  
5 And that's our ultimate original document and so  
6 we need to respect it.

7 So I did look into the question about how  
8 many ballots were required to be counted at our  
9 most recent largest election, which was four  
10 years ago, and I looked at several counties.  
11 Columbia County had -- on election day, they had  
12 277 per scanner. Let's see if I added that  
13 right. I'm sorry, in Columbia County they had 47  
14 precincts and the number of ballots voted on  
15 election day ranged from a hundred and  
16 twenty-five to seven hundred sixty-nine total  
17 ballots. But most of the precincts were in the  
18 300- to 400-ballot range. I would think that  
19 would be easy and quick to count and not  
20 problematic, although fatigue maybe is a factor  
21 because election workers do work long days.

22 I looked at another county and it was -- the  
23 range -- for 19 precincts, they had a range of  
24 284 to 1,421 ballots cast on election day. And  
25 most were in the 500- to 700-ballot range, which

1 is a very -- it's easy to count.

2 I looked at Cobb County on election day in  
3 November of 2020 and the average was 480 ballots  
4 per precinct. And also I looked at Cherokee  
5 County. And they have 42 precincts and the range  
6 of ballots cast on election day were 287 to  
7 1,403. 287 would be easy to count at the close  
8 of polls. 1,403, if the workers were very tired,  
9 then maybe the poll manager would elect to count  
10 those the next day when you're rested and fresh.

11 But if the ballots are moved from the  
12 precinct, very careful chain of custody, seals --  
13 seals and security ties must be placed and the  
14 chain of custody followed very carefully.

15 So -- so one is it's just a matter of  
16 reconciling the number of paper -- we're not  
17 talking about votes. I don't want people to be  
18 confused that we're counting the votes, like, for  
19 a candidate. This is simply -- this is ballot  
20 accountability. It's just counting pieces of  
21 paper to make sure that they agree with the  
22 number of people who checked in to vote at that  
23 polling place to the numbers on the scanners. So  
24 it's just -- it's the control feature for the  
25 ballot scanner. And I -- I would expect -- I



1 would expect the ballot scanner to be faster and  
2 most accurate but any small errors should be easy  
3 to correct.

4 **MS. KING:** I would like to add that --  
5 again, I just want to be careful that we are not  
6 over course correcting here, right? To Dr. Jan's  
7 perspective -- or her point, I do think that  
8 there will be several counties that will follow  
9 this rule as written and they will do it on  
10 election day just simply because they want to  
11 just get things over with and get it done.  
12 However, I do think it's important to have some  
13 level of discretion around whether or not those  
14 who will be counting are in optimum position to  
15 do -- to count.

16 Because one of the things I thought about  
17 was, you know, who knows, let's say someone  
18 forgot to eat lunch and, you know, there's -- and  
19 it just so happens that now they have to do this  
20 additional step that they weren't anticipating or  
21 they were anticipating it but it just so happens  
22 they don't feel well and now we're in a position  
23 where we're forcing counties to have to produce  
24 these results not without considering those  
25 particular, again, human mistakes or human errors

1 that could occur.

2 So, again, I don't want to over course  
3 correct. I'm -- I'm not by any means saying that  
4 these ballots are not going to be counted. In  
5 the amendment it says that if the ballot count  
6 needs to take place after election day, which  
7 will be that one business day after the close of  
8 the polls, the relevant ballots, tabulation  
9 tapes, enumerated voter lists, polling  
10 information shall be sealed in a tamperproof  
11 container and the number of seal noted. The  
12 counting shall then take place at the county  
13 elections office.

14 So there they will be protected. They will  
15 be sealed going to the county election office and  
16 then they will pick up counting from then on.  
17 Too many times, even if it's ten pieces of paper,  
18 if you're tired or you want to get through  
19 something quickly or the phone is ringing or the  
20 child is calling -- it could be a number of  
21 reasons that can cause you to miscount and then  
22 they then will have to start over which will  
23 again elongate the day.

24 And I just think this is a simple amendment  
25 that I would be in support of. Leaving it as is

1 with the number of county managers and county  
2 officials who have expressed that this is a  
3 concern, I personally cannot support it  
4 100 percent as is. I would love to consider my  
5 -- again this is not a motion but a consideration  
6 at this point.

7 I do think that Ms. Alexander should  
8 consider withdrawing, allowing -- I -- I would --  
9 I would review -- I will send this amendment to  
10 her, allow her to add the amendment that just  
11 gives this optional opportunity for those who may  
12 find themselves in a peculiar situation and then  
13 be posted tomorrow as -- as by petition, go  
14 through the 30-day process, and then we move  
15 forward.

16 **MR. FERVIER:** Thank you, member King. I  
17 want to make three quick points. Number one, the  
18 overwhelming number of officials that I have  
19 heard from on this rule oppose it for different  
20 reasons. Mostly because of the cost and time  
21 requirement and having to deal with very tired  
22 workers at the end of the day. And I've received  
23 a lot of -- lot of comments on it.

24 Number two is I -- once again I think that  
25 this board could be forcing a requirement cost

1 upon a county that the Legislature ought to be  
2 doing and not us. And I think this is a  
3 legislative issue and ought to go through the  
4 Legislature, not through this board.

5 And then, thirdly, I think that this is just  
6 happening too close to the election. And it --  
7 when you're putting major rules in effect or  
8 major procedures in effect, the counties ought to  
9 have more time to respond to it than what they  
10 have. I mean, they're -- the voting's going to  
11 start fairly quickly.

12 And so I -- those are -- those are my three  
13 comments on that. If anybody else has any  
14 comments, then -- other than that, this board  
15 needs to -- the chair will entertain a motion  
16 on this rule as it's written, proposed SEB rule  
17 183-1-12-.12, subsection (a), subsection(5).

18 **MS. KING:** Point of order. If Ms. Alexander  
19 wished to withdraw and then review the amendment  
20 for the consideration of us -- me bringing it  
21 back or me posting it -- forgive me if I'm saying  
22 this all wrong, but if that was to take place,  
23 would we still have to vote on it or --

24 **MR. FERVIER:** No. No.

25 **MS. KING:** -- does she have that option?

1           **MR. FERVIER:** No. She can withdraw and this  
2 board would not vote on it. We'd move forward  
3 with the -- you can introduce your amendment.  
4 The board would then vote on initiating  
5 rulemaking procedures on your amendment and the  
6 rule. And if we voted in the affirmative to  
7 initiate rulemaking procedures, then it would be  
8 posted tomorrow.

9           **MS. KING:** Okay.

10          **MR. FERVIER:** Ms. Alexander, are you still  
11 online?

12          **MS. ALEXANDER:** I sure am.

13          **MR. FERVIER:** Do you wish to proceed with  
14 your rule as written or do you wish to withdraw  
15 it and allow member King to present her proposal  
16 with the amendment? Ms. Alexander?

17          **MS. ALEXANDER:** It bothers me that this goes  
18 against every accounting principle that I've ever  
19 had. I don't believe that it should be given an  
20 option. I believe it's going to go back.

21           If I understand correctly, Janelle, I  
22 believe what you're saying is that the ballots  
23 would be counted --

24          **MS. KING:** Yes.

25          **MS. ALEXANDER:** -- correct?

1           **MS. KING:** Yes, correct.

2           **MS. ALEXANDER:** Okay. So they would be  
3 counted the next day. Yes?

4           **MS. KING:** Only if the poll manager sees  
5 that their workers are fatigued and they need  
6 that extra day. But otherwise the poll managers  
7 can and those that are working can decide to  
8 count on the same day, as written.

9           **MS. ALEXANDER:** Okay. But you're saying  
10 that three poll officials from each precinct --  
11 yes? --

12           **MS. KING:** Yes.

13           **MS. ALEXANDER:** -- would go to some center,  
14 I would presume the elections office. So if you  
15 have 36 precincts, you have three times 36 -- you  
16 have over a hundred people showing up at an  
17 elections office to count the numbers in their  
18 precinct. I believe that that's just a tad  
19 unwieldly. But --

20           **MS. KING:** Well, what it says is the process  
21 of opening, counting, and resealing the ballots  
22 must be conducted in the presence of three  
23 sworn-in poll officers from a relevant polling  
24 place. Additionally, the poll manager or  
25 assistant poll manager would be present.

1           So it doesn't have to be three people from  
2 every polling precinct. There just needs to be  
3 three sworn-in poll officers that can  
4 represent -- you know, just as long as there's  
5 three sworn-in poll officers. Doesn't have to be  
6 three from every precinct.

7           **MR. FERVIER:** Member King, I -- and not to  
8 interrupt, but I -- I -- it's likely that many of  
9 the precincts would go ahead and count that  
10 night.

11           **MS. KING:** Correct.

12           **MR. FERVIER:** And so you wouldn't have a  
13 hundred-plus people show up. You would have  
14 maybe one or two or three or five that decided  
15 that their workers were too tired and would  
16 have -- would show up the next day.

17           So it's not -- it's not all or nothing,  
18 Ms. Alexander. It's a -- it could be one  
19 precinct, it could be none, it could be five  
20 precincts that decided to extend it to the next  
21 day.

22           **MS. KING:** Correct.

23           **DR. JOHNSTON:** Chairman. Chairman Fervier.

24           **MR. FERVIER:** Yes.

25           **DR. JOHNSTON:** I thought I heard that the --

1 it would be the poll officers that correspond to  
2 that precinct is what I heard for as counting the  
3 ballots.

4 **MS. KING:** The poll manager and the poll  
5 assistant. The poll manager or the assistant  
6 poll manager from the -- from that precinct.

7 **DR. JOHNSTON:** From that precinct, okay.

8 **MS. KING:** Yeah, that must be present. But,  
9 again, that goes back to the option -- right? --  
10 that is if they choose to go about it this route,  
11 then that would be the case. However, they have  
12 the option of counting on the election day.

13 And, again, this will only go into effect --  
14 it says considering factors such as staffing  
15 needs, fatigue, efficiency, and accuracy-related  
16 concerns.

17 And the entire rule will stay the same. We  
18 would just add this paragraph in as section 6.  
19 And it'd just go straight in. There were no  
20 adjustments made to the overall rule.

21 **MS. ALEXANDER:** So in requiring -- and I  
22 understand you could have three poll officials  
23 that could do any precinct at a tabulation  
24 center; correct? You're saying any people that  
25 have worked a poll -- poll official can be there



1 the next day and they could count any precinct,  
2 yes?

3 **MS. KING:** Three sworn-in poll officers from  
4 the relevant polling place and additionally  
5 one -- either the poll manager or the assistant  
6 poll manager must be present. And, again, this  
7 is -- this is if that particular county decided  
8 that they want to start counting the next day  
9 rather than on election day.

10 And it doesn't have to be every precinct,  
11 you know. There may be precincts, to Dr. Jan's  
12 point, that only have a hundred and fifty-four  
13 ballots and they decide to go ahead and count it,  
14 turn it in. But then there may be some that have  
15 1500 or 1400 and then they say, hey, we -- we're  
16 going to do it tomorrow.

17 So the chances of a likelihood of every  
18 single precinct deciding to do it this way, I  
19 don't think that's as likely. But again, you  
20 know, that's -- that's an assumption that I'm  
21 making.

22 **MS. ALEXANDER:** So are they going to pay  
23 those people that come in to count the next day  
24 another day rate?

25 **MS. KING:** That's what -- that county will

1 have to decide that. So that's how I'm -- why I  
2 know that this may not be the case for -- for a  
3 majority of the counties or -- you know, they --  
4 they have this option. However, after speaking  
5 with one of our county officials, they were  
6 already looking into hiring and paying people for  
7 the additional day -- I'm sorry, hiring people to  
8 come in -- hiring -- I think it was over 230 or  
9 so individuals to come in on election day at the  
10 end of the night to do this counting.

11 So the cost associated with it is up to the  
12 counties and that's where my concern is. By  
13 forcing them to have to do it on election day, we  
14 could find ourselves in a position where we're  
15 also forcing counties to incur additional costs  
16 that they weren't preparing to have to acquire  
17 prior to this rule being in place. So it affects  
18 more than just the day of, it affects their  
19 budget and some other decisions that they have to  
20 make.

21 So that will be solely left up to the  
22 counties to decide. But, again, this just gives  
23 them an option, some flexibility to achieve what  
24 this rule is attempting to achieve while also  
25 keeping in mind that we are dealing with humans.

1 And we want to make sure that we have them in  
2 their optimum position.

3 **MS. ALEXANDER:** May I work with you on the  
4 wording?

5 **MS. KING:** Yeah, absolutely. So what we can  
6 do is I --

7 Mr. Chairman, tell me if I'm incorrect on  
8 this. Could -- could -- if she was to withdraw  
9 and I -- would we have to vote on the rule with  
10 my amendment today, or could we --

11 **MR. FERVIER:** Yes.

12 **MS. KING:** Could I -- okay. So if I was to  
13 say let's just table this and then I work with  
14 Sharlene to make sure the amendment works within  
15 her rule, we would -- I would have to bring it  
16 back at the next meeting; is that correct?

17 **MR. FERVIER:** You could work with her and  
18 bring it back again to this meeting.

19 **MS. KING:** Okay. So I could -- if I e-mail  
20 this over to you, Sharlene, and you review it, we  
21 could revisit this by the end of the meeting. Is  
22 that okay?

23 **MS. ALEXANDER:** Sure.

24 **MS. KING:** Okay. I will send that to her.

25 **MS. ALEXANDER:** Tabling it at this point?

1 Not voting on it. We're tabling it so you'd send  
2 it to me?

3 **MR. FERVIER:** We are -- we are tabling her  
4 amendment. The first question is whether or not  
5 you are willing to withdraw your petition at this  
6 time.

7 **MS. ALEXANDER:** So I have to do that before  
8 I see the wording?

9 **MS. KING:** You would -- that's a good  
10 question.

11 **MR. FERVIER:** That's -- I hear -- the chair  
12 is --

13 **MS. KING:** We should just table it till the  
14 end of the day.

15 **MR. FERVIER:** The chair is feeling very  
16 hungry right now. Why don't we table both of  
17 these for the time being?

18 **MS. KING:** Until lunch. And I'll e-mail  
19 this to you, Sharlene, to look at during lunch.

20 **MR. FERVIER:** The chair would entertain a  
21 motion to table Ms. Alexander's rule until later  
22 in the meeting.

23 **MS. KING:** I make a motion that we table.

24 **MR. FERVIER:** We have a motion to table  
25 Ms. Alexander's rule for the time being to be

1 heard later in the meeting. Do we have a second?

2 **DR. JOHNSTON:** Second.

3 **MR. FERVIER:** We have a motion and a second  
4 from Dr. Johnston. Any discussion? Hearing no  
5 discussion, all those in favor of tabling  
6 Ms. Alexander's rule -- SEB rule 183-1-12-.12,  
7 subsection (a), subsection (5) -- until later in  
8 the meeting signify by saying aye.

9 Member Ghazal.

10 **MS. GHAZAL:** Aye.

11 **MR. FERVIER:** Member Johnston.

12 **DR. JOHNSTON:** Aye.

13 **MR. FERVIER:** Member Jeffares.

14 **MR. JEFFARES:** Aye.

15 **MR. FERVIER:** Aye. Member King.

16 **MS. KING:** Aye.

17 **MR. FERVIER:** The motion carries four to  
18 zero. That is tabled.

19 Thank you, Ms. Alexander.

20 The chair would entertain a motion now for a  
21 short lunch break.

22 **MS. KING:** I make a motion we take a short  
23 lunch break.

24 **DR. JOHNSTON:** I second.

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

1 by member Johnston. All those in favor of taking  
2 a -- let's say a 45-minute recess, we'll recess  
3 till 2:00 -- signify by saying aye.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. FERVIER:** Any opposition? Hearing no  
6 opposition, so moved. This meeting is now  
7 recessed until 2:00 at which time we'll come back  
8 and continue with the agenda. Thank you.

9 (Recess)

10 **MR. FERVIER:** We will call this meeting back  
11 to order.

12 **Discussion and voting on proposed rule amendment to**  
13 **SEB rule 183-1-12-.12(e).**

14 **MR. FERVIER:** The next item on the agenda is  
15 discussion and voting on proposed rule amendment  
16 to SEB rule 183-1-12-.12, subsection (e). And I  
17 believe that Gail Lee proposed this rule.

18 Ms. Lee, are you online? Gail Lee?

19 **MS. LEE:** Yes, I'm here. Can you hear me?

20 **MR. FERVIER:** Great. Yes, ma'am. And so  
21 you're -- this is your rule. Would you like to  
22 speak about it?

23 **MS. LEE:** I would very briefly. I  
24 recognize, acknowledge, and appreciate the public  
25 comment made on my rule. And the concern that

1 was addressed in that public comment is valid.  
2 The concern involved the portion that said each  
3 county shall publish the report on their county  
4 election results website. And I plead guilty --

5 (Background noise)

6 **MS. LEE:** Pardon me? I plead guilty to  
7 living in a bubble in a large county that has  
8 technology resources. So I -- if possible, I'd  
9 like to amend my rule.

10 **MR. FERVIER:** We -- the board is allowed to  
11 make minor amendments to it, a word or two,  
12 without having to go through the entire process  
13 again.

14 **MS. LEE:** Okay.

15 **MR. FERVIER:** Any major amendments would  
16 require withdrawing this rule and then  
17 resubmitting and going through the whole  
18 rulemaking procedure again. So I'd need to know  
19 what that amendment is.

20 **MS. LEE:** I'll be glad to tell you. The  
21 whole -- the whole rule is (reading): Upon  
22 submission to complete -- submission of the  
23 complete reconciliation report to the Secretary  
24 of State, each county shall publish the report on  
25 their county election results -- that was what

1 was already submitted -- or in the absence of a  
2 website make it available to the public upon  
3 request.

4 So the addition would be "or in the absence  
5 of a website make it available to the public upon  
6 request." What do you think?

7 **MR. FERVIER:** Member Ghazal, do you have an  
8 opinion on that?

9 **MS. GHAZAL:** I do. I believe that is a  
10 substantive enough change to require reposting.  
11 However, I also believe that you will not -- I  
12 would not anticipate anybody to vote against this  
13 and therefore that the counties would have  
14 sufficient notice to be able to adhere to the  
15 rule without any issues.

16 But I think for -- for the sake of it to be  
17 fully lawful, it would need to be reposted and  
18 then voted again in 30 days. And I will -- for  
19 myself, I will vote in favor of -- of this rule  
20 again as I did previously.

21 So I -- but I do think that it does require  
22 because it is -- it is not a scrivener's error,  
23 it is a substantive change and a substantive  
24 difference in what is -- what is required of the  
25 counties.



1           **MR. FERVIER:** Yeah. That's -- that's my  
2 fear is that it's more than a word or two change  
3 as we had discussed with the Attorney General at  
4 our last meeting. And I think that there's still  
5 time for this to go in effect because we will  
6 have another meeting on September 20th. And so  
7 if it was posted tomorrow, then that would meet  
8 the 30-day requirement for a final vote on  
9 September 20th.

10           **DR. JOHNSTON:** Sara, are you aware of any  
11 county that does not have a website?

12           **MS. GHAZAL:** Yes. I have not gone through  
13 all -- all hundred and fifty-nine, but, for  
14 instance -- I always check on Taliaferro because  
15 they're the smallest county. The -- they do not  
16 have a separate website for their -- their  
17 election office. It is a county website. And I  
18 have to -- I have to assume that others are in  
19 a -- are similarly situated.

20           **MS. LEE:** Do they post election results on  
21 that county website?

22           **MS. GHAZAL:** I -- I can't answer that. I'm  
23 sorry. I don't know.

24           **DR. JOHNSTON:** Yeah. So the -- the wording  
25 says county election results website. So it

1 sounds like that would cover a county host --  
2 website host.

3 **MS. LEE:** Uh-huh.

4 **MR. FERVIER:** Well, you could -- what about  
5 if you put on there county or county election  
6 results website?

7 **MS. LEE:** That'd be fine with me.

8 **MR. FERVIER:** Member Ghazal, do you think  
9 that's a -- too much of a change?

10 **MS. LEE:** On -- it currently says: On their  
11 county election results website. It does  
12 currently say that. I mean, it's --

13 **MS. GHAZAL:** I think if they add county or  
14 county election results because there is not a  
15 separate website. So there are many counties  
16 that do not have a separate website for their  
17 elections.

18 **MS. LEE:** Oh, that's true.

19 **MS. GHAZAL:** So I think adding county or  
20 county election results website, I -- I would be  
21 comfortable making that minor an error -- minor a  
22 change. And I think that also makes it more  
23 accessible than simply providing it as a response  
24 to an open records request.

25 **MS. LEE:** Okay. Thank you.

1           **MR. FERVIER:** Member King, do you have any  
2 comments about this?

3           **MS. KING:** Uh-oh. Okay. No, I'm okay with  
4 this one. I -- I think adding in that additional  
5 change is fine and I plan on continuing to  
6 support it.

7           **MR. FERVIER:** Okay. Member Jeffares, do you  
8 have any comments about this proposed change?

9           **MR. JEFFARES:** The only thing I would say,  
10 there's somewhere around 30 counties that don't  
11 have any kind of website. So ...

12           **MR. FERVIER:** Well, that's a problem.

13           **MR. JEFFARES:** And I might be wrong, but  
14 I -- it's going to be a higher number than you  
15 think.

16           **MS. KING:** Yeah. I think adding in this  
17 change will be --

18           **MR. FERVIER:** Well, member Jeffares said  
19 that in his opinion there's probably around 30  
20 counties or more that don't have any sort of  
21 website.

22           **MR. JEFFARES:** I could be wrong. That was  
23 from about four or five years ago. There was a  
24 bunch of them that don't have them. Back then.

25           **MS. LEE:** No.

1           **MR. FERVIER:** He said from his knowledge as  
2 of four years ago, there was at least 30 counties  
3 or more that did not have any form of website.

4           **MS. LEE:** Wow.

5           **MS. GHAZAL:** Can I move that we table this  
6 for the next hour and direct director Coan to  
7 reach out to -- reach out to the Association --  
8 the county commission association --

9           Director Coan, you know the organization I'm  
10 thinking of; correct? The --

11          **DR. JOHNSTON:** ACCG?

12          **MR. COAN:** Yes. It's the Association of  
13 County Commissioners, ACCG.

14          **MS. GHAZAL:** Yes. Can you see if you can  
15 find out in the next hour whether or not there is  
16 at least a website for each county, each of our  
17 hundred and fifty-nine counties? Because if  
18 there is at least a website, then this rule will  
19 cover that. If they --

20          **MR. COAN:** Okay. And we're speaking  
21 strictly on the county as a whole, not talking  
22 about elections boards separately.

23          **MS. GHAZAL:** Yes. Exactly. Exactly.

24          **MR. COAN:** Very good. I'll work on that  
25 right now.

1           **MR. FERVIER:** Well -- well, my -- my --  
2 well, my other questions is whether this board  
3 has the authority to force a county to publish  
4 this on their website. I mean, I would almost  
5 revert back to what the original thing was  
6 that -- that we revise this rule to say that they  
7 have to make it available upon request and then  
8 we resubmitted -- we vote on it for rulemaking  
9 procedures and then revote on it on  
10 September 20th.

11           **MS. GHAZAL:** And I think by doing that,  
12 Mr. Chairman, the counties can make the  
13 determination if they want to post it on their  
14 website even if there is not an election website  
15 if that's the method in which they -- and I would  
16 encourage counties to do that, but that we're not  
17 instructing them to do that. So I think ...

18           **MR. FERVIER:** Yeah. I just don't think we  
19 have the authority to force a county to post it,  
20 the county election boards but not -- not the  
21 county themselves. So ...

22           **MS. LEE:** Okay. Let me be clear what you're  
23 saying, that I would withdraw this and then  
24 resubmit and put in the wording or in the absence  
25 of a website make it available to the public upon

1 request or --

2 **MR. FERVIER:** Yes. Yes.

3 **MS. LEE:** Okay. Okay.

4 **MS. GHAZAL:** A county may voluntarily choose  
5 to post it on their county website, but I think  
6 the chairman is correct in his assessment, that  
7 we don't have the authority to direct a county to  
8 publish something like that.

9 **MS. LEE:** Oh, okay. So then the wording,  
10 "in the absence of a website," shouldn't be in  
11 there either because --

12 (Background sound)

13 **MS. LEE:** -- then there's the qualification  
14 that would force them if they have a website  
15 to -- to post it. Okay. All right. Well, so we  
16 need to make it optional.

17 **DR. JOHNSTON:** I would ask if the county or  
18 the election office posts their results -- any  
19 results, election results -- that this would also  
20 fall -- would be appropriate to post this rather  
21 than giving them the option of they post election  
22 results but don't -- do not -- do not post the  
23 reconciliation report.

24 If they have a website where they're posting  
25 election results, then it would be appropriate to

1 have this posted also. I think if I'm  
2 understanding --

3 (Cross-talking)

4 **MS. LEE:** Okay, how about this?

5 **MR. FERVIER:** It would but I just don't  
6 think we have power to mandate that for counties.  
7 We do for election boards, but not for the  
8 counties themselves.

9 **MS. LEE:** Okay. Each county election board  
10 shall post the report in the same manner and  
11 media as their other election results are posted  
12 for public viewing?

13 **MR. FERVIER:** No, I -- I don't -- no. I  
14 think Dr. Johnston was talking about if a  
15 county -- not the county election board, but a  
16 county posted election results that we should ask  
17 them to also point -- do this. And my position  
18 was we don't have the power to make a county do  
19 anything, only the election board.

20 So your rule would be as written, but we  
21 would add the language shall publish a report on  
22 their county election results website or provide  
23 a copy if requested.

24 **MS. LEE:** Okay.

25 **MR. FERVIER:** And I think it's just adding

1 those simple words, "will provide a copy if  
2 requested."

3 **MS. LEE:** (indiscernible) a copy if  
4 requested. Okay. All right.

5 **MR. FERVIER:** Does the board have any  
6 opinion on that -- that language? Does the board  
7 have any opinion on that language that changed  
8 that rule?

9 **MR. JEFFARES:** That's fine with me.

10 **DR. JOHNSTON:** Chairman Fervier, I -- I'd  
11 recommend rather than "as requested" that it  
12 would be posted in the election office if it's  
13 not posted on the website. Rather than somebody  
14 having to ask for the report, it should be posted  
15 in the office for public review.

16 **MR. FERVIER:** So instead of "as requested,"  
17 it would be posted in the elections office. I'm  
18 fine with that too.

19 Member Jeffares.

20 **MR. JEFFARES:** Yeah. That's fine with me  
21 because that's kind of what my rule change does  
22 which we're going to vote on next month. Since  
23 you don't have a website, you've got to post it.

24 **MR. FERVIER:** All right. So the change  
25 would be -- this would be the rule: Upon



1 submission of the completed reconciliation report  
2 to the Secretary of State, each county shall  
3 publish their report on their county election  
4 web -- results website or post in the elections  
5 office.

6 **MS. LEE:** Or post it in the elections  
7 office, okay.

8 **MR. FERVIER:** Yes. Any further comments --

9 **MS. LEE:** (indiscernible) -- so do I need to  
10 withdraw and redo it?

11 **MR. FERVIER:** No. No. This board would  
12 need to initiate rulemaking procedures on that  
13 rule. So we would need to go ahead and vote on  
14 that to initiated rulemaking procedures and then  
15 we would post it by the end of the day tomorrow  
16 so that it could be voted on on September 20th.

17 **MS. LEE:** Cool. All right. Thank you.

18 **MR. FERVIER:** Well, we haven't voted yet.

19 **MS. LEE:** Yes. I'm thanking you in advance.

20 **DR. JOHNSTON:** Was that a --

21 **MR. FERVIER:** Well, let me see. Miss Lee,  
22 would you like to withdraw your petition -- or  
23 your rule?

24 **MS. LEE:** So then I need to do that first,  
25 right?

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**MR. FERVIER:** Yes.

**MS. LEE:** Okay. Yes, I would like to withdraw my petition for the rule.

**MR. FERVIER:** Yes, okay.

So Ms. Lee has withdrawn her petition or -- for the rule. The chair will entertain a motion to initiate rulemaking procedures on the revised rule which would state: Upon submission of the completed reconciliation report to the Secretary of State, each county shall publish the report on their county election results website or post in the elections office.

**MS. KING:** So moved.

**MR. FERVIER:** We have a motion from member King to accept that as presented. Do we have a second?

**MR. JEFFARES:** Second.

**DR. JOHNSTON:** Second.

**MR. FERVIER:** We have a motion and a second from member Jeffares. Any discussion? Hearing no discussion, all those in favor of initiating rulemaking procedures on SEB rule 183-12-.12[sic], subsection (e) stated as: Upon submission of the completed reconciliation report to the Secretary of State, each county shall

1 publish their report on their county election  
2 results website or post in the elections office.  
3 We have a motion and a second. All those in  
4 favor signify by saying aye.

5 Member Ghazal.

6 **MS. GHAZAL:** Aye.

7 **MR. FERVIER:** Member Johnston.

8 **DR. JOHNSTON:** Aye.

9 **MR. FERVIER:** Member Jeffares.

10 **MR. JEFFARES:** Aye.

11 **MR. FERVIER:** Member King.

12 **MS. KING:** Aye.

13 **MR. FERVIER:** The motion carries four to  
14 zero.

15 **MS. LEE:** Thank you very much, Ms. Lee.

16 **MR. FERVIER:** Alex, you want to make sure  
17 that gets posted, okay?

18 The next item on the agenda is petition for  
19 amendment of state election board rules presented  
20 by Debbie Dooley.

21 Ms. Dooley, are you online with us today?

22 **MS. DOOLEY:** I am. Can you hear me?

23 **MR. FERVIER:** I can hear you.

24 **MS. DOOLEY:** Good.

25 **MR. FERVIER:** Do you plan on having anyone

1 speak with you?

2 **MS. DOOLEY:** Sir?

3 **DR. JOHNSTON:** Do plan on having anybody  
4 speak with you on your behalf?

5 **MS. DOOLEY:** No.

6 **MR. FERVIER:** Okay, great. Please go  
7 forward please.

8 **Petitioner for Amendment of State Election Board Rules**  
9 **Presented by Debbie Dooley.**

10 **MS. DOOLEY:** Debbie Dooley. I've been a  
11 lifelong Republican since I was a senior in high  
12 school in 1976. I'm one of the 22 national  
13 cofounders of the Tea Party Movement in 2009 and  
14 lifelong Republican, big Trump supporter. And I  
15 want to say from the outset with my rule, this is  
16 not about the 2020 election. This is about  
17 securing the 2024 election. And I think that is  
18 important. And I think there are some things  
19 that are not about left or right. They're about  
20 right or wrong. And this is one of those issues  
21 that have drawn bipartisan support.

22 I would like to briefly -- I appreciate -- I  
23 never understood the hard work you guys had to do  
24 until I actually sat in on this -- this meeting  
25 so far. You guys deserve a badge of honor and

1 courage. Thank you for what you're doing.

2 **MR. FERVIER:** Thank you.

3 **MS. DOOLEY:** Anyway I want to read you --  
4 this kind of sums up the grassroots, how the  
5 conservative grassroots feel about having to vote  
6 on the Dominion screens. This is from -- and  
7 each of you board members should have received an  
8 e-mail from the author of this. And it's from a  
9 county in middle Georgia.

10 (reading): Good afternoon -- he sent this  
11 yesterday -- state election board members.  
12 Tomorrow will be a landmark day in Georgia.  
13 Tomorrow, August 19th will be the day we find out  
14 whether the shooter on the roof has been  
15 neutralized. You see, that's the analogy I make  
16 to the situation with Dominion Voting Systems.  
17 Dominion is the shooter on the roof. CISA told  
18 us in 2021, three years ago, that there was a  
19 shooter on the roof. The Georgia Secretary of  
20 State decided to do nothing about it prior to the  
21 most important election this country has faced in  
22 2024.

23 So here we are with the 2024 presidential  
24 election about to enter center stage. Everybody  
25 knows the shooter is there. And those that have

1           been pointing out the vulnerabilities of the  
2           election because of the shooter are frustrated  
3           that nothing has been done. So now we are down  
4           to the wire.

5           The citizens of the state of Georgia on both  
6           sides of the aisle want free and fair elections  
7           and are looking to the state election board to  
8           neutralize the vulnerabilities of the election  
9           that the shooter brings. It has been proven that  
10          the system can be hacked. It has been proven  
11          that vote counts have changed. It has been  
12          proven that because of the QR code the Dominion  
13          system does not meet the requirements of Georgia  
14          laws.

15          The voters of -- and he lists his county --  
16          in the 12th District, the state of Georgia are  
17          not content with rolling the dice and hoping for  
18          the best. We know the vulnerabilities of the  
19          system will be tested. We know that with the  
20          Georgia SOS announcement that nothing will be  
21          done prior to the election. Hackers with ill  
22          intent have began eagerly researching ways to  
23          breach the system.

24          We are calling on you to neutralize the  
25          shooter. We are calling on you to mandate

1 hand-counted ballots for the upcoming election.  
2 You also have the authority and duty to restore  
3 trust in Georgia's election system.

4 And let me say one thing. I know a lot has  
5 come up about whether or not you guys have the  
6 ability to declare that backup voting systems  
7 will be used in November. You do. Judge  
8 Totenberg -- Judge Totenberg issued a ruling that  
9 said -- this is May 2019 and introduced the  
10 provisions of 20-2-281 providing for backup  
11 balloting when the voting system is impaired.  
12 The court said -- Judge Totenberg said: O.C. --  
13 I mean, it goes on: 21-281[sic] is not limited  
14 to election superintendents. And the board  
15 members are responsible for enforcing Georgia's  
16 election code under this -- under state law.  
17 That's Judge Totenberg.

18 And there was a ruling from the Eleventh  
19 Circuit Court of Appeals in *Grizzle v Kemp*. This  
20 is when Governor Kemp was secretary of state. On  
21 March 8, 2011, they found in their ruling on  
22 page 3, under Georgia law, the state election  
23 board is vested with the power to issue orders  
24 directing compliance with chapter 2 of Georgia's  
25 election code or prohibiting the actual or

1 threatened commission of any conduct constituting  
2 a violation chapter 2. That was done in multiple  
3 places in that order, in that *Grizzle v Kemp*  
4 order.

5 You do have the authority to use the  
6 emergency ballots. This is a -- 2024 November is  
7 a dumpster fire waiting to happen. And here is  
8 the thing. As I sit here and listen through all  
9 these proceedings today -- and I gained a new  
10 respect for you guys, trust me -- that listening  
11 to all of this, I mean, you voted to -- you voted  
12 for rules previously or amendments to rules that  
13 some people are saying is -- you don't have the  
14 authority to do and you can't do it and they  
15 filed a legal challenge. The one about the  
16 common sense reconciliation that you voted on,  
17 the first thing you voted on, that's common  
18 sense. But you have some folks that are striking  
19 out against it.

20 The people of Georgia deserve to have a  
21 secure election. I have a 15-year background in  
22 information technology at a high level. And I  
23 can tell you these machines are hackable.  
24 Halderman is much more technically astute than I  
25 am and in his Halderman report, he admitted this



1 is a dumpster fire waiting to happen. I am  
2 asking you to take action and hear -- and to  
3 order or pass a rule where the counties will use  
4 the backup balloting process, paper ballots, in  
5 November.

6 This has not been -- the backup ballot  
7 process has been in effect for years because you  
8 never know when you'll get to a polling place and  
9 something happened and you have to go to backup  
10 ballots if it happens to your computer system.  
11 If hackers can delay with all the security Elon  
12 Musk has in Twitter, if hackers can delay the  
13 Trump town hall for 45 minutes with a DDoS  
14 attack, what do you think they can try to do to  
15 our Dominion touchscreens, BMD, on election day  
16 when Republicans are the ones that usually vote  
17 on that? What do you think they will try to do?

18 And this is something that you guys do have  
19 the authority to do. And Secretary of State Brad  
20 Raffenperger has been derelict in his duty to  
21 secure the elections. He has known about the  
22 CISA vulnerability since 2021 and he has done  
23 nothing to change that, nothing to change that.

24 And I am just asking that you consider and  
25 that you pass my rule changes that I submitted.

1           And I will take questions now. Are there  
2 any questions?

3           **MR. FERVIER:** Just one moment. Just one  
4 moment, please.

5           **MS. DOOLEY:** Okay.

6           **MR. FERVIER:** We have to -- we have to get  
7 our stuff together here.

8           **MS. DOOLEY:** I'm sorry. I could've waited.

9           **MR. FERVIER:** No, no, no, no, no, no, no.

10          **MS. DOOLEY:** I could've awaited. I mean,  
11 you know.

12          **MR. FERVIER:** No, you're fine. You're fine.

13                 Are there any questions from the board for  
14 Ms. Dooley?

15          **MS. KING:** Quick question. The backup  
16 voting process that's in place now to use the  
17 emergency ballots if there are some issues, are  
18 you saying that's not in place?

19          **MS. DOOLEY:** Well, what we're -- what I'm  
20 requesting with my rule change is that we ditch  
21 the Dominion BMDs except for the -- the folks  
22 that are impaired and need to use a touchscreen  
23 and that we go to the backup ballot process that  
24 poll workers already -- have already been trained  
25 on instead of using the Dominion BMDs.

1           And they can go through and -- like, with  
2 the hand-marked paper ballots, you can put them  
3 in the scanner or the tabulator, go in and scan  
4 them in, and, you know, and count the votes. But  
5 it is a lot more secure than using these Dominion  
6 BMDs.

7           I'll tell you another issue with the  
8 Dominion BMDs. Something that I've noticed when  
9 I go vote in person that I have noticed with them  
10 is that, you know, you line these touchscreens in  
11 a room where voting takes place and there's no  
12 privacy. Somebody -- I've walked by different  
13 locations where I have voted and I can see -- you  
14 know, they're out there visible. So you could  
15 see where the voter is actually -- you can see  
16 what they're marking. There's no privacy and  
17 that's a violation of both state and federal law.  
18 There is a federal law and it says that this is  
19 Federal Law 52 USC 2108[sic], section (A),  
20 paragraph (i) that says: Voter must be able to  
21 verify in a private and independent manner the  
22 votes selected by voters on the ballot before the  
23 ballot is cast and counted. That's federal law.  
24 That is a federal statute. You can't read a QR  
25 code. And it's very easy to put in malware and

1 change the QR code.

2 And I think Dr. Johnston had mentioned in  
3 the last board meeting that there were four  
4 different counties whose systems have been  
5 hacked. And this is what I'm asking. If there  
6 is some doubt of whether or not you can legally  
7 do this, once it's put in the rulemaking  
8 procedure, then you have time to research it, you  
9 can get legislative counsel to take a look at it  
10 and do that. Just start the process going. And  
11 if something happens and they say, no, you can't  
12 do that, then I'll -- then I will withdraw my  
13 rule if it's investigated.

14 **MS. KING:** I -- I have looked into what we  
15 can and can't do. And I think the challenge is  
16 when you want to just ditch the Dominion machine  
17 altogether except for --

18 **MS. DOOLEY:** No.

19 **MS. KING:** -- those who are -- except for  
20 the elderly or those who are -- that need it as  
21 far as disabilities of some sort. That's where  
22 it becomes really tricky because now we are  
23 altering how the election is being conducted and  
24 that is what's outside of the purview of the SEB  
25 board. That's the part that makes it really

1           difficult.

2           **MS. DOOLEY:** Well, it's not because you have  
3 procedures in place. Now, there are clear  
4 CISA -- CISA vulnerabilities that the Secretary  
5 of State has been derelict in his duty to patch.  
6 He has not patched that. It's been three years.  
7 And this is the most important election of -- of  
8 my lifetime. And, I mean, so you're put out --  
9 would you send your -- your husband or your kids  
10 to go on a trip in an automobile that you know  
11 has major issues and could break down on the  
12 road? You wouldn't do that. You would repair it  
13 before. You do have the authority to go to these  
14 backup procedures.

15           When you go to a precinct on election day  
16 and if you get there and the power's off or the  
17 machines are down, then you can -- the poll  
18 workers can use the backup balloting procedures  
19 which is the hand-marked paper ballots. They'll  
20 be able to use that. And, yes, I am saying you  
21 can use the Dominion scanner or tabulator,  
22 whatever the poll workers -- one poll worker will  
23 call it one thing, one will call it another. You  
24 can use that because in cases of discrepancy with  
25 all the good rule changes that you guys have

1 already passed, in cases of discrepancy you can  
2 count hand-marked paper ballots instead of  
3 machine-marked paper ballots. And that is  
4 something that I truly believe you guys have the  
5 authority to -- to do to make this decision.

6 But at least you could get the process  
7 going. And then if you find out you don't, then,  
8 you know, at least you can get it going and we  
9 can get a definitive answer. But I've already  
10 read you the opinions from two different federal  
11 courts. And Judge Totenberg was the district  
12 court, but the Eleventh Circuit Court of Appeals  
13 also found that -- that you could do things like  
14 that. The Secretary of State's dereliction of  
15 duty for not patching the CISA vulnerabilities,  
16 so why is he left -- why was he focused on the  
17 GARViS poll pads when he should've been focused  
18 on patching the CISA vulnerabilities? And it's a  
19 train wreck waiting to happen.

20 **MS. KING:** My -- this is my last point and  
21 then I'm going to -- I -- I would love to hear  
22 from the rest of the board on what they think  
23 about this. I think it goes back to -- the  
24 example you gave is that if a -- if a poll  
25 official -- polling official goes in, they see

1 the machine is just not turning on, right?  
2 That's a totally different situation than to  
3 determine from a statewide level as a board that  
4 every county has to follow this particular  
5 procedure.

6 That's what makes it a little bit tricky.  
7 However, I am interested in hearing from the  
8 additional members of the board in case I'm not  
9 seeing this correctly.

10 **MR. FERVIER:** Ms. Dooley, I -- I appreciate  
11 what you're trying to do. My -- I think my  
12 issues with this is that the Legislature in  
13 Georgia has put their trust and confidence in  
14 these Dominion machines and allowed them to come  
15 about and we all vote that way now. And I don't  
16 think that it's the place of this board to go  
17 against what the Legislature has put in place for  
18 us to -- as a voting system.

19 What your rule would do would change  
20 completely the way we vote in Georgia and in  
21 effect put hand-marked paper ballots back in, you  
22 know, as our primary way of voting. And I think  
23 that that is just in direct contradiction of what  
24 the Legislature's decided to do in Georgia.

25 And if, you know -- and my other issue with

1 this is, you know, the naming of Dominion in here  
2 and some of these other comments that are made in  
3 the rule itself. I don't think it's this board's  
4 place to take a position on that and to name any  
5 company, like Dominion, in these rules and, you  
6 know, vulnerabilities that Dominion may or may  
7 not have. For me, it is inappropriate to be in a  
8 rule itself.

9 I -- I -- so I appreciate what you're doing.  
10 I just feel like that -- that the Legislature is  
11 the proper place to make this change if it needs  
12 to be made in the state of Georgia. So ...

13 **MS. DOOLEY:** But we have this election --  
14 and it is your -- it is the board's  
15 responsibility to make sure our election systems  
16 are secure. And --

17 **MR. FERVIER:** I don't disagree.

18 **MS. DOOLEY:** -- they're not. They're not  
19 secure.

20 **MR. FERVIER:** I appreciate that, but it  
21 really is the Legislature's responsibility to  
22 make sure that we have the proper laws in place.  
23 And so I would, you know, go back to the  
24 Legislature and say: These machines are working,  
25 they're not working. That's the appropriate



1 venue for me, I think, that something like this  
2 needs to occur.

3 **MS. DOOLEY:** Well, they have that code  
4 section that the Eleventh Circuit talked about  
5 and that code section hasn't changed. And it  
6 gives you guys the authority to go to backup  
7 measures and to oversee the election system. And  
8 --

9 **MR. FERVIER:** Well, we --

10 **MS. DOOLEY:** -- it gives you the authority  
11 to do that if you want to use rulemaking. And  
12 keep in mind, I'm not asking for this to be done  
13 permanently. All I'm doing, is there a security  
14 risk there? All I'm asking is to go to backup  
15 ballots -- backup ballots until the Secretary of  
16 State actually patches the vulnerabilities  
17 mentioned in the CISA report. I'm not asking for  
18 it to be done permanently.

19 Now, if I was asking for it to be done  
20 permanently, you're absolutely correct. That  
21 would be up to the Legislature and that would be  
22 up to people to decide, okay, is my legislator  
23 pro Dominion or anti-Dominion? and vote  
24 accordingly in 2026.

25 So but I'm not asking for any permanent

1 change. I'm just asking that you move to secure  
2 our voting system before the most important  
3 election in the lifetime. I'm not asking for a  
4 permanent change. If the Secretary of State --  
5 he's been derelict in his duty to patch the CISA  
6 vulnerability. He's been very derelict in his  
7 duty. All he does is defend Dominion. And I  
8 mean it's at risk. It's at risk that he's doing  
9 that and I -- I think you guys -- I think you  
10 have the authority to pass this temporary rule  
11 change.

12 Now, if he wants to come in and all of a  
13 sudden start patching Dominion, which he's not,  
14 but this is just until he does his responsibility  
15 and patches the extreme vulnerability with the  
16 Dominion machines. This is not permanent.

17 **MR. FERVIER:** Yeah. I guess my other issue  
18 is I -- you know, having read almost all of the  
19 rules in this green book and a lot of the  
20 statutes, I -- I don't see any other place where  
21 we're talking about Cybersecurity and  
22 Infrastructure Security Agency and Dominion  
23 machines. I mean, it's listed over and over  
24 again in your rule, and I -- I don't feel it's  
25 appropriate for us to have those kinds of

1           comments in rulemaking determinations on public  
2           companies and whether or not they're -- you know,  
3           an emergency situation exists because of use of a  
4           certain company. I feel like that puts us at  
5           some risk for slander and things like that.  
6           That's just my personal feeling of that. So ...

7           **MS. DOOLEY:** Well, if you would like, I  
8           could change the rule to remove Dominion and just  
9           put in voting machines, but, I mean, you know,  
10          it's like calling a cat a dog when you don't name  
11          what the issue is. And Dominion has been the  
12          voting machine that's had vulnerabilities.  
13          That's what -- we have seen it. We don't have to  
14          guess what's going to happen. We have seen that  
15          there have been -- according to Dr. Johnston,  
16          there have been four county election systems  
17          already that have been hacked. So we know that's  
18          a vulnerability. And the board has it within  
19          their authority, according to the -- you don't  
20          like Judge Totenberg, the Eleventh Circuit  
21          definitely ruled, said you guys have authority  
22          to -- to govern.

23          **MR. FERVIER:** I have no opinion on Judge  
24          Totenberg. Well, I've -- I mean, I've made my  
25          comments. And isn't this substantially similar

1 to a rule that we heard in a previous meeting?

2 **MS. DOOLEY:** Yes. It's Marilyn Marks. When  
3 I wanted to -- I worked with Marilyn on different  
4 issues for a couple of years, volunteered my time  
5 about the security system, and I'm a firm  
6 believer don't remake the wheel.

7 And I consider Marilyn to be a very good  
8 subject matter expert in this situation and in  
9 these Dominion machines and what federal laws  
10 say. And I wanted to make sure that -- and she  
11 already had a rule that I saw that I thought was  
12 good and so why remake the wheel? Why not do  
13 that?

14 And I would remind folks that when Georgia  
15 was getting ready to deploy Dominion, Stacey  
16 Abrams and other Democrats spoke out against  
17 using Dominion voting machines. A lot of them  
18 did. After 2020 and we started going after  
19 Dominion, all of the sudden they just love --  
20 many Democrats just love Dominion. But not all  
21 Democrats do. And as I said, there are some  
22 issues that is not about left and right. They're  
23 about right and wrong. And it's wrong to expect  
24 voters -- to demand that voters vote on a system  
25 that's not secure. And that's wrong. And people

1 think their votes don't count.

2 **MR. FERVIER:** Any other comments from the  
3 board or questions from the board?

4 Member Johnston's -- okay.

5 **DR. JOHNSTON:** Chairman Fervier.

6 **MR. FERVIER:** Yes.

7 **DR. JOHNSTON:** In reading through the  
8 petition, there's a mention about a precinct  
9 specific ballot printing plan which would  
10 probably take some planning and time, that would  
11 probably take a great deal of time actually. And  
12 there's also mention about a ballot-on-demand  
13 printer. I don't think polling places have  
14 ballot-on-demand printers. Do they?

15 **MS. DOOLEY:** I believe some do. And here is  
16 the thing. The -- they already have some of the  
17 ballots printed up that they have to have in case  
18 the computer system goes down and you have to  
19 have backup balloting. So they're -- they're  
20 already familiar with that process of backup  
21 balloting -- of backup balloting in case of  
22 issues.

23 And my -- my nightmare would be that on  
24 election day a DDoS attack go -- and all the  
25 computer systems go -- you know, a lot of the --

1 the election equipment go down, people can't  
2 vote. And they -- you know, you've got to have  
3 enough ballots at each polling place.

4 And provisional ballots, aren't there  
5 already provisional ballots at the polling place  
6 in case the system goes down or in case somebody  
7 is not registered? There's already ballots there  
8 that are printed with specific races.

9 **MS. GHAZAL:** If I may jump in here.

10 **MR. FERVIER:** Member Ghazal.

11 **MS. GHAZAL:** Dr. Johnston, no, we do not  
12 have precinct-based ballot-on-demand printers nor  
13 do we have early voting location ballot-on-demand  
14 printers. It is absolutely true that every  
15 polling place needs to have 10 percent of the  
16 number of registered voters available in  
17 emergency and provisional ballots as a backup as  
18 part of the emergency system.

19 And that also means that every early voting  
20 location needs to have at least a small number of  
21 backup ballots. But the problem is we don't --  
22 ballot-on-demand printers are extremely  
23 expensive.

24 Now, for the record, this would've been the  
25 system -- this was the system that I favored very

1 strongly in 2019 when -- when the state adopted  
2 the BMD system. But we do not have the  
3 capability of printing ballots on demand for all  
4 of our precincts, all of our election day  
5 precincts, and particularly during early voting  
6 because finding the actual -- either printing out  
7 on demand or finding the correct ballot style  
8 during early voting is a significant --  
9 significant burden because, you know, in our  
10 larger counties, we have up to, like, a thousand  
11 different ballot styles. Each precinct can have  
12 several different ballot styles for the -- for  
13 that precinct, so identifying and having enough  
14 ballots to be able to do this.

15 It actually -- ironically that is what  
16 Fulton County is still getting criticism for  
17 because they printed more ballots than they had  
18 voters in 2020 because of the need to have access  
19 to ballots if you're working on a completely  
20 paper ballot system. So I wanted to clarify some  
21 of those questions.

22 **MS. DOOLEY:** Well, here's a solution to  
23 that. You order enough ballots to match the  
24 registered voters in your precinct. Order them  
25 ahead of time and have them there. And it costs

1 a lot less than using the Dominion BMDs, the  
2 touchscreens. You could have a -- there's ample  
3 time to order them and have them in stock there.  
4 Where there's a will, there's a way.

5 **MS. GHAZAL:** Mr. Chairman, I will call the  
6 question.

7 **MR. FERVIER:** Are there any other comments  
8 or questions?

9 Member Jeffares? Member --

10 **MR. JEFFARES:** Not -- not right now.

11 **MR. FERVIER:** Member Jeffares has no  
12 questions. Any other questions or comments from  
13 the board? Is there a motion? The chair will  
14 entertain a motion from the board.

15 **MS. GHAZAL:** I would move that we decline  
16 Ms. Dooley's petition.

17 **MR. FERVIER:** We have a motion from member  
18 Ghazal to decline this petition. Is there a  
19 second?

20 **DR. JOHNSTON:** Second.

21 **MR. FERVIER:** We have a second from member  
22 Johnston. Any discussion? Hearing no  
23 discussion, all those in favor of declining this  
24 petition signify by saying aye. I'll call out  
25 the members.



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Member Ghazal.

**MS. GHAZAL:** Aye.

**MR. FERVIER:** To decline? Yes.

**MS. GHAZAL:** Decline.

**MR. FERVIER:** Member Johnston.

**DR. JOHNSTON:** Aye.

**MR. FERVIER:** Member Jeffares.

**MR. JEFFARES:** Aye.

**MR. FERVIER:** Aye.

Member King.

**MS. KING:** Aye.

**MR. FERVIER:** The chair -- the motion was made to decline this petition and it was voted four to zero to decline this petition.

Thank you, Ms. Dooley.

Member King, are you ready to bring back your --

(Background noise)

**MS. KING:** Yes. We have come to a solution.

**Discussion and Voting on Proposed Rule Amendment to SEB Rule 183-1-12-.12(a)(5) (continued)**

**MR. FERVIER:** So we will go back on the agenda and revisit SEB rule 183-1-12-.12, subsection (a), subsection (5).

Member King, you have the floor.

1           **MS. KING:** Yes. So Miss Sharlene and I have  
2 spoken and we believe we've reached a compromise  
3 on the amendment. We made a simple adjustment.  
4 I just want to make sure I read that, and then --  
5 I'm sure Ms. -- Ms. Alexander is going to  
6 withdraw her petition and we can then vote on the  
7 petition with my amendment. So the --

8           **MR. FERVIER:** Okay.

9           **MS. KING:** -- proposed --

10          **MR. FERVIER:** Let me -- let me ask  
11 Ms. Alexander.

12          Ms. Alexander, are you online with us?

13          **MS. ALEXANDER:** I am.

14          **MR. FERVIER:** Are you willing to withdraw  
15 your petition?

16          **MS. ALEXANDER:** I am.

17          **MR. FERVIER:** Okay. Ms. Alexander has  
18 withdrawn her petition.

19          Member King --

20          **MS. KING:** Yes. So --

21          **MR. FERVIER:** -- would you like to present a  
22 new petition?

23          **MS. KING:** Yes. So the new petition will be  
24 her rule as is, but we will be adding section 6  
25 which would be my amendment. And it would read

1 as such (reading): The decision about when to  
2 start the process described in paragraph (a) (5)  
3 is up to the poll manager and assistant poll  
4 manager. This decision can be made at the end of  
5 election day or if a scanner possesses more than  
6 750 ballots on election day, the poll manager can  
7 choose to start the next day and finish during  
8 the week designated for county certification.

9 (reading): This decision should take into  
10 account factors such as staffing requirements,  
11 fatigue, and concerns about efficiency and  
12 accuracy. If the ballot counting is to take  
13 place after election day, the relevant ballots,  
14 tabulation tapes, enumerated voter lists, and  
15 polling information shall be sealed in a  
16 tamperproof container and the number of seal  
17 noted. The counting shall occur in the county  
18 election office on the next business day  
19 following election day and must conclude prior to  
20 any scheduled or announced postelection audits.  
21 The process must be completed within the  
22 designated county certification period.

23 (reading): Counting will take place as  
24 mentioned in section (a) (5). The process of  
25 opening, counting, and resealing ballots must be

1 conducted in the presence of the relevant poll  
2 manager or assistant poll manager. These  
3 procedures must be conducted publicly to ensure  
4 transparency.

5 (reading): If the counting of ballots takes  
6 place -- takes place at any time or place other  
7 than the polling location, the supervisor of  
8 elections must immediately communicate the date,  
9 time, and place of such action with all  
10 candidates on the ballot and the county chair of  
11 both major political parties no later than  
12 10 p.m. on election day.

13 (reading): The poll manager shall such --  
14 shall post such information on the outside  
15 windows of the polling location, together with  
16 all other information required to be so posted.

17 I believe this amendment will help address  
18 some of the challenges we have as it relates to  
19 our larger counties that would have, you know,  
20 ballots that are more than 200 or more. So this  
21 is the amendment that we are adding to her rule  
22 to be voted on.

23 **MR. FERVIER:** If you would please send that  
24 language to Alexandra so that -- she was writing  
25 furiously but I don't think she got it all down.

1 So ...

2 **MS. ALEXANDER:** Okay. Sending it to you  
3 right now.

4 **MR. FERVIER:** Be a great help.

5 **MS. KING:** Okay.

6 **MR. FERVIER:** So we have an amended -- we  
7 have a petition for -- to initiate rulemaking  
8 procedures on SEB rule 183-1-12-.12, subsection  
9 (a), subsection (5). It is an amended petition  
10 presented by board member King. Are there any  
11 questions from the board?

12 **MS. GHAZAL:** Yes. Member King, have you  
13 spoken with any election superintendents or  
14 supervisors with regard to this change and  
15 whether or not they have the capacity to do this,  
16 to make these changes on the fly on election  
17 night and if they have the actual physical  
18 capabilities of doing this in their election  
19 offices?

20 **MS. KING:** Yes, I have. I have spoken with  
21 several county officials and that's how we came  
22 up with this tweak. It was actually recommended  
23 by a county official.

24 **MR. FERVIER:** Any other questions from the  
25 board?

1           **MR. JEFFARES:** Hold on, I had my mute on.  
2 Do what?  
3           **MR. FERVIER:** Any other questions from the  
4 board?  
5           **MR. JEFFARES:** No.  
6           **MR. FERVIER:** No questions from member  
7 Jeffares.  
8           Member Johnston.  
9           **DR. JOHNSTON:** No questions.  
10          **MR. FERVIER:** The board will entertain a  
11 motion on this amended petition to initiate  
12 rulemaking procedures.  
13          **DR. JOHNSTON:** Mr. Chair, I move --  
14          **MR. JEFFARES:** So moved.  
15          **DR. JOHNSTON:** I move that --  
16          **MR. JEFFARES:** So moved.  
17          **DR. JOHNSTON:** -- we initiate --  
18          **MR. FERVIER:** Let -- let -- hold on. Excuse  
19 me. We had more than one speaking at one time.  
20          Member Johnston.  
21          **DR. JOHNSTON:** Yes, Mr. Chairman. I move  
22 that we initiate rulemaking for the rule just  
23 referred to and as read and amended by Ms. King  
24 --  
25          **MS. KING:** Second.

1           **DR. JOHNSTON:** -- to be posted tomorrow, no  
2 later than close of business tomorrow, and be  
3 reconsidered at the September 20th meeting.

4           **MR. FERVIER:** Member King, since this is  
5 your rule, I'd ask that you recuse yourself from  
6 voting on this one.

7           **MS. KING:** Okay. Thank you, Mr. Chairman.

8           **MR. FERVIER:** So we have a motion to  
9 initiate rulemaking procedures on SEB rule  
10 183-1-12-.12, subsection (a), subsection (5). Do  
11 we have a second?

12           Member Jeffares, could you hear that?

13           **MR. JEFFARES:** I thought I made the motion  
14 but if I didn't, I'll second it.

15           **MR. FERVIER:** Okay. We had two people  
16 making a motion. I selected Dr. Johnston since  
17 she's been on the board longer than you.

18           **MR. JEFFARES:** Okay.

19           **MR. FERVIER:** We have a motion and a second  
20 from member Jeffares. Any discussion? Hearing  
21 no discussion, all those in favor of initiating  
22 rulemaking procedures on SEB rule 183-1-12-.12,  
23 subsection (a), subsection (5) signify by saying  
24 aye.

25           Member Johnston.

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**DR. JOHNSTON:** Aye.

**MR. FERVIER:** Member Ghazal.

**MS. GHAZAL:** Nay.

**MR. FERVIER:** Member Jeffares.

**MR. JEFFARES:** Yea.

**MR. FERVIER:** The ayes carry it two to one.

**DR. JOHNSTON:** I'm sorry, what was the  
result?

**MR. FERVIER:** The ayes carry it two to one.

**DR. JOHNSTON:** Okay.

**MR. FERVIER:** Next item on the agenda is  
petition for amendment of state election board  
rules presented by Lucia Frazier.

**Petition for Amendment of State Election Board Rules  
Presented by Lucia Frazier**

**MS. FRAZIER:** Hello. Can you hear me?

**MR. FERVIER:** Yes, Ms. Frazier. I want to  
make sure that I have the correct one. I believe  
you're talking about rule 183-1-12-.19,  
subsection (6), subsection (a).

**MS. FRAZIER:** Yes. And I can talk to both  
rules at the same time. I have a few slides on  
each one. And I can go through --

**MR. FERVIER:** We -- we need to -- we need to  
vote on them individually. So let's talk about



1 each one individually.

2 **MS. FRAZIER:** Okay. All right, so let me  
3 share my screen. Are you able to see my screen?

4 **MR. FERVIER:** Yes.

5 **MS. FRAZIER:** Okay. So for the certified  
6 list of electors, that's what the first rule is  
7 about, the problem that I see is that we have  
8 lots of ineligible registrations that were in the  
9 2020 and 2022 elections and they still exist in  
10 the current voter roll. And these are things  
11 like duplicates, commercial addresses, deceased,  
12 nonexistent addresses, double registrations in  
13 two states, and registrations that were  
14 challenged and accepted and then removed and then  
15 put back on.

16 So the solution to this, and something that  
17 would help greatly, is to require the posting of  
18 the eligible electors list for the state and  
19 counties before advanced voting begins so that we  
20 can fulfill our citizen oversight duties. And  
21 the reason I say all that is because, as you  
22 know, the Sunshine Laws and several judicial  
23 decisions explain proper governance as the  
24 Constitution intended which is that we are  
25 supposed to take ownership and provide oversight,

1 and especially now because I told you there's a  
2 lot of issues on the rolls right now that are not  
3 being corrected and they are there for years.

4 And some of the laws that the Sunshine Laws  
5 that I allude to in the paper is that, you know,  
6 these -- all the election data has to be timely  
7 and accessible. Even if it's a third party  
8 helping, there should be no charge for anything  
9 15 minutes or less, especially if it's routine  
10 data.

11 And there should be public disclosure of all  
12 records concerning elector lists as said by the  
13 First Circuit Court of Appeals. And finally the  
14 Georgia Supreme Court had -- has said there  
15 should be no charge for routine public data.

16 So to give you more of a picture of the  
17 current state right now, the elector list is  
18 uploaded in the poll pads before early voting and  
19 a copy is given to each poll manager. Some  
20 changes are made through early voting and  
21 reflected on the poll pads immediately. However,  
22 this ideally or by law is -- there shouldn't be  
23 any changes five days before election day because  
24 one of the laws says it has to be frozen five  
25 days before election day.

1           **UNIDENTIFIED SPEAKER:** People are saying  
2 you're distorted.

3           **MS. FRAZIER:** Oh, okay.

4           **UNIDENTIFIED SPEAKER:** So let's try this  
5 (indiscernible).

6           **MS. FRAZIER:** Am I -- am I being -- can you  
7 guys hear me okay?

8           **MR. FERVIER:** I can hear you. It is just a  
9 little bit distorted, but I can understand you.

10          **MS. FRAZIER:** All right. Let me see if I  
11 can plug this in and speak through this. All  
12 right. All right, how does that sound?

13          **MR. FERVIER:** A little bit better.

14          **MS. FRAZIER:** Little bit better, okay. I'll  
15 keep going. Stop me if you think it's distorted  
16 again.

17                Okay. So (indiscernible) what's happening  
18 right now. And so this list is analyzed before  
19 election day and then it's uploaded to the poll  
20 pads and a supplemental paper list is created for  
21 anything that didn't make it to the poll pads and  
22 given to the poll managers for election day. So  
23 that's what we currently have right now.

24                And I just have some call-outs of the code  
25 just showing you that it is being done already.

1 It's something we already do. And I'm just  
2 asking this rule to ask the counties and  
3 Secretary of State to post that in a timely  
4 manner, so before early voting and before  
5 election day. And if there's any changes before  
6 early -- between the first day of early voting  
7 and election day, we need to have an account of  
8 those changes. So that's what I'm saying down  
9 there at the bottom.

10 And then I have some verbiages that are in  
11 blue just because it wasn't totally clear before  
12 to me that they were making changes during early  
13 voting. Ideally they shouldn't be once early  
14 voting starts. All registrations are due 29 days  
15 before an election. So ideally everything would  
16 be in there.

17 I have heard there are errors sometimes and  
18 they do make those changes on the fly when people  
19 come in and vote during early voting. So if  
20 that's going to happen, then either we need to  
21 have the changes documented and posted or they  
22 should not make changes and make notes and then  
23 that way you'll have a comparison -- a  
24 (indiscernible) comparison of what's going in and  
25 what's coming out.

1           **UNIDENTIFIED SPEAKER:** They're saying it's  
2 distorted. Ask them if they're -- if they can  
3 hear you.

4           **MS. FRAZIER:** Okay. Is it still sounding  
5 distorted?

6           (Multiple speakers)

7           **MR. FERVIER:** I can understand you. It  
8 sounds like -- almost like you're talking too  
9 close to the microphone, you know? There's  
10 distortion sometimes.

11          **MS. FRAZIER:** Okay, hold on. Okay. Okay.

12          **UNIDENTIFIED SPEAKER:** (indiscernible) do it  
13 on the other laptop. It might be better.  
14 (indiscernible).

15          **MS. FRAZIER:** Okay, give me one second here.  
16 Okay, I will keep going and I'll just maybe go a  
17 little slower. And then if --

18          **MR. FERVIER:** That sounds fine, yes.

19          **MS. FRAZIER:** Okay. And then if we -- well,  
20 we'll have an opportunity to switch to a  
21 different laptop real quick if we need to. Okay.

22                 So the next slide. So I just want to show  
23 some examples of why this is so important. These  
24 are seven different buckets of different types of  
25 ineligible registrations that are currently on

1 the voter rolls. And this is as of August 13th  
2 of this month. So we just went in and looked at  
3 all this.

4 There are in the top left corner several  
5 people that are deceased and still registered in  
6 Fayette County. And this was identified, I  
7 think, several months ago initially. On the  
8 right side, with the pictures, you see some  
9 commercial addresses, registrations that use  
10 commercial addresses or they use addresses that  
11 don't exist, like a highway. There's I-20 there,  
12 on Lee Street or the side of the commercial road  
13 here on Nesbit Ferry, and then there's also a  
14 house that is on there that has 20 registrants  
15 but the house is clearly abandoned. And that  
16 picture was taken two days ago.

17 So just -- and all of these have actually  
18 been brought to the county's attention a long  
19 time ago. Some of them, a couple years ago. And  
20 they had agreed that they should come off, but  
21 somehow they ended up back on.

22 So there is a process problem. And, okay --  
23 and then also with -- there's 29,000 people that  
24 are registered in Florida and Georgia right now  
25 that have filled out an NCOA and registered to

1 vote in Florida. So that's another issue.

2 And then lastly on this slide, there's  
3 registrations with impossible birth years. So  
4 just the 1900, there's about 800; 1800 there's  
5 21; and then there's 48 from 1901 to 1910. So my  
6 bottom line is that the data that's being entered  
7 is not being verified.

8 And one more example here. This is what  
9 duplicate registrations look like. Each pair of  
10 lines is one person and so every column that has  
11 the quotes in it are all -- you know, they match.  
12 But where you see yellow is where, say, there's a  
13 last name that's spelled differently or there's  
14 an apartment number that's either there or not  
15 there. And so they're listed twice. These are  
16 just several different examples. Sometimes  
17 there's a middle initial and sometimes there's a  
18 middle name. And sometimes there's a hyphen or  
19 an apostrophe or a period and sometimes there  
20 isn't. And sometimes their city is different.  
21 And sometimes in the pink there, it's all the  
22 same but just listed three times. And there are  
23 thousands more like this on here.

24 And even though Mr. Sterling has said that  
25 we have the cleanest voter lists and that they do

1 use Real ID, photo ID, somehow it's not -- it's  
2 not being caught because these are in here right  
3 now. And if this isn't being caught, there's  
4 even -- there's worse cases that could be  
5 potentially happening.

6 So for that reason and those reasons, I  
7 really feel that we need citizen oversight. And  
8 to have citizen oversight, we need to have the  
9 election data available for oversight. And we  
10 already have the -- the law already allows us to  
11 have that, to have access to all election data.  
12 We pretty much have forgotten that the citizens  
13 own this process and the citizens do have  
14 oversight. And if -- if the process isn't  
15 working, I think it's okay that people should be  
16 accepting of citizen help, which many counties  
17 do, by the way. Many counties do accept a lot of  
18 help.

19 So it actually is working very well and it  
20 would be great to have this more consistent.  
21 From the SEB it would be great to have a rule  
22 that says the counties and the SOS to post the  
23 current voter roll before election so we all are  
24 able to audit ourselves and see that we're on  
25 there and see that the right things are on there



1 before election starts.

2 So that's what I have on that first rule.  
3 And I'll take questions.

4 **MR. FERVIER:** Are there questions from the  
5 board for Ms. Frazier?

6 **DR. JOHNSTON:** I have a question.

7 **MR. FERVIER:** Member Johnston.

8 **DR. JOHNSTON:** Ms. Frazier, since this is  
9 public information, if you went to a county,  
10 would you -- would they provide the voter roll --  
11 the certified list of electors to you to review?

12 **MS. FRAZIER:** That is what they should be  
13 doing. And in our experience, they have not.  
14 The answer has been: We're too busy. So there's  
15 never -- I don't know anyone who's been able to  
16 get a voter role right close -- you know, the  
17 certified electors list right before election.  
18 So ... and that should be available. I mean,  
19 that's -- that's a certified list that it is a  
20 document created for the process, therefore it is  
21 something we should have access to.

22 **MR. FERVIER:** We do have a -- we do have  
23 Blake Evans with the Secretary of State's Office  
24 online with us and would like to respond to this.

25 Mr. Evans, are you online?

1           **MR. EVANS:** Yes, sir. Can you hear me okay?

2           **MR. FERVIER:** Yes. Yes, we can hear you.

3           **MR. EVANS:** Okay, great, great. Just want  
4 to provide a little bit of feedback and as it  
5 pertains to this particular rule. And I thought  
6 that GAVREO -- I was reading through their  
7 comments this morning, and I thought theirs were  
8 accurate as well. And that is to the -- the  
9 registration deadline is 29 days before the  
10 election. The counties are continuing to process  
11 applications that they received for days  
12 following that as long as the person who's  
13 submitting the registration application met that  
14 registration deadline.

15           And so right now what this rule is asking  
16 for is essentially the voter list at that moment  
17 in time. And I will say that we will process  
18 voter list purchases all during that time up and  
19 to and through election day. And so anybody that  
20 wants this list or anybody that wants a voter  
21 list as of that moment in time can simply go to  
22 our website, purchase the list, and it will be  
23 provided to them within a matter of days.

24           And so really if somebody wants a voter list  
25 during this time frame, they'll simply just need

1 to purchase it and it'll be provided to them and  
2 it'll have that information as far as the  
3 application date that somebody can look at, any  
4 citizen can look at once they get their order and  
5 see who was registered by the -- by the deadline,  
6 by the registration deadline. And that'll be  
7 the -- that'll be the list.

8 One thing that I'll point out -- excuse  
9 me -- from GAVREO's comments is that I believe  
10 they were in opposition to this rule because the  
11 list of voters who are eligible to participate in  
12 an election isn't static and changes from day to  
13 day as we perform our duties as required by law.  
14 And that's referring to continuing to process the  
15 applications as long as they met that  
16 registration deadline. Now, if they come in  
17 after the registration deadline, they don't get  
18 put on. But I'll just reiterate that we have a  
19 process in place to provide voter lists and  
20 anybody who wants to purchase one can do so and  
21 it will be provided to them.

22 **MS. FRAZIER:** So if I can respond to that.  
23 The --

24 **MR. FERVIER:** Yes.

25 **MS. FRAZIER:** The voter list that you're

1 making available is an ever-changing list. What  
2 we are asking for is the certified list, the  
3 frozen list. And I do -- the frozen list,  
4 according to law, has to be frozen five days  
5 before election. So there's at least one point  
6 where the list will not change. And that is the  
7 frozen list for election day. And we would like  
8 that list posted. And that's what this is asking  
9 for.

10 And if someone were to request it through  
11 the Secretary of State and maybe they have -- I  
12 believe they have and it never -- it's never  
13 materialized ever. So to make this transparent  
14 and to make it accessible like the Sunshine Laws  
15 are requiring, it should be posted just like, you  
16 know, the other states that do this. So it's not  
17 a difficult thing to do. But there is a point in  
18 time where it is frozen and certified.

19 Now, before early voting, there can be --  
20 there currently -- currently you do not claim  
21 that there is a certified electors list before  
22 early voting. I'm saying there can be because  
23 you can easily say -- you put a date stamp on it  
24 and you say this is the certified electors list  
25 going into early voting. And I understand some

1 changes theoretically can be made in the first  
2 few days of early voting because I know there's  
3 some errors that are made, but it's very few from  
4 my experience -- and I have worked the polls and  
5 I have worked with poll managers and talked to  
6 many, there are very few changes that have to be  
7 made during that time.

8 So that's my response, is that it is -- it  
9 is really, really important that -- the emphasis  
10 I'm trying to make is that we do need a starting  
11 point, a frozen point and all registrations are  
12 due 29 days before. Early voting starts 21 days.  
13 Those nine days the staff is doing their work and  
14 getting that blocked in.

15 **MR. EVANS:** Yeah. And the only thing I'll  
16 add is that that voter list that I was speaking  
17 of earlier has got a column that is application  
18 date. And so any application that was received  
19 by the registration deadline or before, that's --  
20 that's the list. And so that's -- those are the  
21 people eligible for the election. Not any more  
22 or not any less.

23 **MS. FRAZIER:** Well, it needs to be called  
24 certified. That's what we're saying. It's --  
25 it's -- it's creating a clean starting point

1 before an election.

2 **MR. FERVIER:** Ms. Frazier --

3 **MR. EVANS:** Mr. Chair, I -- Mr. Chair, I  
4 don't really have any other comments.

5 **MR. FERVIER:** Okay. Any -- any questions  
6 for Mr. Evans from the board?

7 **DR. JOHNSTON:** Question.

8 **MR. FERVIER:** Yeah, member Johnston.

9 **DR. JOHNSTON:** Yes. Blake, if I had -- if I  
10 didn't have any money and I -- and I took the bus  
11 down to the county office, would they provide a  
12 list for me to just review for free?

13 **MR. EVANS:** No, I don't believe so. I  
14 believe the -- I believe -- and I can confirm  
15 this and get back to you on it, but I believe  
16 that there is a price for a county electors list.  
17 I know to go through our website and purchase a  
18 county electors list, there -- there is a price.  
19 I believe it's \$50. I'll confirm that. We just  
20 had some pricing changes. But I can confirm that  
21 price for you and get back to you on it.

22 **DR. JOHNSTON:** Okay. I just thought in the  
23 code it said that an elector or a citizen could  
24 go to the office and review such public material  
25 or a document like that.

1           **MR. EVANS:** I can check and confirm for you.

2           **DR. JOHNSTON:** Okay. So is this elector  
3 list available at the county level five days  
4 before voting begins?

5           **MR. EVANS:** So they can at any point in  
6 time -- they could generate a report that has  
7 this data on it, but what they are using, as was  
8 presented -- what they're using is the  
9 information that's out of the electronic poll  
10 book.

11           So essentially what happens is if somebody  
12 has met the registration deadline, their data  
13 gets put into the electronic poll book that's  
14 used for advanced voting. And then let's say if  
15 a couple of days into advanced voting a registrar  
16 realizes that there was an application or has an  
17 application that met the registration deadline  
18 that wasn't put in yet, they can enter that voter  
19 into the registration system and after that voter  
20 gets verified and it gets added to the rolls,  
21 then that record would appear in the electronic  
22 poll book as well.

23           And so the -- the electronic -- or the --  
24 the registrar has access to this information  
25 through both the poll book and also through the

1 voter registration system. They can, like I  
2 said, generate a report at any time.

3 **DR. JOHNSTON:** And is there -- additionally  
4 is there a supplemental list?

5 **MR. EVANS:** So that's -- that's a good  
6 question. There -- there's -- there's less  
7 supplemental lists than there used to be because  
8 it used to be that -- because the way that it  
9 works now is that if a voter gets added in the  
10 voter registration system, that information  
11 gets -- within a matter of minutes after that  
12 voter's verified gets put into the electronic  
13 poll book.

14 And so to the extent that there's a  
15 supplemental list, it would only be for a backup  
16 on election day. Because even on election day,  
17 there's essentially an exchange of data in near  
18 realtime. And so once a voter checks into an  
19 electronic poll book on election day, within  
20 about ten to fifteen minutes, that check-in is  
21 appearing in the voter registration system. And  
22 so the supplemental list would only be as a  
23 backup to the paper elector list that is also a  
24 backup on election day.

25 **MS. FRAZIER:** The supplemental list is



1 actually voters that didn't make it into the poll  
2 book on election day. So when people come in and  
3 check in and they're not in the poll book, we  
4 check them off the supplemental list and then we  
5 handwrite their name on the numbered list of  
6 voters. And that's how they're captured, not  
7 electronically.

8 **MR. EVANS:** So that -- that used to be the  
9 case, but now because of electronic poll books  
10 and once the voter -- even if -- even if the  
11 voter is verified -- let's say the registrar  
12 entered the -- the voter two weeks before or a  
13 week before. Once the verification process  
14 completes on the voter, that information gets  
15 synced on the poll pad and the voter appears  
16 there.

17 So that's -- when I said there's less of a  
18 need for a supplemental list than previous --  
19 previously, that would be why.

20 **MS. FRAZIER:** But there's still a  
21 supplemental paper list where people are not in  
22 the poll book. It just happened in May. So I  
23 know that that -- that is just another avenue  
24 for, you know, ones that make the registration  
25 date but did not get processed in time to get

1 into the poll book.

2 **DR. JOHNSTON:** So, Blake, would it be  
3 feasible -- would it be feasible to -- to -- for  
4 the county or -- or to post their list on their  
5 website?

6 **MR. EVANS:** And so I would say that the  
7 method that's prescribed right now -- that's  
8 essentially purchasing a voter list. And so  
9 right now the opportunity to purchase a voter  
10 list is through our website to be able to get  
11 that data.

12 **MR. FERVIER:** (indiscernible) --

13 **MS. FRAZIER:** The counties receive an  
14 elector list from the -- I mean, the counties  
15 create the elector list to give to the Secretary  
16 of State, and then the Secretary of State uploads  
17 it into the poll pads. Therefore the county gets  
18 an electronic copy from you guys. And when  
19 they're doing municipals, they upload it  
20 themselves into the poll pads. That -- That  
21 exists. That means that you can just post it,  
22 you know, just like you're giving it to the  
23 county for municipals five days before election.  
24 And you can post it.

25 **MR. EVANS:** So I think what you're referring

1 to is we do make -- we do make available to  
2 counties essentially in CSV or Excel format a  
3 backup list that is their electors list that they  
4 could -- they could use as a backup if they want  
5 to put it on a laptop. We also will take that  
6 same list and have it printed and shipped to  
7 them. That way they have a paper backup. So I  
8 believe that that's what you're referring to.

9 But for members of the public, what is  
10 prescribed in the code, in O.C.G.A. 21-2-225, is  
11 that there is a method to purchase a voter list  
12 and that is, again, available through our website  
13 and can be done anytime.

14 **MR. FERVIER:** I think that -- I want to make  
15 that point because it -- it does affect all these  
16 rules that you've put in place, Ms. Frazier -- or  
17 are asking for, Ms. Frazier. I mean, it is  
18 21-2-225, subsection (c) down there. Let me just  
19 read it real quick.

20 (reading): It's a duty -- it shall be the  
21 duty of the Secretary of State to furnish copies  
22 of such data as may be collected and maintained  
23 on electors whose names appear on the list of  
24 electors maintained by the Secretary of State  
25 pursuant to this article within the limitations

1 provided in this article on electronic media or  
2 computer-run list or both. Notwithstanding any  
3 other provision of law to the contrary, the  
4 Secretary of State shall establish a cost to be  
5 charged for such data.

6 And it goes on to say some other stuff. So  
7 the Secretary of State, by statute in this book,  
8 has the right to charge for that data and your  
9 petitions are asking for it to be freely  
10 available which is contrary to statute. And so  
11 the statute would have to be changed in order for  
12 your petitions to go forward, I believe, because  
13 it is -- it's in the statute.

14 **MS. FRAZIER:** You guys, if you believe this  
15 data that -- you know, the first question is do  
16 you believe this data should be available to the  
17 public? The second question is do you believe  
18 this data should be available to the public free?  
19 And therefore your vote will show, you know, one  
20 way or the other and the rule can go into  
21 rulemaking and then it would -- it would reflect  
22 what the Sunshine Laws say.

23 The statute -- if the Secretary of State has  
24 to -- they can post something, you know, they can  
25 put a cost on something, but that is in violation

1 of the Sunshine Laws. It's already routine data  
2 and it's something they already do and it's not  
3 going to add any cost. And therefore if they are  
4 charging so much for these items, then, you know,  
5 they're making a profit because there's --  
6 they're already doing it whether somebody asks  
7 for it or not.

8 **MR. FERVIER:** Well, I understand that, but  
9 this board cannot freely violate the law. And  
10 this is what the law says.

11 **MS. FRAZIER:** You're not violating the law  
12 by asking counties and SOS to post it freely  
13 because at that point it's on the Secretary of  
14 State to -- you know, if they insist on putting a  
15 price, then, you know, then we will go from  
16 there. But from this board, the recommendation  
17 needs to be following what the Sunshine Laws are  
18 saying, to make the data available to the public.

19 **MR. FERVIER:** Well, but your -- your -- your  
20 proposition here says that the Secretary of State  
21 will also post a freely accessible link. So we'd  
22 be directing the Secretary of State to post a  
23 freely accessible link and that is in violation  
24 of 21-2-225 -- or it contradicts 21-2-225,  
25 subsection (c).

1           So you're asking us to tell the Secretary of  
2 State to do something that's -- you know,  
3 contradicts the code, what the code allows.

4           **MS. FRAZIER:** Well, they can charge zero.  
5 It says it doesn't have to be -- it can charge  
6 one dollar, I guess, but the point is we can make  
7 that -- and the law doesn't say what to charge,  
8 it just says they have the ability to charge.

9           **MR. FERVIER:** Right --

10          **MS. FRAZIER:** So it's not contradicting.

11          **MR. FERVIER:** You are because you're saying  
12 free. And we can't -- we can't tell the  
13 Secretary of State's Office to provide this list  
14 free. We can't do that because code doesn't  
15 allow that. The code -- yeah, they could charge  
16 zero, they could charge a dollar, they could  
17 charge a penny. They can charge whatever they  
18 want to charge. That's up to the Secretary of  
19 State. That's not up to this board.

20          **DR. JOHNSTON:** So, Mr. Chair.

21          **MR. FERVIER:** Yes, ma'am.

22          **DR. JOHNSTON:** That same section, 21-2-225,  
23 paragraph (b) states that all the data collected  
24 and maintained on electors whose names appear on  
25 the list of electors maintained by the Secretary

1 of State pursuant to this article shall be  
2 available for public inspection. So how would --  
3 how would I go -- where and how would I go for  
4 public inspection of this data?

5 **MR. FERVIER:** Well, that would be up to the  
6 Secretary of State. I mean, that -- that's not  
7 --

8 **DR. JOHNSTON:** Yeah. Okay, I'm looking at  
9 the Secretary of State. Blake.

10 **MR. EVANS:** So to go back and answer,  
11 Dr. Johnston, one of your earlier questions, I  
12 confirmed with a couple of election directors  
13 that if somebody comes in and were to request a  
14 county-level list, they -- they typically refer  
15 them to -- to our office.

16 And I also say, before I get back to your  
17 question, that there's a lot of data that's made  
18 available through our website during an election  
19 completely for free including who -- who goes to  
20 vote, the absentee voter file, and also the voter  
21 participation file that's there, available.

22 And the last thing I'll say before I get  
23 back to the question is, you know, one of the  
24 things we do when we look at our fee is consider  
25 how much it costs to maintain the voter list.

1 And costs have gone up and it's -- it's very  
2 expensive to maintain the voter lists. And I do  
3 think the fee that we charge is reasonable. If  
4 you look at the state of Alabama, they charge  
5 \$38,000 for their list. And then other states,  
6 like South Carolina and Tennessee, charge \$2,500.  
7 And I know that there are states out there that  
8 do charge zero, but we're pretty middle of the  
9 road or even on the lower end based on -- based  
10 on our fee. So ...

11 And then, Dr. Johnston, can you remind me  
12 the code section that you just asked about?

13 **DR. JOHNSTON:** It's 21-2-225, paragraph (b).  
14 Says the only exception are bank statements.

15 **MR. EVANS:** Yes. So the way that I read  
16 that -- now, I'll defer to -- I'll defer to our  
17 attorney, but is that there's some information  
18 that -- that is available to the public and some  
19 information has to be protected because it's  
20 personally identifiable information, like  
21 driver's license number, Social Security number,  
22 and -- and that sort of thing. But I don't read  
23 that as saying that all -- like an entire voter  
24 list has to be made available for free, which I  
25 think is consistent with part (c) when it says



1 that we can -- we can charge a fee for it.

2 So I -- I don't -- again, I would defer to  
3 our attorney on that, but I don't -- I don't read  
4 that as saying that everything for all 8 million  
5 voters has to be available for free at one time.

6 **MR. FERVIER:** Yeah. I believe that there's  
7 also a section in the Open Records Act,  
8 50-18-71(c), that allows state agencies to charge  
9 for information.

10 **MS. FRAZIER:** It does say that there -- may  
11 impose a reasonable charge. But it also says  
12 that, you know, if it's something that's fifteen  
13 minutes or less, there should be no charge. And  
14 in this case, this is something that's already  
15 being created. It's not something -- it's not a  
16 one-off. It's just generating a link that people  
17 can access.

18 **MR. FERVIER:** Well, but the information --  
19 the information in that link took quite a bit of  
20 time to generate.

21 **MS. FRAZIER:** That would happen irregardless  
22 of requesting. That's part of the process. And  
23 if you -- I mean, I understand it's a lot of work  
24 to maintain a voter roll, but I've just shown you  
25 it's not even being done. And I'm paying for

1 something that's not being done. I'm doing it  
2 for free, me and many other citizens.

3 So some courtesy could be given to the  
4 public to share the electors list, timestamp date  
5 before early voting and before election day.  
6 That's a very simple ask and you're not  
7 contradicting anyone.

8 **MS. KING:** I have a question for the  
9 chairman.

10 **MR. FERVIER:** Yes.

11 **MS. KING:** I guess this question would be  
12 for Mr. Evans.

13 What exactly is the strategy if there is a  
14 voter who cannot afford these fees? Do we just  
15 disenfranchise them from being able to have  
16 access to this information?

17 **MR. EVANS:** So if somebody were to not be  
18 able to afford the fee -- now, I do want to -- I  
19 do want to also go back and say that what we  
20 charge for a statewide voter list is \$485. But  
21 if somebody were to say they wanted like an  
22 individual voter record or were to ask a county,  
23 hey, can I have a -- the information that's  
24 publicly available for an individual voter,  
25 that's an open records request and that's

1 typically little to no cost at all. In fact, we  
2 have a report out of the voter registration  
3 system that they can click and then it's -- it's  
4 there in PDF form and they can send it. It's  
5 only got that publicly -- or the -- the publicly  
6 releasable information in it.

7 And so, you know, I mean, as -- as of right  
8 now, there are the costs that are on our website  
9 for -- if somebody wants a precinct list or a  
10 county list. And it starts small and then it  
11 works its way up to \$485 for the full statewide  
12 list.

13 **MS. KING:** Okay. My under --

14 **MS. FRAZIER:** And when will the -- sorry.

15 **MS. KING:** So from my understanding, I  
16 understand that this is something that is up to  
17 the SOS office as it relates to setting the  
18 pricing, but I also understand that this  
19 definitely disenfranchises voters. It basically  
20 says unless you can afford this information, you  
21 can have it which I do believe puts us in a  
22 peculiar situation because this is information  
23 that should be available to voters, all voters.

24 **MR. FERVIER:** Any other comments or  
25 questions from the board?

1           **MS. GHAZAL:** Yes, Mr. Chairman.

2           **MR. FERVIER:** Yes, member Ghazal.

3           **MS. GHAZAL:** I just kind of wanted to  
4 reiterate what you said, that in my reading of  
5 O.C.G.A. 21-2-225, this is outside of our  
6 authority. This is the -- the Secretary of State  
7 has sole authority over management of the voter  
8 rolls.

9           **MS. FRAZIER:** The counties have first  
10 authority of management on the voter rolls by  
11 law. And they give that to the Secretary of  
12 State which compiles for everybody. That's a  
13 courtesy and just -- it's just because it's more  
14 efficient that way. But I -- the counties  
15 actually have the first authority.

16           So technically the counties could post their  
17 own voter rolls and elector lists before an  
18 election if they choose to for any price or no  
19 price. And then the Secretary of State is just  
20 making it a -- he's making it easy on everybody  
21 by taking it and compiling it and giving it back  
22 to them to put in the poll pads because it's now  
23 electronic.

24           **DR. JOHNSTON:** I have a question.

25           Mr. Evans, does anybody or does any entity

1 get the voter rolls for free?

2 **MR. EVANS:** No. No. We have, like, our --  
3 for example, our poll book vendor, obviously,  
4 that -- that gets the data to be able to put into  
5 the poll books, but aside from something like  
6 that, then no.

7 **MS. KING:** So as a member of the board, if I  
8 want to request this information, I would have to  
9 pay for it as well?

10 **MR. EVANS:** I believe that has typically  
11 been the practice in the past, but I don't know  
12 if that were -- I believe that's typically been  
13 the practice in the past.

14 **MS. KING:** Okay, thank you.

15 **MS. GHAZAL:** I think it may be different if  
16 we, as the board, were to vote to try to access  
17 some sort of information or we -- we were to --  
18 because as individual board members, we -- we  
19 don't have any additional rights from any other  
20 member of the public. As a board, we can act as  
21 a board, but that's different.

22 **MR. FERVIER:** Well, you will recall also  
23 this board is now independent of the Secretary of  
24 State's Office and it's treated like any other  
25 state agency. So ...

1           **DR. JOHNSTON:** So one more question. In the  
2 statute it says that any election official --  
3 well, actually it might be in HAVA. It says any  
4 election official shall have access to the voter  
5 registration information and data. Are we  
6 compliant with that?

7           **MR. EVANS:** Are you asking if county  
8 election officials have access to the data?

9           **DR. JOHNSTON:** Well, HAVA -- HAVA states any  
10 election official, which I guess this board is an  
11 election official, shall have access to the voter  
12 registration (indiscernible) --

13           **MR. EVANS:** So that's something --

14           **DR. JOHNSTON:** -- state.

15           **MR. EVANS:** That's something I'll -- I'll  
16 need to talk with our attorneys about.

17           **MR. FERVIER:** Do we have any other questions  
18 from the board? If not, the board would  
19 entertain a motion on this petition.

20           **MS. FRAZIER:** I do have one person that I  
21 have to help with some of these questions that  
22 would like to speak.

23           **MR. FERVIER:** Okay.

24           **MS. FRAZIER:** Is Mark Davis on the line and  
25 ready?

1           **MR. FERVIER:** Is it Mark Davis did you say?

2           **MS. FRAZIER:** Yes.

3           **MR. FERVIER:** Yeah, Mr. Davis's mic has  
4           been -- should be open at this point. So ...  
5           Mr. Davis, can you hear us?

6           **MR. DAVIS:** I'm here. Can you hear me?

7           **MR. FERVIER:** Yes.

8           **MR. DAVIS:** Hi. Appreciate the opportunity  
9           to speak on this. I wasn't really planning to  
10          and wasn't really prepared but I'll give it my  
11          best shot. I have testified a number of times as  
12          an expert witness in disputed elections cases.  
13          And whenever I do that, I always try to start  
14          with a certified copy of the qualified list of  
15          electors.

16                 My understanding is that there is a legal  
17          distinction between a regular garden-variety  
18          voter list and the qualified list of electors.  
19          As an example, if someone's 17 and a half, they  
20          can register to vote and they can go on the voter  
21          list. If someone registers two weeks after the  
22          deadline to register for an election, they can go  
23          on the voter list. But my understanding is  
24          neither one of those people can go on the  
25          qualified list of electors. And I think what the

1 effort here is to try to pin down who is and is  
2 not qualified.

3 And, you know, I want to make a point about  
4 why this is so important. In 2020 I put in an  
5 open records request for a qualified list -- a  
6 certified copy of the qualified list of electors  
7 for the 2020 election. I ended up getting handed  
8 just a hot mess.

9 I can show you guys what I got if you want  
10 to see it, but at the time the normal voter file  
11 had 62 fields, I believe. What I got was maybe a  
12 couple of dozen, about half of them were blank,  
13 and a lot of them I didn't even recognize. It  
14 was missing key data elements, like the voters'  
15 county and their voting districts and so on and  
16 so forth.

17 I think what we're trying to do here is  
18 we're try to close the loop on transparency and  
19 accountability. We want to know, okay, who was  
20 eligible and who was not eligible to vote in the  
21 election? And then we want to know, okay, who  
22 did and did not vote in the election? And then  
23 we want to know, okay, how did they vote? Did  
24 they vote early and absentee or by mail or did  
25 they show up on election day?



1           So what we're trying to do here is close the  
2 loop so that we know exactly what's going on with  
3 who's voting, whether or not they're eligible,  
4 you know. And then if these cases end up going  
5 to court, that's something -- those are documents  
6 that are critical because when -- when you're  
7 litigating this kind of thing, you have to be  
8 able to show that you started with who was  
9 qualified. If at all possible, you want to be  
10 able to show that you started with a certified  
11 copy of the qualified list of electors.

12           If you can't get your hands on it, then a  
13 current voter roll, I guess, is the next best  
14 thing. But I think as a matter of practice, it's  
15 a really good idea for this list to be cast in  
16 stone. And if that winds up being the statutory  
17 five days before the election, I guess it is.  
18 But my point is it can't be a constant moving  
19 target all the time, if that makes any sense.

20           **MR. FERVIER:** Thank you for your comments.  
21 I think that the real issue for me with this --  
22 this rule and the next rule and the third rule is  
23 whether or not the Secretary of State has to  
24 provide these lists freely. And my position  
25 remains that according to code, the answer is no.

1 The code allows for them to charge a fee  
2 reasonable. And this board doesn't have the  
3 authority to change that. Doesn't have the  
4 authority to change that code. So --

5 **MR. DAVIS:** Well, I think cost is one issue,  
6 but I think the other one that would be wise for  
7 the board to address is whether or not we can  
8 even access them at all.

9 **MS. FRAZIER:** That's correct. That is a big  
10 part of this. The accessibility is first and  
11 foremost. The freely available is -- also should  
12 be according to the Sunshine Laws. But, you  
13 know, you're throwing that into the SOS's court.  
14 But I believe you have the authority to make this  
15 rule and we can go into rulemaking and we can  
16 determine -- we can determine the language  
17 that -- that would be needed to reflect what the  
18 Sunshine Laws are saying.

19 I do have one more person that was on  
20 standby that could help -- may be able to give  
21 you one more piece of data that might help.

22 Garland, are you on?

23 **MR. FERVIER:** Who is this person?

24 **MS. FRAZIER:** Garland Favorito.

25 **MR. FERVIER:** Mr. Favorito's scheduled to

1 speak later today.

2 Mr. Favorito, two minutes, please.

3 We don't ... what?

4 Mr. Favorito, two minutes, please.

5 Mr. Favorito, can you hear us? Mr. Favorito?

6 It appears we have some technical  
7 difficulties with him.

8 **MS. FRAZIER:** Okay. Well, we can -- I guess  
9 I just want to reiterate that what we're asking  
10 for is already being created and that it is just  
11 part of the process. And there's a stake in the  
12 ground before each election and we just want to  
13 see that copy it's already -- that's already  
14 there.

15 **MR. FERVIER:** Thank you.

16 The chair will entertain a motion from the  
17 board on this rule petition for rulemaking  
18 procedures on rule 183-1-12-.19, subsection  
19 (6) (a). Is there a motion from the board?

20 **DR. JOHNSTON:** Mr. Chair.

21 **MR. FERVIER:** Yes.

22 **DR. JOHNSTON:** I make a motion that we  
23 approve this petition for rulemaking for the  
24 county to post an accessible link to the  
25 certified list of electors.

1           **MR. FERVIER:** That'd be the counties and the  
2 Secretary of State?

3           **DR. JOHNSTON:** Yes.

4           **MR. FERVIER:** Right, Dr. Johnston?

5           **DR. JOHNSTON:** Yes.

6           **MR. FERVIER:** Dr. Johnston has made a motion  
7 to initiate rulemaking procedures on this rule  
8 that would require the counties and the Secretary  
9 of State to post a freely accessible link. Is  
10 there a second?

11           **MS. KING:** Because I feel like this will  
12 disenfranchise voters if we don't have some type  
13 of option for those who can't afford to pay, I  
14 will second.

15           **MR. FERVIER:** We have a motion and a second.  
16 Any discussion?

17           **MS. GHAZAL:** I would like to just note that  
18 there is a long-standing Attorney General opinion  
19 that the state election board does not have the  
20 authority to direct the Secretary of State to do  
21 anything through the rulemaking process.

22           So not only is the subject matter something  
23 under the exclusive jurisdiction of the Secretary  
24 of State, we cannot direct the Secretary of State  
25 to do anything. So wanted to make sure I put

1 that out on the record.

2 **MR. FERVIER:** Yeah. I would also like to  
3 make it a part of the record that this rule would  
4 be in direct contradiction with statute 21-2-225,  
5 section (c) and also with the Open Records Act,  
6 50-18-71, subsection (c), subsection (1) and (2)  
7 and that this board is -- well, I'll make that  
8 comment.

9 Any further comments? Hearing no further  
10 discussion, all those in favor of initiating  
11 rulemaking procedures on 183-1-12-.19, subsection  
12 (6) (a) signify by saying aye.

13 Dr. Johnston.

14 **DR. JOHNSTON:** Aye.

15 **MR. FERVIER:** Member Ghazal.

16 **MS. GHAZAL:** Nay.

17 **MR. FERVIER:** Member Jeffares. Member  
18 Jeffares?

19 Member Jeffares votes aye.

20 Member King.

21 **MS. KING:** Aye.

22 **MR. FERVIER:** The chair will exercise his  
23 vote -- his option to vote and votes nay. Motion  
24 carries.

25 **MS. FRAZIER:** Thank you guys very much.

1           **MR. FERVIER:** You're still up, Ms. Frazier.

2           **MS. FRAZIER:** All right. Has -- has my  
3 speaking been better this last few minutes? I  
4 can do a quick changeover to different laptop.

5           **MR. FERVIER:** Oh, it's fine.

6           **MS. FRAZIER:** Okay.

7           **MR. FERVIER:** The next item on the agenda is  
8 a petition to initiate rulemaking procedures on  
9 rule number 183-1-12-.19, subsection (12).

10           Ms. Frazier.

11 **Petition for Amendment of State Election Board Rules,**  
12 **presented by Lucia Frazier**

13           **MS. FRAZIER:** Okay. So for this rule, this  
14 is the numbered list of voters. The problem that  
15 I see right now is not only do we have ineligible  
16 registrations on the rolls, but there are many  
17 instances where votes are cast for many  
18 ineligible registrations. And this could happen  
19 again in the future elections.

20           So the -- currently the voter history file  
21 is inadequate because the counties have 60 days  
22 to upload voter credit. And, just for example,  
23 between November and December of 2020, there were  
24 23,000 of them canceled. So there's no way to  
25 audit back to -- back to, say, the elector list

1 if there's that many changes being made to show  
2 who actually voted.

3 So the solution is to require the posting of  
4 the numbered list of voters within five days  
5 after the election. And, again, I'm using the  
6 same -- the same code here, the Sunshine Laws and  
7 decisions that I explained before, that this data  
8 should be available and accessible to the public  
9 because it is part of the process and it is  
10 already routine.

11 So the current state is that in each voting  
12 location, the numbered list of voters is  
13 electronically recorded in the poll pad and it's  
14 also handwritten, like I mentioned before,  
15 because there are some voters that do not make it  
16 on the poll pads. So once the polls close, this  
17 list is extracted from the poll pads and the  
18 handwritten list. So both lists are submitted to  
19 the superintendent and to the SOS.

20 So, for example, right now during early  
21 voting I know that Fulton does post the numbered  
22 voter list for the absentee voters daily, which  
23 is great, but not after election day. Cobb  
24 County does post the numbered list of voters  
25 after every election day. So some counties are

1 doing, you know, a good job, but I don't think --  
2 I'm not sure if any counties are doing the full  
3 job.

4 So the full job would be that every county  
5 would post the accessible link of the numbered  
6 list of voters within five days after the  
7 election. And the reason why I say, "each  
8 county," I say, "and SOS," the same thing as  
9 before, because the counties do report this data  
10 right back to the SOS which compiles it into one  
11 statewide file.

12 So having individual and statewide would be  
13 something that's already routine and just asking  
14 to post a freely accessible link. And just to  
15 show you some examples, there are two different  
16 examples here.

17 So on the left side, I showed you this  
18 address earlier that's on the voter rolls and  
19 there was a vote cast from that address or it --  
20 that was given credit at that address in 2022.

21 And on the right side I have an example of  
22 matching a person that has filed an NCOA, moved  
23 to Florida, and matched their information. So  
24 they have information on both the Georgia and  
25 Florida voter roll and have voting history in



1 both states and they do overlap. Well, they  
2 should not have.

3 So the bottom line here is that when this is  
4 happening, it does cause a dilution of the votes.  
5 There are legitimate votes that are canceled by  
6 illegitimate votes. And there are many more  
7 examples of this that if ever needed, we could  
8 share.

9 So that's it for that rule.

10 **MR. FERVIER:** Are there any questions from  
11 the board for Ms. Frazier?

12 **MS. GHAZAL:** Ms. Frazier, I have a specific  
13 question about requiring check-in times to be  
14 part of the information that is posted. I find  
15 this -- well, first, I question whether that's  
16 technologically possible. Second, I actually  
17 find it's -- it's kind of troubling because in  
18 rural counties, we have three weeks of early  
19 voting. Identifying check-in times is tantamount  
20 to identifying somebody's vote when you -- when  
21 you compare that to cast vote records. It will  
22 be very easy to identify exactly who cast a vote  
23 at a certain time and I think that poses an  
24 enormous constitutional risk.

25 **MS. FRAZIER:** Cobb County does that now and

1 has always done that for, I believe, a very long  
2 time. And the absentee voter file doesn't  
3 have -- I guess it doesn't have check-in times.  
4 We are asking for that. So, yes.

5 **MS. GHAZAL:** In larger counties where you  
6 have a lot of turnover in voting, it does not  
7 pose a risk of revealing somebody's actual vote.  
8 When you have rural counties and two people go to  
9 an early voting location in one day, you have  
10 just revealed exactly who voted what.

11 **MS. FRAZIER:** I don't understand that. I  
12 think in the interest of being able to audit an  
13 election and have good citizen oversight, I think  
14 this data is still readily available to the  
15 public.

16 **MS. GHAZAL:** I wouldn't --

17 **MS. FRAZIER:** And --

18 **MS. GHAZAL:** -- vote --

19 **MS. FRAZIER:** -- I would say --

20 **MS. GHAZAL:** -- for that.

21 **MS. FRAZIER:** -- if it's a strong -- and I  
22 don't -- I mean, you're not saying that Cobb is  
23 breaking the law. So ...

24 **DR. JOHNSTON:** I'm saying that requiring a  
25 hundred and fifty-nine counties to do this would

1 violate voters' constitutional rights.

2 **MS. FRAZIER:** I would say the priority is  
3 that the data needs to be available to the public  
4 in a consistent way across counties and it's  
5 already available to the public as far as the  
6 Sunshine Laws are concerned. In these processes  
7 it was at some point available to the public  
8 before we were doing this electronically. So I  
9 think when people sign up to register to vote,  
10 they have an expectation that they are part of a  
11 system that is part of the public process.

12 **MS. GHAZAL:** The Georgia Constitution  
13 guarantees the right to a private -- to a secret  
14 ballot. It's -- it's really that simple.

15 **MS. KING:** Member Ghazal, could you show me  
16 exactly where in the petition your concerns are.  
17 I want to make sure I'm following.

18 **MS. GHAZAL:** Of course. The full text of  
19 the rule specifically says that during advanced  
20 voting a file showing voter name, voter ID,  
21 precinct voted, and check-in time for each day of  
22 advance voting will be generated and posted.  
23 It's specifically during advance voting that we  
24 see very low turnout in some elections,  
25 particularly -- and not general elections, but in

1 rural areas even in general elections, the  
2 advance voting site sometime have such low  
3 turnout that you can -- you will know exactly who  
4 voted what ballot by comparing the check-in time  
5 with the cast vote records.

6 **MR. FERVIER:** The last time I voted I was  
7 the only person in the place.

8 **MS. FRAZIER:** Well, the machines do  
9 timestamp everyone that votes. So ...

10 **MS. GHAZAL:** But comparing that to the  
11 check-in time, so that's ...

12 **MS. FRAZIER:** Again, I -- Cobb is doing it  
13 right now. So ...

14 **MS. KING:** That does give me a bit of a  
15 pause. I want to make sure we're not creating a  
16 problem when it comes to that aspect of this rule  
17 as well. I am concerned about people being able  
18 to directly connect the -- you know, using this  
19 data to directly connect it to voters. But I'm  
20 interested to hear what the rest of the board  
21 thinks.

22 **DR. JOHNSTON:** Since we are -- chairman.

23 **MR. FERVIER:** Yes, ma'am.

24 **DR. JOHNSTON:** Where are you? Oh, there you  
25 are.

1           **MR. FERVIER:** I'm here.

2           **DR. JOHNSTON:** Are you taking a nap?

3           **MR. FERVIER:** This chair keeps leaning back  
4 on me.

5           **DR. JOHNSTON:** Since we do have ballot  
6 images and the date timestamp on those images, I  
7 have a -- I have bit of a pause there, too, about  
8 that -- about the check-in time.

9           Would -- would Ms. Frazier be willing to  
10 strike the check-in time from her petition?

11           **MS. FRAZIER:** If it's only from the  
12 absentee, then perhaps. But the election -- the  
13 election day numbered voter list should have the  
14 check-in time.

15           **MS. GHAZAL:** It does not obviate the risk  
16 when you have a low turnout election. It's --

17           **MS. FRAZIER:** Oh.

18           **MS. GHAZAL:** -- you know, it's the same risk  
19 on election day and the --

20           **MS. FRAZIER:** So the cast vote record is  
21 actually randomized. So that -- that should  
22 help.

23           **DR. JOHNSTON:** So you can't link the cast  
24 vote record to -- to the check-in time of -- of  
25 the numbered voter list?

1           **MS. FRAZIER:** Correct. It's randomized in  
2 the tabulator.

3           **MS. GHAZAL:** But is it -- is it random --  
4 I've seen the cast vote records and they're  
5 sequential. They're timestamped.

6           **MS. FRAZIER:** Let me see if I can find more  
7 information on that then.

8           **MS. GHAZAL:** And the reason I know that is  
9 because of the -- one of the former cases that we  
10 saw concerning the reading errors on that -- on  
11 ballots.

12           **DR. JOHNSTON:** It's my understanding that we  
13 actually get the -- get the voter list from  
14 absentee or early voting as right now; correct?  
15 So we -- so we don't get the numbered voter list  
16 from election day until, I don't know, a week or  
17 ever?

18           **MS. FRAZIER:** Ever. From Fulton it's never.  
19 I don't know about all the counties. The request  
20 that I'm making is that all counties should post  
21 the numbered list of voters.

22           **DR. JOHNSTON:** Like Cobb -- like Cobb County  
23 does?

24           **MS. FRAZIER:** Correct. Cobb County does for  
25 election day. But I don't -- and Fulton County

1 only does for early voting. So I think all  
2 counties should do both for early voting and  
3 election day.

4 And I do -- I think Mark Davis is still on  
5 the line. And I think he can help answer this  
6 question about the cast vote record.

7 **DR. JOHNSTON:** By any chance is Tate Fall on  
8 the line from Cobb County? The ballot records  
9 are not timestamped.

10 **MS. FRAZIER:** Mark Davis, are you still on?

11 **MR. DAVIS:** Yes, I'm here.

12 **MS. FRAZIER:** Okay.

13 **MR. DAVIS:** I would like the board to know  
14 why this is critical. I'm sure you're all aware  
15 of the double-voting incident that we had happen  
16 in 2020. That was discovered when I was working  
17 in a tiny little case for a probate judge down in  
18 Long County. And Harrison -- Hamilton Evans  
19 famously told folks in town that he voted twice  
20 just to see if he could. That was the first time  
21 I'd ever become aware of double-voting.

22 And so I went looking for it and the way I  
23 found it was by comparing the numbered list of  
24 voters with the early and absentee voting data  
25 where I found 14 matches. And that led to an

1 investigation by the Secretary of State where  
2 they found over a thousand more in over a hundred  
3 counties.

4 But my concern there is we had passed a rule  
5 on May 18, 2020, or this previous board had that  
6 allowed the opening and scanning of absentee  
7 ballots early. And my concern is that I'm not  
8 sure whether or not that analysis properly took  
9 that into account.

10 But the point I'm trying to make here is  
11 that it is that numbered list of voters that's a  
12 critical piece of the puzzle because if we know  
13 who voted absentee, we know who voted early, and  
14 we know who voted on election day, then we can  
15 look for that overlap and we can identify issues  
16 like double-voting.

17 And I remain very concerned about that. I  
18 was just going through that data from 2020 last  
19 night, and we had over a couple hundred thousand  
20 folks who asked for an absentee ballot, who  
21 apparently received it, and apparently returned  
22 it because the absentee voter data shows the  
23 return date. But then those were marked canceled  
24 and most of those folks then voted in person on  
25 election day.



1           Well, we don't have any real accountability  
2           for or any way to evaluate this issue. We don't  
3           have any way to do that without that numbered  
4           list of voters. At this point we're kind of  
5           trusting the Secretary of State's Office kind of  
6           like people used to trust Catholic priests to  
7           read them the good book and tell them what it  
8           means. And personally I'm just not satisfied  
9           with that as an answer.

10           I wanted to do a statewide evaluation of  
11           that issue, and I sent my concerns to Jordan  
12           Fuchs and she invited me to do it as an outside  
13           contractor, but only if I would sign an NDA which  
14           basically would've put a muzzle on me for life.  
15           I would not have been able to talk about the  
16           issue at all. So I'm not comfortable with not  
17           having access to that data.

18           It's my understanding that the cast vote  
19           records are in the order that they're scanned,  
20           not the order that somebody walked in the  
21           precinct. So I don't find that argument that it  
22           violates their sanctity of the secrecy of the  
23           ballot -- I don't find that argument particularly  
24           compelling.

25           I think that, you know, as Justice Brandeis

1 once said: Sunlight is the best of  
2 disinfectants. And we need some sunlight in this  
3 process.

4 **MS. FRAZIER:** Thank you, Mark. I just -- I  
5 wanted to add in that for the CVR, cast vote  
6 record, I've got -- I think it's -- someone else  
7 wanted to -- to chime in on that, but I will say  
8 that I -- that (indiscernible) -- (indiscernible)  
9 cast vote records are timestamped as well. Just  
10 learned. And I don't know if --

11 Yeah. So is Kevin Moncla on the line?

12 And he's the one who actually can speak to  
13 that.

14 **MS. GHAZAL:** The point is not that it's  
15 timestamped, the point is that it is sequential.  
16 And when you have a very low turnout day or  
17 election, then you can very easily match a voter  
18 to the vote when you're looking at the time that  
19 they checked in.

20 And if you haven't spent time in rural  
21 Georgia and worked with those offices, you  
22 probably don't understand what I'm talking about.  
23 But I'm sure Mr. Davis has seen -- because I know  
24 he's worked on elections in rural Georgia where  
25 we have entire weeks where you have a handful of

1 voters going -- going through there.

2 And so I'm not saying that the data itself  
3 should not be made available. I'm saying that  
4 that specific aspect of the data is really  
5 problematic.

6 **MS. FRAZIER:** It's sounds -- sorry, I didn't  
7 mean to interrupt. I was just going to say it  
8 sounds like that it's randomized and not  
9 timestamped. So I feel like somebody must --  
10 must've already solved this problem.

11 **MS. GHAZAL:** (indiscernible) literally just  
12 said that it was sequential. So -- and that's  
13 the point, is when it's sequential, if it is not  
14 randomized, then (indiscernible) --

15 (Cross-talking)

16 **MS. FRAZIER:** So --

17 **MR. DAVIS:** But as (indiscernible) -- by the  
18 order that they're scanned, not the --

19 **MS. GHAZAL:** Right.

20 **MR. DAVIS:** -- order that they enter the  
21 polls.

22 **MS. GHAZAL:** Right. But when you only --  
23 when you're one person at a poll at a time, then  
24 that is going to be the same. In a county like  
25 Cobb it's not an issue because you have people

1 coming in and out all the time. I think we're --  
2 we're talking past each other at this point if  
3 you're not getting my concern.

4 I will also say that the fact that we have  
5 moved -- we've upgraded our poll pads, we have  
6 upgraded our system and they are being constantly  
7 updated as to -- throughout the day as to who  
8 cast ballots during early voting.

9 And I think on -- on election day it not a  
10 live list but during early voting -- and I'm  
11 assuming that included absentee ballots -- those  
12 lists are live updated so that the risks that we  
13 saw in past years are significantly lower now.

14 I understand what you're saying, Mr. Davis,  
15 about the risk of double-voting. It would be  
16 extremely difficult to do that unless it was a  
17 massive, massive human error. And that's not  
18 something you can necessarily plan around for  
19 massive human errors. But the system itself is  
20 far more secure now than it was in previous  
21 years.

22 **DR. JOHNSTON:** So -- so the -- also for  
23 those that are listening and watching, the issue  
24 is not confined to small counties or under -- or  
25 low population counties. There are actually four

1 or five precincts in Fulton County that have one  
2 or two eligible voters. And there's absolutely  
3 no way you can protect their ballot secrecy no  
4 matter what you do. It doesn't matter about the  
5 numbered voter list because they only have a  
6 numbered list of one or two. So, you know, I --  
7 but that -- that's -- I guess that's some sort of  
8 district issue or precinct issue.

9 I definitely would be in favor of following  
10 the example of Cobb County and having a numbered  
11 voter list. This is the -- it's the first  
12 piece -- or actually the second -- second piece  
13 in the election of who came in to vote. Not how  
14 they voted but who came in to vote and that's  
15 following who's eligible to vote in the first  
16 place.

17 **MS. FRAZIER:** Okay. And if --

18 **DR. JOHNSTON:** If Cobb County can do it,  
19 then we can certainly provide this for the rest  
20 of the counties.

21 **MS. FRAZIER:** And if the board would just  
22 allow me one more person that could maybe help  
23 some -- help us feel better about some of this, I  
24 think --

25 Kevin Moncla, are you on right now?

1           **MR. FERVIER:** My question is does the board  
2 need to hear anything else before making a  
3 decision on this?  
4           Member King.  
5           **MS. KING:** No. I think I'm -- I think I'm  
6 good. I don't know about everyone else.  
7           **MR. FERVIER:** Dr. Johnston. Member  
8 Johnston.  
9           **DR. JOHNSTON:** No other questions.  
10          **MR. FERVIER:** Member Ghazal.  
11          **MS. GHAZAL:** I have no other questions.  
12          **MR. FERVIER:** Member Jeffares.  
13          **MR. JEFFARES:** I'm good.  
14          **MR. FERVIER:** I think that the board is able  
15 to go ahead and make a vote on this.  
16          **MS. FRAZIER:** Okay.  
17          **MR. FERVIER:** The chair will entertain a  
18 motion.  
19          **DR. JOHNSTON:** Mr. Chair, I move that we  
20 approve this petition for rulemaking.  
21          **MR. FERVIER:** Member Johnston has made a  
22 motion to initiate rulemaking procedures on  
23 183-1-12-.19, subsection (12). Is there a  
24 second?  
25          **MS. KING:** Mr. Chair, before we vote on

1 this, just -- if I'm out of order, correct me.  
2 If I'm not prepared to -- but I still -- I'm  
3 still evaluating whether or not this is going to  
4 show -- people's information is going to be made  
5 public or -- I'm still not clear on the process.  
6 So I can either abstain or if member Johnston's  
7 open to tabling so that I can become a little  
8 more clear on this because I'm not in a position  
9 to support.

10 **MR. FERVIER:** Member Johnston, are you open  
11 to tabling this motion for further consideration?

12 **DR. JOHNSTON:** Perhaps I might ask what  
13 information we might be -- where we might be able  
14 to obtain the information that we need.

15 **MS. KING:** Well, my concern is around  
16 whether or not the timestamping and posting that,  
17 if there is -- if anyone could find any type of  
18 link towards that.

19 I know, member Johnston, you talked about  
20 certain precincts even in Fulton County where  
21 there are a handful of people that utilize those  
22 precincts as well as I see information that in  
23 some cases there's 30 minutes or so in between  
24 individuals coming and going from different  
25 precincts.

1           So I just want to make sure that I review  
2 this adequately. As a new member, I'm not  
3 100 percent certain on what is or what isn't as  
4 it relates to the information that's being  
5 posted. So that's where I'm a bit concerned. So  
6 a lot of this is just me, you know, just not  
7 being in a strong position to say that I  
8 completely support this.

9           **MS. FRAZIER:** Can I add anybody -- you know,  
10 the speaker that I called earlier to help with  
11 this right now? Or ...

12           **MR. FERVIER:** The board would -- the board  
13 would have to decide whether they need to hear  
14 anybody else or -- right now or not.

15           **MS. FRAZIER:** Okay.

16           **DR. JOHNSTON:** Mr. Chair, I amend -- amend  
17 my motion to recommend that we table this to the  
18 September 20th meeting.

19           **MR. FERVIER:** We have a motion to table this  
20 petition for rulemaking procedures to defer to  
21 the September 20th meeting. Is there a second?

22           **MS. KING:** Second.

23           **MR. JEFFARES:** Second.

24           **MR. FERVIER:** We have a motion and a second  
25 from member Jeffares. Any discussion? Hearing



1 no discussion, all those in favor signify by  
2 saying aye.

3 Member Ghazal.

4 **MS. GHAZAL:** Aye.

5 **MR. FERVIER:** Member Jeffares.

6 **MR. JEFFARES:** Aye.

7 **MR. FERVIER:** Member Jeffares votes aye.

8 Member Johnston.

9 **DR. JOHNSTON:** Aye.

10 **MR. FERVIER:** Member King.

11 **MS. KING:** Aye.

12 **MR. FERVIER:** Motion carries four to zero to  
13 table this for further discussion and to be heard  
14 again on the September 20th meeting.

15 **MS. FRAZIER:** Okay. Thank you.

16 **MR. FERVIER:** We've been going for about --  
17 almost two and a half hours since lunch break.  
18 The chair would entertain a motion for a  
19 five-minute recess.

20 **MS. KING:** So moved.

21 **MR. FERVIER:** We have a motion. Do we have  
22 a second?

23 **DR. JOHNSTON:** Second.

24 **MR. JEFFARES:** Second.

25 **MR. FERVIER:** All those in favor signify by

1 saying aye.

2 **THE BOARD MEMBERS:** Aye.

3 **MR. FERVIER:** The motion carries four to  
4 zero. We will recess for less than five minutes.  
5 Thank you.

6 (Recess)

7 **MR. FERVIER:** We'll proceed. I just want to  
8 let everyone know that we still have -- one,  
9 two -- three more petitions to hear and they're  
10 taking thirty minutes to an hour each.

11 We have several things on old business to  
12 hear, and then we have another -- over 20  
13 speakers left to hear at the end of the day. So  
14 this is going to be a very long day.

15 So the next item on the agenda is to --

16 **DR. JOHNSTON:** Mr. Chair.

17 **MR. FERVIER:** Yes.

18 **DR. JOHNSTON:** Mr. Chair, if I may.

19 (indiscernible) we suspend the rule and make a  
20 determination of the date and time and place of  
21 the next meeting so Ms. Hardin can -- can send  
22 information to the IT department to get the  
23 previous meeting petitions posted. And --

24 **MR. FERVIER:** I believe you just -- I  
25 believe this board has already agreed on

1 September 20th as the next meeting date.

2 **DR. JOHNSTON:** Right. We need a location,  
3 though, Mr. Chair.

4 **MR. FERVIER:** Well, as of now, it will be in  
5 the Capitol in room 341 unless events between now  
6 and then dictate otherwise. So ...

7 **DR. JOHNSTON:** Okay. Mr. Chair, the Capitol  
8 would -- would be wonderful. Also I have -- I  
9 understand that Fulton County, their -- their  
10 meeting room is also available and reserved. So  
11 both places are available. Do you have a  
12 preference?

13 **MR. FERVIER:** No, the Capitol would be my  
14 preference.

15 **DR. JOHNSTON:** Very good. Could we -- could  
16 we as a board decide that for sure. So those  
17 notices can be posted.

18 **MR. FERVIER:** Well, the notices -- we have  
19 two days to post those. So we have until the  
20 21st to post those to get the 30-day time limit  
21 in.

22 **DR. JOHNSTON:** Right.

23 **MR. FERVIER:** And so I think -- I think the  
24 board's already selected the 20th, and, like I  
25 said, we'll have it at the -- the Capitol, room

1 341 and overflow rooms if necessary and usual  
2 start time of 9:30.

3 **DR. JOHNSTON:** Okay.

4 **MR. FERVIER:** Yeah. I think we usually  
5 start at 9:30 for people coming from way up  
6 north. So -- and from out of town. So ...

7 **DR. JOHNSTON:** All right. And any --

8 **MR. FERVIER:** All right? And Ms. -- pardon  
9 me?

10 **DR. JOHNSTON:** Yeah. I guess no opposition  
11 to that.

12 **MR. FERVIER:** No.

13 **DR. JOHNSTON:** Okay.

14 **MR. FERVIER:** The next item on the agenda is  
15 petition for amendment of state election board  
16 rules, presented by Marilyn Marks.

17 Ms. Marks, are you available? Marilyn  
18 Marks? Ms. Marks, we can't see or hear you.

19 **MS. DUFORT:** This is Jean Dufort,  
20 co-petitioner. I don't know how to control the  
21 camera. I don't see a control on my end. But I  
22 was able to unmute. And Marilyn is here.

23 **MR. FERVIER:** Okay. Well, we're not as  
24 worried about the camera unless you have exhibits  
25 you want us to see.

1           **MS. GHAZAL:** If you're in the same room with  
2 Ms. Dufort, Ms. Marks, I can hear you. I can  
3 hear a vague, vague -- so I don't know, somehow  
4 somebody is hearing you, but I'm not hearing it  
5 directly from you, if you understand what I mean.

6           **MS. DUFORT:** We aren't in the same city  
7 even. I'm in Madison and she's in Charlotte.

8           **MR. FERVIER:** Yeah, we can't -- I can't  
9 really hear Ms. Marks. I don't know if she needs  
10 to turn up her volume or -- or something, but,  
11 yeah, your mic -- her microphone's on, her volume  
12 is just too low to be heard.

13           **MS. DUFORT:** Let me text her.

14           **MS. MARKS:** Let me speak (inaudible) again.

15           **MS. HARDIN:** I hear her. There she is.

16           **MR. FERVIER:** We can see you. Can you  
17 speak, Ms. Marks?

18           **MS. MARKS:** Yes. I have (inaudible).

19           **MR. FERVIER:** Can you turn the volume up?

20           **MS. MARKS:** I don't think there is anything  
21 I can do on (inaudible). Is there a number I can  
22 call?

23           **MR. FERVIER:** Is there -- I don't -- I don't  
24 think there ...

25                   Is there a number she can call in?

1           **MS. HARDIN:** She has my phone number but I'm  
2 on the phone with Rick right now.

3           **MS. KING:** Marilyn, do you have earphones  
4 that you can plug into your computer?

5           **MS. MARKS:** That (inaudible) going to try.  
6 Okay, what about now? Can you hear me now?

7           **MR. FERVIER:** Perfect, perfect.

8           **MS. KING:** You know, it just takes -- it  
9 just takes the millennial.

10          **MS. MARKS:** Okay. Okay, so you can --  
11 everybody can hear me now, right?

12          **MR. FERVIER:** Yes. Yes. Please proceed.

13 **Petition for Amendment of State Election Board Rules,**  
14 **presented by Marilyn Marks**

15          **MS. MARKS:** Okay. Well, all right, great.  
16 Great.

17          Ms. King, thank you for that help.

18          Thank you, Mr. Chairman and board and thank  
19 you for your patience with that little technical  
20 glitch.

21          My name's Marilyn Marks. I'm the executive  
22 director for Coalition for Good Governance.  
23 We're the petitioner today for a temporary rule  
24 that would use backup balloting system authorized  
25 by state law for times that the BMD system is

1           impaired and should not be used.

2           November election is no doubt one of those  
3 times that the primary system should not be used.  
4 Morgan County Democratic Party is also a  
5 co-petitioner here for this request and Jeanne  
6 Dufort will also have a few comments and be  
7 willing to answer questions as well when I get  
8 through with my comments.

9           **MR. FERVIER:** Can I ask you a question real  
10 quick?

11           **MS. MARKS:** Certainly.

12           **MR. FERVIER:** Is this -- is this the same  
13 petition that Ms. Dooley had earlier?

14           **MS. MARKS:** It is not. It's similar to it.  
15 She had added a few improvements, quite frankly,  
16 but it is -- it is very -- it is similar to it in  
17 many ways.

18           **MR. FERVIER:** Well, if -- if hers --

19           **MS. MARKS:** But it is not exactly the same.

20           **MR. FERVIER:** If hers is improved --

21           **MS. MARKS:** Yes.

22           **MR. FERVIER:** -- would we need to -- would  
23 we need to listen to yours then and then vote on  
24 yours?

25           **MS. MARKS:** Well, I would --

1           **MR. FERVIER:** If we already voted on hers?

2           **MS. MARKS:** I would hope that for the record  
3 that you would, and I would hope that I could --  
4 could clear up some misunderstandings that I  
5 heard in the -- in the back and forth with her.  
6 I also have a couple of alternatives that might  
7 work for -- for amendments.

8           **MR. FERVIER:** Okay.

9           **MS. MARKS:** So all right, thank you. I -- I  
10 appreciate that. For people who are listening  
11 online and if they want to reference any of the  
12 documents that we'll talk about today, they can  
13 go to our website,  
14 [coalitionforgoodgovernance.org](http://coalitionforgoodgovernance.org), and on the  
15 homepage tab, they will see these documents.  
16 The -- I will try to get through this quickly,  
17 Mr. Chair, and -- but particularly hit some of  
18 those comments that I heard you all make.

19           Consider this hypothetical for a moment  
20 that's not hard to imagine, particularly since  
21 the system's been compromised. Let's say the  
22 night before election day, the state learns that  
23 there's malware in the system that's flipping  
24 votes in some place and that there's malware that  
25 will shut down the touchscreens the next day at



1 10 a.m. Who has the authority to do anything  
2 under the way this board is thinking about  
3 authority? Certainly on election night you can't  
4 go running back to the General Assembly and say:  
5 Oh, tell us what to do with these types of  
6 malware attacks. And the Secretary of State  
7 doesn't have the authority to order the use of  
8 backup balloting. That's why it's so important  
9 for this board to have backup balloting plans in  
10 place as laid out in the statute.

11 Today, given the position of this board so  
12 far, everyone would just be looking at each  
13 other, saying: Oh, it's not my job to deal with  
14 this malware we've got in the system. But it is  
15 the board's job. You've been made very aware of  
16 the risk to the election in November and somehow  
17 the board seems to be saying you don't want to  
18 deal with the role that the General Assembly gave  
19 you, authorized you to do, and the duties that  
20 they gave you.

21 And so we would ask you to reconsider that  
22 as you think more about this today. It cannot be  
23 that the board is saying that we use BMDs no  
24 matter what, even if they are -- if the system's  
25 compromised, even if the system is confirmed to

1 have vote-stealing malware in it. When we hear  
2 you say, Oh, but the General Assembly said it's  
3 our primary method of voting, we agree. It is  
4 the primary method of voting and until an  
5 authority like a court or the -- or the General  
6 Assembly says otherwise, it should stay the  
7 primary method of voting.

8 But the General Assembly in its wisdom  
9 decades ago said if the primary method of voting  
10 is impaired, then there has to be a backup. It  
11 only makes sense. So now as we are looking at  
12 this very compelling high-risk situation in  
13 November, where the Department of Homeland  
14 Security cybersecurity agency said to this board  
15 and the Secretary of State two years ago that the  
16 state needed to immediately undertake mitigations  
17 for those vulnerabilities, the board needs to  
18 recognize that has not been done. Therefore it  
19 is the board's duty to mitigate the system for  
20 the work that has not been done because the  
21 system needs to be safeguarded.

22 As you all know, you've done the reading,  
23 you know that the system's been compromised and  
24 types of malware are out there that can be easily  
25 implanted. And once there's a failure, it cannot

1 be reversed. Not the way this system is set up.  
2 So right now, because this board is saying it's  
3 not our job, the state has no plan at all, no  
4 contingency plan to deal with these very real and  
5 extreme risks of failures.

6 So we would ask you to seriously consider  
7 the risks that the state is facing and your  
8 responsibility in dealing with them. The General  
9 Assembly did order a contingency plan and every  
10 time we talk to you all about this, we keep  
11 hearing you say: Well, the General Assembly just  
12 ordered the BMDs. No, they didn't just order the  
13 BMDs. They said if the BMDs are impaired, then  
14 you need to be using the backup system. But it  
15 is on -- it is on the duties of the state  
16 election board to say: Okay, it's time to deploy  
17 that backup system and that time is for the  
18 November election.

19 Obviously you can't look to the General  
20 Assembly to convene every time you've got a  
21 cyberattack or malware or a software system  
22 design problem. They've already done their job.  
23 Meeting after meeting we hear you all say: Well,  
24 this needs -- there needs to be some more  
25 legislation. We can't imagine what more we would

1 want the General Assembly to order. They have  
2 given you all the generalities that the agency  
3 should have and then promulgating rules under the  
4 statutes that they gave. It wouldn't be  
5 appropriate for the General Assembly to be giving  
6 the detailed cybersecurity responses to the  
7 problems that have been encountered. And instead  
8 they -- they directed the board to give orders  
9 and to create rules that would put the use of the  
10 backup balloting system in place.

11 Mr. Chairman, you had asked Ms. Dooley about  
12 the Dominion system. You had stated that the  
13 General Assembly chose the Dominion system. I  
14 need to clarify that. No, they -- they chose a  
15 very generic set of principles for a voting  
16 system which was completely appropriate on their  
17 part. They did not choose any vendor. They  
18 didn't choose any particular type of software.  
19 Instead they ordered the Secretary of State to  
20 choose a voting system with generic attributes  
21 such as ballot secrecy that you all have just  
22 spent some time talking about.

23 Unfortunately the Secretary of State did not  
24 meet many of those mandates when he chose the  
25 Dominion touchscreens. He disobeyed the General

1 Assembly. The system wasn't secure as has been  
2 proven, and even after that was proven, the  
3 system, now we know, is compromised as well.

4 So when we are looking at the situation we  
5 are in today, we've got to recognize that the  
6 system did -- it never met the requirements that  
7 the General Assembly set out. And then it was  
8 compromised afterwards. We learned of more  
9 vulnerabilities afterwards. So now it is up to  
10 this board to -- to deal with that in a temporary  
11 way.

12 There was discussion of feasibility and  
13 ballot on demand. Let's recall that for the vast  
14 majority of counties, probably just guessing,  
15 maybe a hundred and twenty-five counties or so  
16 don't have the problem of having multiple early  
17 voting centers with lots of different ballot  
18 styles. They have one early voting center. It's  
19 in the clerks office. They already have all the  
20 ballot styles. They're on hand there. They  
21 manage them everyday. So for the vast majority  
22 of counties, the distribution of different types  
23 of ballot styles in early voting is not a  
24 problem.

25 It really is a handful of large counties

1 that have the logistics problem. But let's  
2 remember that logistics problem's been solved all  
3 over the nation, many other states with early  
4 voting vote centers. And either managing, as  
5 they do in Wake County which is larger than  
6 Fulton here in North Carolina, they manage to  
7 have all their ballot styles on hand, preprinted.  
8 They have a very organized arrangement. Then  
9 other counties and other states use  
10 ballot-on-demand printers. They do not need to  
11 be expensive printers. There are very economical  
12 solutions for that to either print everything on  
13 demand or to print a certain percentage of your  
14 high-volume needs on demand.

15 If this needs more explanation and work to  
16 be able to demonstrate to you all that it is a  
17 feasible, easily solved problem and there's  
18 plenty of time to solve it, then I would urge you  
19 to go ahead, accept this rule to put it into  
20 rulemaking, and then take the next 30 days in the  
21 public comment period to deal with letting us  
22 demonstrate to you how feasible this really is.  
23 Georgia can't be such an outlier that when other  
24 states can do it, that Georgia can't do it.

25 Further, if there are still questions -- and

1 I cannot imagine why there would be -- about your  
2 authority, given the clear rulings of the  
3 Eleventh Circuit and Judge Totenberg and the  
4 plain reading of the statutes, if there are still  
5 questions about your authority in that 30-day  
6 period for public comment, as you know, a copy of  
7 the rule goes to the General Assembly standing  
8 committees. And they have the opportunity to  
9 tell you: Wait a minute, you're coloring outside  
10 the lines.

11 So we would ask you to -- to consider doing  
12 just that, going through the comment period so  
13 that you can resolve any questions in your mind  
14 about that.

15 A few minutes ago Ms. Ghazal was bringing up  
16 the serious issue, which she called an enormous  
17 constitutional risk, of ballot secrecy. And yet  
18 there are many problems with ballot secrecy. We  
19 all know it. Anybody who's been into a polling  
20 place knows it. In -- in dealing with the  
21 security issue, if you will go to hand-marked  
22 paper ballots as your emergency backup, your  
23 backup balloting system, it resolves a lot of  
24 problems that today the board is not enforcing.  
25 You're not enforcing the laws on ballot secrecy

1 or on logic and accuracy testing or any number of  
2 other laws that can be resolved by the use of  
3 backup balloting which is authorized.

4 So the -- the solutions are simple but the  
5 problem and the risk is grave. And we would ask  
6 that you consider this board's responsibility  
7 to -- to act to protect the November election.

8 I guess I would also say if the board is  
9 still unwilling to act according to its  
10 responsibility to go ahead and, you know, to --  
11 to say, yes, we need to use backup balloting, I  
12 would ask you to consider two other  
13 alternatives -- or three alternatives.

14 One, as I said, put it into rulemaking to  
15 get your 30 days' comments with no obligation to  
16 pass the rule after the 30 days.

17 If you won't do that, would you consider  
18 looking at the provision that was in Ms. Dooley's  
19 petition -- it is not in ours, it should've been  
20 in ours -- that says, all right, the counties  
21 have our blessing, the authorization to -- to  
22 understand the cybersecurity risks that are  
23 threatening the election and go ahead on their  
24 own and make the decisions that they need to go  
25 to emergency ballots, to -- to backup balloting.



1           They surely have the authority and they have  
2           been too intimidated by these board's actions in  
3           the past to do it. That's something that we  
4           could easily do. I can make amendments in ours  
5           to -- to make sure that that at least is  
6           available to counties going forward.

7           One other alternatives that I would hope you  
8           would consider if you will not consider the rule  
9           is to consider ordering the counties to secure  
10          the systems by going to backup -- to secure the  
11          systems, to protect the secrecy of the vote, to  
12          comply with the logic and accuracy testing by  
13          going to -- to generate an order which is the --  
14          also in the authority of this board to do that.

15          So I'm offering a number of alternatives in  
16          a more or less desperate attempt to protect the  
17          election for November.

18          I'll be happy to answer any questions or you  
19          can hear from Ms. Dufort.

20                 **MR. FERVIER:** Ms. Dufort, do you have  
21          comments to make?

22                 **MS. DUFORT:** I do. Thank you. I'm speaking  
23          on behalf of the Morgan County Democratic  
24          Committee. When I was young, around ten, I  
25          watched my deeply devout Catholic parents head to

1 the big city in a successful effort to convince  
2 the bishop to remove our parish priest who was  
3 not serving us well. A few years later we were  
4 marching and organizing to remove our corrupt  
5 Democratic mayor and replace him with a newly  
6 formed Citizen Party candidate who was our family  
7 physician. And our town shortly after became an  
8 All-American city.

9 So I do come by this honestly. My lifelong  
10 commitment to speaking truth to power and my  
11 conviction that when you choose to lead, whether  
12 it's as an elected official on a statewide board  
13 or a local party official, you assume a  
14 responsibility beyond personal interests.

15 From your code of conduct, the code of  
16 conduct of the state election board, I'm quoting  
17 now: Fair, legal, and orderly elections are the  
18 board's watchwords for our service to the people  
19 of Georgia. We are committed to the highest  
20 standards of integrity in our service for our  
21 state and its citizens in all matters related to  
22 the election process. These are the values to  
23 which we commit.

24 For 17 days as 2024 started, I sat in a room  
25 at the federal courthouse while *Curling v*

1           *Raffensperger* was heard. The single session I  
2 missed was for my first appointment with my Emory  
3 oncologist. I wish you'd been there. I wish you  
4 had chosen to read the transcripts or the reports  
5 of the experts that both sides put forth because  
6 the truth about the risks to the 2024 election  
7 could not have been made clearer.

8           The vulnerabilities documented by Dr.  
9 Halderman in 2021, three years ago, the basis for  
10 the 2022 advisory that mitigation should be done  
11 forthwith, were serious and they're scalable,  
12 including using access to machines by a voter  
13 with a Bic pen or a ballot access card. In less  
14 time than it takes to vote, the seal's broken and  
15 no remaining evidence that a poll worker would  
16 discover.

17           You'd be clear about the risks created when  
18 the software that powers Georgia elections was  
19 copied and widely distributed to unauthorized  
20 people. And you would be clear that not a single  
21 expert put forth by your lawyers or by the  
22 plaintiffs would testify under oath that  
23 universal use of touchscreens was a safe way to  
24 conduct elections in Georgia.

25           So my question is if you can't use the

1           touchscreens safely, how can you conduct a fair,  
2           legal, and orderly election?

3           In your letter denying our security rules  
4           proposal last month, Chair Fervier cited concerns  
5           about the ongoing litigation related to this  
6           matter and ruling in favor of the petition would  
7           interfere with the ongoing litigation. Really?  
8           Does your oath go away, does the risk go away  
9           because your lawyers want to win in court?

10           Member King, you asked Debbie Dooley earlier  
11           today is the backup system in use now? And the  
12           answer is actually yes and no. Yes, on election  
13           day 2020, my own county, every single polling  
14           place swapped seamlessly to backup ballots as  
15           polls opened because the ballot access cards  
16           wouldn't work. And no, because the only county  
17           in the state who tried to move proactively to  
18           backup balloting because they could not comply  
19           with all of the laws was met with swift and sure  
20           punishment by this board.

21           To this day, counties across the state  
22           refuse to protect ballot secrecy for fear of  
23           being "athened." That is a phrase in common use  
24           among local election directors across the state.  
25           You set a precedent and the counties will listen

1 to you or not.

2 The irony is that the Legislature has done  
3 its job. I've heard you say over and over: It's  
4 not for us, it's for the Legislature to decide.  
5 But the facts suggest other side. State law  
6 governing touchscreens says they must be used as  
7 long as they're safe to use and comply with all  
8 relevant state laws. Otherwise it's very clear,  
9 use the backup balloting system.

10 And the only example the legislators gave  
11 was one that would be discovered during the  
12 ballot-building or logic-and-accuracy testing  
13 stage. What if there were more candidates than  
14 fit on the screen? It was a very, very broad  
15 brush that the legislators paint. That is the  
16 law.

17 But it's this body, the state election  
18 board, that added the word "emergency" -- it is  
19 not in the statutes -- and then added  
20 descriptions of things that would only be  
21 encountered in a polling place, like power  
22 failures and long lines. And then the Secretary  
23 of State reinforced that limitation with its  
24 procedures and training video. So if you haven't  
25 gone back and done a compare-and-contrast, it is

1 not surprising that you're thinking about only  
2 emergencies that would happen on election day.  
3 But that is not what the Legislature said.

4 The idea of unforeseen emergency is an  
5 invention of this body as is the idea, frankly,  
6 that some laws are more important than others  
7 when it comes to election administration. But  
8 that limitation is not in your oath. It's not  
9 what your oath says.

10 So here's what I ask you today on behalf of  
11 the Morgan County Democratic Committee and a  
12 coalition of voters and leaders from across the  
13 political spectrum in Georgia. Do you believe  
14 the experts, do you believe them when they say  
15 using the touchscreens without mitigating the  
16 risks is a bad idea? Do you believe it's your  
17 duty to enforce rules for fair, legal, and  
18 orderly elections? And can you say precisely  
19 what you would want the Legislature to change in  
20 the backup balloting statute that is unclear to  
21 you now? Because you do after all have a duty to  
22 make recommendations to the General Assembly  
23 regarding elections. And we've been talking  
24 about this for more than a year.

25 So you can vote no again and continue to

1 pass the buck or you can say yes, post the rule  
2 today, use the 30 days to consult legislators,  
3 attorneys, find out more about the logistics and  
4 perhaps to read the Halderman report and the CISA  
5 and experts' letters and maybe even some of your  
6 own experts' testimony and make a final decision  
7 next month.

8 I ask you and Morgan County Democrats ask  
9 you please vote yes.

10 **MR. FERVIER:** Thank you, Ms. Dufort.

11 Are there any questions from the board?

12 **MS. KING:** I have a question.

13 **MR. FERVIER:** Yes, member King.

14 **MS. KING:** Ms. Marks, you mentioned that the  
15 General Assembly has a backup plan in case of an  
16 impairment.

17 **MS. MARKS:** Yes.

18 **MS. KING:** Did they outline what would  
19 constitute an impairment?

20 **MS. MARKS:** No. No. They used the words,  
21 "impossible -- by the way, I'm being -- you can  
22 hear me still, right?

23 **MS. KING:** Yeah.

24 **MR. FERVIER:** Yes.

25 **MS. KING:** You're it.

1           **MS. MARKS:** Thank you. Thank you. The --  
2 no, they use the words, "impossible" or  
3 "impracticable." And so we are certainly in a  
4 situation where the -- it is impracticable, it's  
5 also impossible to use -- it's impossible to  
6 legally comply with the law, to meet all the  
7 legal requirements. It's also impracticable to  
8 be using a system that's compromised.

9           And while they gave an example, it was just  
10 an example. But they went on to say -- no, let  
11 me -- I'll give you that example. And it said  
12 basically if the system couldn't handle all of  
13 the contestants that might be on a -- like a  
14 general primary or something -- you know, if  
15 you've 30 contestants and the system wouldn't  
16 handle that many people on a particular contest,  
17 they said, okay, then you go to paper ballots  
18 where you can print enough -- enough names on the  
19 ballot. You know, that's not a sudden,  
20 unanticipated emergency. You know how many  
21 candidates that you're going to have months  
22 before the election day. They did give that  
23 example, but then they went on to say: Or for  
24 any other reason.

25           So they looked to you all, the state



1 election board, to be a little more precise on  
2 that and to have rules for when does it kick in  
3 and when doesn't it kick in? And right now you  
4 all have addressed sometimes that that statutory  
5 backup plan kicks in.

6 For example, if the power is out. That's  
7 one of the times that you all have said, yeah, it  
8 kicks in if the power's out. You've said it can  
9 kick in if the lines are over 30 minutes long.  
10 It's certainly not impossible to use the  
11 machines. It becomes a matter of feasibility and  
12 it's better to go ahead and kick in the backup  
13 system. But the example that Jeanne gave of --  
14 that the machines were not operating properly in  
15 her polling place in 2020, you know, that is not  
16 specifically covered in the statute, but that is  
17 where your rules do kick in.

18 **MS. KING:** Okay. And so it --

19 **MS. MARKS:** So the statute is there.

20 **MS. KING:** Okay. And we've since had  
21 several elections since the 2020 election. And  
22 are you saying in the most recent election, the  
23 machines constituted impairment in the most --

24 **MS. MARKS:** Yes.

25 **MS. KING:** -- let's -- in the primary --

1           **MS. MARKS:** Yes.

2           **MS. KING:** -- the machines --

3           **MS. MARKS:** Yes. Yes.

4           **MS. KING:** Can you explain to me --

5           **MS. MARKS:** Now, we -- uh-huh. Okay, two --

6 two or three things here. One, what -- what was

7 learned in 2022 was that the system had --

8 according to CISA and according to Dr. Halderman,

9 had numerous exploitable vulnerabilities that

10 were not known before that. It is not known

11 whether any --

12           **MS. KING:** And these --

13           **MS. MARKS:** -- were exploited or not.

14           **MS. KING:** Are these potential

15 vulnerabilities that -- I would like to know if

16 you've had --

17           **MS. MARKS:** No, they are -- they are

18 absolute vulnerabilities that were confirmed by

19 CISA and -- which is part of the Department of

20 Homeland Securities.

21           **MS. KING:** Okay. So they found these --

22           **MS. MARKS:** Homeland Security.

23           **MS. KING:** -- vulnerabilities but it did not

24 affect the 2022 election.

25           **MS. MARKS:** Nobody can know that. They --

1 nobody has done any testing on that. And there's  
2 no way to know -- to know that --

3 **MS. KING:** Okay.

4 **MS. MARKS:** -- because some of these --  
5 because the problem with the system is, you know,  
6 the malware can erase itself, can be written to  
7 erase itself, and it is not an auditable system.  
8 So the answer to your question is no one knows.  
9 And that's why the vulnerabilities need to be  
10 mitigated before people vote again.

11 **MS. KING:** Okay, thank you. No more. No  
12 more for me, Mr. Chairman.

13 **MR. FERVIER:** Any other questions from the  
14 board? Member Ghazal? Dr. Johnston?

15 **DR. JOHNSTON:** No questions.

16 **MR. FERVIER:** Member Jeffares, any  
17 questions?

18 **MR. JEFFARES:** No questions.

19 **MR. FERVIER:** The board will -- or the chair  
20 will entertain a motion.

21 **MS. KING:** I'm still not clear on how we as  
22 a board can instruct the entire state to change  
23 the voting meth -- voting process at this point.  
24 So I make a motion that we reject this petition.

25 **MR. FERVIER:** We have a motion from member

1 King to reject this petition to 183-1-12-.11. Is  
2 there a second?

3 **MR. JEFFARES:** Second.

4 **MS. GHAZAL:** Second.

5 **MR. FERVIER:** We have a second from member  
6 Jeffares. Any discussion? Hearing no  
7 discussion, all those in favor of rejecting this  
8 petition signify by saying aye.

9 Member Ghazal.

10 **MS. GHAZAL:** Aye.

11 **MR. FERVIER:** Member Johnston.

12 **DR. JOHNSTON:** Aye.

13 **MR. FERVIER:** Member Jeffares.

14 **MR. JEFFARES:** Aye.

15 **MR. FERVIER:** Member King.

16 **MS. KING:** Aye.

17 **MR. FERVIER:** Motion carries four to zero.

18 Thank you, Ms. Marks.

19 **MS. MARKS:** Thank you.

20 **MR. FERVIER:** The next item on the agenda to  
21 be heard is a petition for amendment of state  
22 election board rules presented by Erik  
23 Christensen.

24 Mr. Christensen, are you available.

25 **MR. CHRISTENSEN:** Yes, I'm available.

1           **MR. FERVIER:** You have the floor,  
2           Mr. Christensen.

3           **Petition for Amendment of State Election Board Rules**  
4           **Presented by Erik Christensen**

5           **MR. CHRISTENSEN:** Okay. I'm going to go  
6           through this quickly because I've got a lot to  
7           cover.

8                        So the current process in the county for  
9           Georgia ballots -- and I'm very focused on  
10          ballots here, just on whether they're emergency,  
11          absentee, provisional, or ballot-marking device  
12          ballots -- lack (indiscernible) accounting  
13          controls including chain of custody,  
14          reconciliation procedures, and physical security  
15          over the ballots being processed and tabulated.  
16          We've already talked about a lot of the problems  
17          that we have. I'm not going to go through all of  
18          them.

19                       I'm going to dive right in with rule request  
20          number 1. All ballots must be numerically  
21          controlled. I know this is going to freak out  
22          Marilyn Marks and maybe Ms. Ghazal. And I do  
23          apologize to Ms. Ghazal for earlier when we  
24          talked about all being on the same page. I was  
25          not particularly pointing you out or anything

1 like that. I'm just saying it has to do with,  
2 you know, accounting and auditing, numbering. I  
3 think these things are pretty straightforward. I  
4 think they're very nonpartisan.

5 So let me just read my rules then. So this  
6 is 183-1-11-.03, ballot memory required for  
7 precinct, absentee, provisional, emergency  
8 ballots. I'm not familiar with any system,  
9 whether it be QuickBooks or SAP, the cheapest or  
10 the most expensive accounting system, that does  
11 not use a numbering system. This is what keeps  
12 you from having duplicate scanning.

13 And I'll back up one second and just go over  
14 what are we trying to prevent? The stuff, the  
15 swap, the toss, and the electronic manipulation,  
16 these are the four risk areas that we've got.

17 The stuff's been going on for 250, 300  
18 years. There's nothing new here. So everybody  
19 knows this. If you read the book, *Ballot*  
20 *Battles*, you can read about them all there in  
21 *Ballot Battles*. We don't have to go over it.

22 Okay. Absentee ballots shall be  
23 individually numbered with their precinct code  
24 and shall include a tear-off strip with the  
25 corresponding number on both the ballot and the

1 tear-off strip. Absentee ballots shall be white  
2 in color. I think this is already Georgia law  
3 right now.

4 Unfortunately in 2020, if you can see this  
5 right here, when they printed the 770,000  
6 absentee emergency ballots here, they didn't have  
7 a tear-off strip on them which I believe is  
8 required. Anyway we're probably too late for  
9 that one, so -- because I would -- do you  
10 think -- have ballots been printed yet? Does  
11 anyone know? Anybody know the answer to that?  
12 Okay, I'll move on.

13 Emergency ballots shall be individually  
14 numbered with their precinct code and shall  
15 include a tear-off strip. Also I believe that's  
16 required. But the corresponding number on both  
17 the ballot and the tear-off strip emergency  
18 ballot shall be light yellow in color, okay?

19 Emergency ballots are ones that we actually  
20 will scan but we need to differentiate between  
21 those and the regular absentee ballots.  
22 Provisional ballots are ones we don't scan.  
23 These are ballots that may be scanned at a later  
24 date, should be individually numbered with their  
25 precinct code, and shall include a tear-off strip

1 with corresponding number with a ballot tear-off  
2 strip. Emergency ballot shall be light red in  
3 color.

4 And then precinct level ballots generated by  
5 the ballot-marking device shall be individually  
6 numbered with their precinct code and two copies  
7 be printed: one to be scanned by the Dominion  
8 scanner and one to be placed in a locked and  
9 sealed audit bin to be picked up and stored in a  
10 locked evidence room of local law enforcement.

11 Now, here's where we get past -- you know, I  
12 would say that, you know, Marilyn's proposal --  
13 and everybody else is talking about paper  
14 ballots. Those are fine proposals and we could  
15 use paper ballots because we have the Dominion  
16 system and we can scan those ballots at the  
17 precinct, I would imagine, if the machines were  
18 configured properly. So that would be an okay  
19 system, but I don't think we need to go there.

20 I think we can just print two copies of the  
21 ballot, put one in the audit box. Okay, we've  
22 got a totally different chain of custody. We've  
23 got local law enforcement picking it up. What's  
24 in the ballot -- the audit box should be exactly  
25 the same that what's in the ballot box.



1           These things will never get opened. They're  
2 going to be taped and sealed. And unless we get  
3 into some very contentious thing, we should never  
4 have to open these up. But we've got them. The  
5 fact that they're there prevents any shenanigans,  
6 okay? Just because they're there.

7           Okay, numbering shall be done to ensure  
8 ballot secrecy and no record shall be kept that  
9 would compromise the secrecy of the ballot.  
10 That's rule request number 1.

11           And this will weld -- if there's a back door  
12 on Dominion, people talking about, well, it can  
13 be hacked, it can be electronically manipulated,  
14 this welds the back door shut. Electronically  
15 manipulate it, hack it, do whatever you want and  
16 you don't want to know we've got the truth in two  
17 different places.

18           And, you know, when you do a reconciliation  
19 of your bank account, you use your -- you use  
20 your -- the bank statement, use your books. You  
21 compare those two. That's what we're going to do  
22 here. We're going to compare these two. They'd  
23 better be the same, and if they're not, we'll  
24 reconcile it.

25           Okay, rule request number 2, rule

1 183-1-14-15, absentee ballots received back  
2 required to match their absentee ballot  
3 application. I would think that this would be  
4 something that everyone would be doing. I  
5 understand Hall County does this. And in looking  
6 back at the 1985 and 1992 procedures we had, this  
7 is done in the county that I'm looking at. They  
8 matched every one of them. And, you know, this  
9 is your number one control. Did I actually apply  
10 for an absentee ballot? And when I sent my  
11 absentee ballot back, did we match that up?  
12 Okay.

13 So the verification envelope -- and this is  
14 the verification envelope, this is not the  
15 ballot -- for all absentee ballots received back  
16 shall be Bates-stamped and the name, Bates-stamp  
17 number, and precinct number of the elector shall  
18 be recorded in the county absentee ballot  
19 logbook.

20 So over time, the county sends ones out, or  
21 if we're using an outside third party, which I  
22 believe we are now -- I think we used Runbeck in  
23 2020 and now we're using somebody local here.  
24 He's going to be able to log these because he  
25 probably already does. And I think we already

1 passed the rule that said we had to track them by  
2 absentee ballot mailed out. So we're already  
3 doing this.

4 Absentee ballot verification envelope shall  
5 be logged again, matched and paper-clipped to  
6 their corresponding absentee ballot application  
7 and filed by precinct with the name and  
8 Bates-stamped number of the elector recorded in  
9 the precinct absentee ballot logbook. But here  
10 we separate them now and we put them -- we file  
11 them by precinct until we're ready to count them.

12 And I guess that data when we start counting  
13 those is, you know -- maybe it's twenty -- I  
14 think it was 21 days. Was that the emergency  
15 rule? Was 21 days? I think it really should be,  
16 you know, whatever the Friday before, whenever we  
17 start doing UOCAVA. We should have the absentee  
18 ballot procedures the same as the UOCAVA  
19 procedures because the UOCAVA are absentee  
20 ballots.

21 All absentee ballot verification envelope  
22 information shall be compared to the SOS  
23 information system, which I think is called  
24 GARViS, for all information including elector  
25 name, registration number, address, and

1 signature. Absentee ballot verification  
2 envelopes received back with no corresponding  
3 application shall not be processed, okay? Shall  
4 be separated, separately logged, and shall be  
5 priority mailed daily to the state election board  
6 for investigation. I don't know how we can get  
7 an absentee ballot verification envelope back if  
8 we never had an application. So those need to be  
9 looked into.

10 Okay, rule request number 3, 183-1-14-16,  
11 matching of absentee ballot requests and absentee  
12 ballot verification envelope received back  
13 required. This just says we have to -- we have  
14 to match them, and the person that did the  
15 matching needs to put their name on it and say:  
16 I did this matching, I saw that it was correct,  
17 the signature appears to match, and they are a  
18 registered voter in my county and they're  
19 registered in the precinct that we've got them.  
20 But they have to sign and date that they actually  
21 did the work.

22 I don't think there's any indication of who  
23 did the work. So what we want is we want  
24 accountability where somebody signs off and said:  
25 Yes, I'm the person that did the work and I

1 verified that this was correct.

2           Once we have accountability, we're going to  
3 have better accuracy because people are going to  
4 know when they sign their name that they better  
5 have done the work.

6           Okay, rule request number 4, 183-1-14-17,  
7 documentation of mailing of absentee ballot  
8 packages in response to county or SOS system  
9 absentee ballot request required. All absentee  
10 ballot requests processed and mailed by outside  
11 contracts for counties shall be logged and  
12 include the name of the elector, the precinct of  
13 the elector, and the name, date, and signature of  
14 the contractor or of the county election  
15 employee -- employee fulfilling the absentee  
16 ballot request. I think we got that, but we need  
17 a log. We've got to have a log and we've got to  
18 know, you know, who fulfilled the request: name,  
19 date when they did it.

20           And it's got to be in a log because we've  
21 got to be able to get back to this thing right --  
22 this -- this absentee ballot recap. We need to  
23 be able to reconcile what we've mailed, what  
24 we've received back, what was actually voted.

25           Next, 183-1-14-18, reconciliation of

1 absentee ballot verification envelopes held,  
2 absentee ballot sealing envelopes, scanner  
3 counters to the county intake log and precinct  
4 intake log. So it used to be that -- my  
5 understanding is absentee ballots were processed  
6 at the precinct, which is -- this is -- this  
7 would be the best case. This is what we should  
8 be, you know, moving towards, back to where we  
9 used to be. The absentee ballots actually get  
10 sent to the precinct for processing where there's  
11 control and you're not in some gigantic, you  
12 know, State Farm arena where there's thousands of  
13 people running around, there's no chain of  
14 custody.

15 The precinct is a pretty controlled  
16 environment and that's a good place to be  
17 processing ballots. I don't know why we don't  
18 process all the ballots there. But if we're  
19 going to process them centrally, the absentee  
20 ballot verification envelope shall not be  
21 separated from their enclosed ballot sealing  
22 envelopes until initial processing begins except  
23 as provided by O.C.G.A. 21-2-386.

24 Again, I really think it should be, you  
25 know, the Friday the same as UOCAVA, but if it's

1 21 days in advance, I -- I guess that's -- that's  
2 what was agreed to. I don't think that's the  
3 law. I think the law is whatever the Legislature  
4 said the law was. That was some type of letter  
5 agreement or something we did in response to an  
6 emergency situation back in 2020.

7       Upon completion of scanning of all the  
8 absentee ballots received prior to the initial  
9 scanning cutoff date, a reconciliation shall be  
10 performed by precinct reconciling absentee ballot  
11 verification envelopes, Bates-stamped, received  
12 and processed to the total Bates-stamped absentee  
13 ballot sealing envelopes to the individual  
14 scanner counter to the precinct logs in a total  
15 the county logged the absentee ballots.

16       I think it would make sense to have a  
17 cut-off date because UOCAVA votes can come in  
18 after election day -- and I believe other  
19 absentee ballots can come in after election day.  
20 If they're postmarked by election day, I guess  
21 they can come in. Am I right on that? I think I  
22 am. Sara's saying no.

23       **MS. GHAZAL:** No, every -- every non-UOCAVA  
24 absentee ballot has to be received by 7 p.m. on  
25 elect day otherwise it is rejected.

1           **MR. CHRISTENSEN:** Oh, wow. I thought that  
2 was under the America's Right to Vote Act or  
3 something like that.

4           **MS. GHAZAL:** The single biggest category of  
5 rejected ballots are ballots that are received  
6 late.

7           **MR. CHRISTENSEN:** Okay. Okay. Okay, so  
8 that's good then. If we have a hard cut-off,  
9 then we don't have to worry about this.

10           Upon completion -- upon completion of  
11 absentee ballot scanning, each precinct's  
12 absentee ballots shall be placed in a  
13 security-sealed ballot box and locked. You know,  
14 once we've done this, there's no reason for them  
15 to be floating around. They should be sealed and  
16 they should be locked and nobody should touch  
17 them until it gets to audit or recount time.

18           And so different types of security boxes are  
19 readily available out there. I've got one here  
20 made by Pelican that is watertight, airtight, has  
21 a lock place, a seal place, it's got wheels. It  
22 would be a good way to do it is to make sure  
23 these things are completely locked up.

24           And, you know, I'm proposing that the seals  
25 and locks for each precinct come from the state



1 election board, that you guys seal them and  
2 nobody looks at them after election day. They  
3 should never, ever be in that State Farm  
4 arena-type situation ever again. If we ever have  
5 to do an audit or recount, it should be in a  
6 controlled environment, and I get to that here  
7 later.

8 Rule 183-1-14-19, absentee ballots received  
9 after initial processing cutoff date to be  
10 accounted for separately. You're saying that's  
11 not an issue. I'll withdraw that one if there is  
12 not a -- a cutoff date. If we can get everything  
13 in one locked and sealed ballot box, great. If  
14 we can't, then we should have some type of cutoff  
15 where we have reconciling items, like, you know,  
16 deposits in transit, essentially ballots in  
17 transit.

18 And those don't -- I mean, you know, if  
19 we're within the -- they should be treated really  
20 like provisional ballots at that point. There's  
21 no sense -- if it's a big win either way, then  
22 there's no sense in busting those open and voting  
23 them if there's not enough to swing the  
24 difference.

25 And rule 183-1-14-20, locks and seals

1 required for all absentee ballots and precinct  
2 level ballots, okay. All absentee ballots and  
3 all precinct ballot-marking device ballots  
4 processed and scanned shall be locked and sealed  
5 by precinct with locks and seals provided by the  
6 state election board. One sealed ballot box  
7 shall not be opened by anyone except for the  
8 express written consent of the state election  
9 board for recount, audit, scanning, or public  
10 access and examination.

11 I know we're spending money on scanning, but  
12 that scanning is not real scanning. And to me  
13 it's of very limited value because we're just  
14 retabulating the chips that are coming from  
15 Dominion. So I don't know what we're getting for  
16 that \$1.5 million. Unless you're scanning the  
17 real ballots, I think you're wasting your money.

18 Unlocked and unsealed ballot boxes opened  
19 for any reason must be separated and processed  
20 individually by precincts with video surveillance  
21 and recording at all times. In no event shall  
22 multiple precincts be unlocked and unsealed at  
23 any time unless in separate locations or  
24 locations separated by 20 feet with caution tape  
25 separating each individual processing area.

1           So if we get into a recount like we did in  
2           2020 -- and I think this is where a lot of the  
3           people started questioning the whole process,  
4           when, you know, you've got boxes coming out from  
5           underneath tables, and, you know, what appeared  
6           to be an unorganized recount and I think it  
7           was -- you know, that's why people don't have  
8           confidence in our election system when you watch  
9           what's going on there.

10           If you do it by precinct, it's fine. You  
11           know, each -- each -- we've got what, 244  
12           precincts in -- in Fulton County. You know,  
13           we've got a couple thousand votes in each  
14           precinct. Very manageable. You know, we've got  
15           2500 precincts in the state. Those are all going  
16           to be done at the county level. All that's a  
17           very manageable process as long as we don't, you  
18           know, try to bust all the ballots out and put  
19           them in stacks and count them in some kind of  
20           centralized place.

21           You know, our -- the voting for me has  
22           always been precinct level. I mean, everything  
23           is reported by precinct, report by precinct,  
24           report by precinct. That's how we post it on the  
25           precinct door, and that's how it should be kept.

1 Outside vendors engaged in scanning ballots for  
2 public access shall be ISO9006 certified document  
3 management specialist and shall be required to  
4 video record such scanning and processing.

5 I think we passed a law that the ballots are  
6 now, you know, a matter of public record. So  
7 we're going to have to scan them at some point.  
8 And so let's scan them with somebody that knows  
9 what they're doing in a controlled environment,  
10 you know, by precinct. We'll go get a precinct  
11 scanner, bring it back. Additionally ballot  
12 boxes shall be weighed in and weighed out prior  
13 to and after scanning, shall be returned in the  
14 same manner as they were received.

15 Okay, last, rule number 7. And this is  
16 already kind of out there. And I think this is  
17 where we've got one of the real issues. And, you  
18 know, Michael Heekin and his reasonable request  
19 said, you know, if we're certifying -- you know,  
20 what are we certifying? If we're not checking  
21 the numbers, if we're not checking the  
22 tabulation, are we just blindly signing some form  
23 that somebody puts in front of us? I mean, I  
24 think whoever is on the county election board  
25 should be entitled to look at the precinct level

1 data and the numbers to make sure that they all  
2 add up, that they're in a spreadsheet -- and the  
3 Secretary of State has a spreadsheet that does  
4 some of this stuff because I downloaded it all,  
5 but they should be able to look and make sure  
6 that those numbers are correct. I just don't  
7 think it's right to put somebody in a position to  
8 say, hey, I certified this election but I haven't  
9 looked at any of the tabulation or any of the  
10 numbers.

11 So after tabulation is completed, all  
12 absentee ballot vote totals -- and I'm not  
13 talking about just absentee, I'm talking about  
14 all ballot vote totals and precinct level vote  
15 totals -- published shall be reconciled,  
16 verified, and signed off by both the county  
17 supervisor of elections and the Secretary of  
18 State prior to certification by the governor.

19 You know, I think everybody's in a difficult  
20 position, whether it's the Secretary of State or  
21 whether it's the Governor because of the wording  
22 in the Georgia law that says "shall certify."  
23 And I don't think you should certify anything  
24 that you don't feel comfortable with or you at  
25 least haven't checked the numbers.

1           You know, the process might not be -- is  
2 never going to be completely correct and there's  
3 no way it's going to be a hundred percent of, you  
4 know, everybody following every procedure  
5 accurately. But at the end of the day, we've got  
6 numbers and those numbers need to roll up by  
7 precinct, by county, and to the totals that the  
8 Governor's going to sign. And he should feel  
9 comfortable that somebody signed off on those  
10 numbers and they've actually looked at them to  
11 make sure they are the correct numbers.

12           I know that's a lot right there and each one  
13 of these kind of needs a separate look at because  
14 I think some of these -- like I said, we could be  
15 too late on the -- on the numbering of the  
16 absentee ballots since the day we're supposed to  
17 be accepting applications, but I think we need to  
18 get here. Whether it's in this cycle or it's the  
19 next cycle, we should have numerical control over  
20 ballots.

21           And my understanding is that the Dominion  
22 system allows for this and some states use it. I  
23 got that information secondhand from Garland  
24 Favorito. I'm shocked that we don't use it.  
25 That's all I've got.

1           **MR. FERVIER:** Thank you, Mr. Christensen.  
2 Do you have anybody else that wants to speak on  
3 these proposed rules?

4           **MR. CHRISTENSEN:** I do not.

5           **MR. FERVIER:** Okay. Are there questions  
6 from the board for Mr. Christensen?

7           **MS. GHAZAL:** I have a couple of threshold  
8 questions which the first one is,  
9 Mr. Christensen, have you spoken or worked with  
10 any election supervisor on any of these rules?

11           **MR. CHRISTENSEN:** No, uh-uh. No. These are  
12 accounting and auditing rules. These aren't  
13 election rules. These would be things that you  
14 would use for any, you know -- like I said, it's  
15 accounting and auditing 101. This is not  
16 complicated stuff. It's really the most simplest  
17 of any type of accounting you can do, which is  
18 addition. That's all it is. It's adding up  
19 votes. Once you've accounted for the ballots,  
20 then you can add the votes, but you've got to  
21 have control over the ballots before you --  
22 before you count the votes.

23           **MS. GHAZAL:** But do you recognize that a lot  
24 of these would be a really dramatic shift in the  
25 way that counties manage and process ballots

1 right now?

2 **MR. CHRISTENSEN:** Not number 1. I don't  
3 think number 1 would be.

4 **MS. GHAZAL:** Well, number 1 --

5 **MR. CHRISTENSEN:** It's just that's the  
6 configuration setting within the software. Like,  
7 for me to do that in QuickBooks right now, it  
8 would take me five minutes. For me to do it in  
9 SAP would take me five minutes.

10 **MR. FERVIER:** The problem with number 1,  
11 Mr. Christensen, is you're -- you're asking for  
12 different colored ballots. And --

13 **MR. CHRISTENSEN:** Yeah. I think that  
14 might -- I think that might be a little bit, you  
15 know -- the first one, okay, I think -- and those  
16 do come in white anyway. I believe they come  
17 white. The Runbeck ones had color in them, but  
18 these -- the second and third one right there, I  
19 think, we're a long ways out to getting these  
20 printed.

21 **MR. FERVIER:** Well, the problem is that  
22 we -- they can't use colored paper.

23 **MR. CHRISTENSEN:** Oh, you can't?

24 **MR. FERVIER:** No.

25 **MR. CHRISTENSEN:** Why not?



1           **MR. FERVIER:** No, we -- we went through this  
2 about -- another proposal for colored paper came  
3 in in -- I believe it was the May meeting.

4           **MR. CHRISTENSEN:** Okay.

5           **MR. FERVIER:** And we -- we followed up on  
6 that, and so the optical scanners won't read  
7 those colored ballots. This was something that  
8 was already decided at a previous hearing.

9           **MR. CHRISTENSEN:** Okay. I apologize for  
10 that. I'd be happy to drop that and make --

11           **MR. FERVIER:** That's okay.

12           **MR. CHRISTENSEN:** -- an amendment to -- to  
13 wipe out the color. But, I mean, I think they  
14 should still be separate. They should say  
15 absentee on one form, provisional and emergency  
16 on another. They should all be separate.

17           **MS. GHAZAL:** Again, yeah, we did review  
18 this. O.C.G.A. 21-2-383 states that the form for  
19 either ballot shall be determined and prescribed  
20 by the Secretary of State. So this is -- this is  
21 yet again an area that the Legislature has -- has  
22 delegated authority -- has vested authority  
23 solely in the Secretary of State for the form of  
24 our ballots. And my understanding --

25           **MR. CHRISTENSEN:** Okay. Well, that's fine.

1 But this is -- this is numbering. This is a  
2 numbering proposal right here. It's not a --  
3 it's not -- you know, the color -- forget about  
4 the color, but it's numbering, that we have  
5 numbers on the ballots --

6 **MS. GHAZAL:** That is -- that's --

7 (Cross-talking)

8 **MR. CHRISTENSEN:** You know, just like --  
9 just like this right here, and this is a  
10 negotiable instrument, this is a one dollar bill,  
11 nobody's tracking this to me, but every single  
12 one of them has a number on it. And so, you  
13 know, the Treasury decides they want to use that  
14 and there's a lot of those out there.

15 **MS. GHAZAL:** Well, and they also use those  
16 serial numbers to trace ballot -- trace bills  
17 when -- for law-enforcement purposes.

18 But that simply -- it's not within the  
19 authority of the state election board to  
20 determine what the ballot looks like. That is  
21 the -- the Secretary of State's Office that  
22 determines that.

23 **MR. CHRISTENSEN:** But this is not that  
24 issue. This is a numbering issue. This is not  
25 a --

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(Cross-talking)

**MS. GHAZAL:** (indiscernible) --

**MR. CHRISTENSEN:** -- what the ballot looks like. The format of the ballot -- the format of the ballot has to be in compliance with the law and that's not what I'm -- I'm talking about. I'm talking about numbering on the ballot to say there's a -- an actual unique serial number on every ballot. You know, I'm required in the moving industry to have prenumbered bill of ladings. I'm regulated by the state. They say you've got to use prenumbered bill of ladings.

**MS. KING:** I'm pretty sure -- didn't we pass -- don't we have a rule that's in rulemaking right now that Mr. Cross put forward that will separate the ballot -- the absentees from the provisional and emergency?

**MR. FERVIER:** I thought that we might've either deferred it -- is it in rulemaking or did we defer that to determine whether or not we were allowed to even alter the ballot because there was questions about whether we could alter the ballot image? Because I remember the question was brought up about the Secretary of State having sole -- sole authority to do that.

1           **MS. KING:** Okay.

2           **DR. JOHNSTON:** It's in rulemaking.

3           **MR. FERVIER:** Is it in rulemaking? You do  
4 know? Okay. Alex tells me we did initiate  
5 rulemaking on it. I know we discussed it at one  
6 of our previous meetings.

7           **MS. KING:** Yeah. Yeah.

8           **MS. GHAZAL:** And I still -- I still hold  
9 that that exceeds our rulemaking authority.

10          **MR. FERVIER:** Yep, okay.

11          **DR. JOHNSTON:** All right. And I -- I still  
12 hold that we're currently violating Georgia code  
13 because Georgia code says that "absentee ballot"  
14 is the only thing that goes on an absentee ballot  
15 for a label.

16          **MS. KING:** Correct. But I think the point  
17 is that we have that in rulemaking as we speak.

18          **DR. JOHNSTON:** Yes.

19          **MR. CHRISTENSEN:** You have -- you have  
20 numbering in rulemaking right now? Numbering of  
21 the ballots?

22          **MS. KING:** I'm referring --

23          **MR. FERVIER:** No. This is simply labeling  
24 on the ballots.

25          **MS. KING:** Yeah. I'm just referring to

1 the --

2 **MR. CHRISTENSEN:** Okay, yeah. The format of  
3 the ballots I don't care about. It's just the  
4 numbering. It's the serial number.

5 **MS. KING:** But it's inside your petition.

6 **MR. CHRISTENSEN:** It is. Yes, yes.

7 **MS. KING:** Okay.

8 **MR. CHRISTENSEN:** Yeah. And -- and the --  
9 you know, and the tear-off strip to make sure --  
10 this is something that the Secretary of State is  
11 supposed to do, but when he allowed 770,000 of  
12 these to be printed right here, there was no  
13 tear-off strip. The tear-off strip is required  
14 for every ballot except the ballot-marking device  
15 ballots. I don't think a tear-off strip is  
16 required for those.

17 And that's why in lieu -- you know, the  
18 tear-off strip is -- is somewhat like a serial  
19 number but not really because the way you account  
20 for those at the precinct level is you tear off  
21 the strip and that goes in one envelope and then  
22 the provisional or emergency ballot goes in  
23 another envelope. And so you have a reconcilia  
24 -- it allows you to do a reconciliation. That's  
25 the purpose of the tear-off strip.

1           On an absentee that's a mail-in absentee,  
2           you're supposed to tear off the strip yourself  
3           and keep it. I understand a lot of them get sent  
4           back in, but that's a different reconciliation  
5           process there. The reconciliation process there  
6           is the log. It's logging in and making sure that  
7           the totals that were applied for and returned  
8           back agree to -- especially the ones that agree  
9           back are reconciled back to the precinct level,  
10          going back to the procedure that we used to have  
11          in 1992.

12           **MS. GHAZAL:** So moving on, number 4 would  
13          require two ballots to be printed for every  
14          single vote cast.

15           **MR. CHRISTENSEN:** Yeah. Let me --

16           **MS. GHAZAL:** That is not something that I  
17          can in any way, shape, or form support.

18           **MR. CHRISTENSEN:** Yeah. Those aren't  
19          ballots. They're -- they're a -- they're not a  
20          ballot because a ballot would have every -- you  
21          know, a ballot would look like an absentee ballot  
22          and have everything. It's just -- it's a BMD --  
23          it's the audit copy.

24           So HAVA was designed because people did not  
25          like the black box, I guess. So, you know, we

1 were using Diebold back then, DRE. So we went to  
2 the ballot-marking device so it would have a  
3 paper audit copy of what the voters' intent was,  
4 which we've never done anything with except put  
5 them in boxes and file them away. But my  
6 understanding is that is the only legal vote.  
7 That is the legal vote according to Georgia code.

8 So that gets picked up by the county, and it  
9 gets filed, I guess, by precinct and then audited  
10 if it's a risk-limiting audit or recounted if  
11 there's a recount required. But the purpose of  
12 the audit boxes, if you're in, like, a hotel and  
13 there's -- you get a copy of a receipt and it  
14 says audit copy, the purpose of the audit copy is  
15 to have a different chain of custody, different  
16 segregation of duties. And hopefully they never  
17 get called on to even have anything done with  
18 them.

19 You program the machine to print out two.  
20 You can print one or two. You print out -- God  
21 gave us two hands, so you can put one in each  
22 hand. You flip them over, looks like My Vote.  
23 One goes into the scanner. The argument's going  
24 to be, well, if you put it into the scanner, what  
25 if you put them both into the Dominion scanner?

1 If you're using numbering, they're going to be  
2 rejected and come back out.

3 The purpose of the number is to prevent the  
4 duplicate scan, which we've had lots of issues  
5 with duplicate scans.

6 **MS. GHAZAL:** (indiscernible) --

7 **MR. CHRISTENSEN:** So let's get rid of the  
8 issue.

9 **MS. GHAZAL:** -- happened in the -- in the  
10 precinct. Duplicate scans happen in -- during --  
11 have happened during recounts. Are you -- do you  
12 have any -- has any state ever had two ballots?  
13 Because these are ballots -- 95 percent of our  
14 votes in 2022 and I expect 95 percent of our  
15 votes in 2024 are going to be conducted on the  
16 BMD scanner -- BMD ballots and the scanners. Do  
17 we even know if the -- if the machines have the  
18 capability of doing this, much less whether it's  
19 a good idea?

20 **MR. CHRISTENSEN:** I don't know. I think  
21 it's a regular printer setting --

22 **MS. GHAZAL:** It -- I --

23 (Cross-talking)

24 **MR. CHRISTENSEN:** -- that you can -- you can  
25 set any printer to print one or two.



1           **MS. GHAZAL:** The -- do the BMDs do that?  
2           And if they do, that's a huge problem --

3           **MR. CHRISTENSEN:** I think they -- I think  
4           they --

5           (Cross-talking)

6           **MS. GHAZAL:** -- if these are --

7           **MR. CHRISTENSEN:** I think they would do --

8           **MS. GHAZAL:** -- ballots.

9           **MR. CHRISTENSEN:** I think any -- any -- you  
10          know, I don't think we're using -- if you look at  
11          the technology -- you know, it's the software  
12          that we bought. The -- you know, whatever we're  
13          using -- Microsoft Touch or whatever, you know --  
14          you know, pad, ThinkPad or whatever we're using  
15          there at the touchscreen. And the printers are  
16          just -- there's nothing special about that  
17          equipment. It's like HP printer, you know, give  
18          me any compatible Microsoft or android, you know,  
19          laptop. And I think, you know, as long as it's  
20          touchscreen enabled, you can use it.

21                 I don't think there's anything special about  
22          that hardware. It's the software that's special.

23           **MS. GHAZAL:** But, Mr. Christensen, I  
24          appreciate the time and effort that you've put  
25          into trying to put together rules that you think

1 might improve our system. But it's very clear  
2 that this isn't ready for prime time. We don't  
3 even know if our systems can do this.

4 I think it would be a terrible idea to print  
5 out two ballots for every vote. We have no  
6 authority to direct law enforcement to be  
7 taking -- taking custody of this. These are  
8 legislative issues.

9 **MR. CHRISTENSEN:** There's -- there's --

10 **MS. GHAZAL:** (indiscernible) --

11 **MR. CHRISTENSEN:** -- somebody there. I  
12 mean, I think --

13 (Cross-talking)

14 **MS. GHAZAL:** -- (indiscernible) --

15 **MR. CHRISTENSEN:** I believe at every  
16 precinct --

17 **MR. FERVIER:** Okay. Oh, let's --

18 **MR. CHRISTENSEN:** Yeah.

19 **MR. FERVIER:** Let's speak one at a time,  
20 please, and not speak over each other. All  
21 right.

22 **MR. CHRISTENSEN:** Well, I disagree. I think  
23 if you want to solve the problem, let's solve the  
24 problem. We've talked about it now for four  
25 years. If we want to solve it, let's solve it.

1           These are all very solvable and doable -- you  
2           know, fixable problems with the existing people,  
3           process, and technology that we have in place  
4           today. We don't have to blow things up and start  
5           over. We can use the exact same people, process,  
6           and technology that we've got.

7           **MS. GHAZAL:** These are legislative issues.  
8           These are not -- these are not issues that are  
9           conducive to rulemaking. This is an entirely  
10          different process. And, frankly, trying to make  
11          changes like this of this scope in August --  
12          rules that -- and -- when -- go into rulemaking  
13          today will not come in -- into force until early  
14          voting is starting.

15          Do you understand the sort of dramatic  
16          changes that you're suggesting? I just -- I  
17          don't know what we're doing here.

18          **MR. CHRISTENSEN:** You know, I disagree first  
19          of all. I say that these are the types of things  
20          that would be within rulemaking. And as long as  
21          they're not in contradiction to, you know,  
22          federal or state election law, these are the  
23          exact types of things we should be doing.

24          These are reconciliations that allow us to  
25          account for the ballots. Once we've accounted

1 for the ballots, we can count the votes.

2 The other thing about what I'm proposing  
3 here is it allows the system to be auditable.  
4 The system is completely unauditable right now.  
5 There is no way that you could provide any  
6 certification of, you know -- maybe in some of  
7 the smaller counties. There's no way you can  
8 provide any certification of these things. I  
9 mean, it's just -- there's not enough controls in  
10 place the way the current process is set up.

11 There was. We had them. And somehow they  
12 went away. And now, you know, after 250 years,  
13 it's like we're starting over. It's like all the  
14 good stuff we had back in 1992 somehow  
15 disappeared. It's odd because we had a ballot  
16 recap. We had a numbered list of voters, every  
17 precinct. And -- and oddly they've been, you  
18 know, removed somehow. I -- I don't even  
19 understand it because the procedures were solid.  
20 I looked at them and I said, these are great  
21 procedures. If we would do this with every  
22 ballot, we'd have control over the ballots.

23 And, again, I'm going -- what I'm talking  
24 about here is control over the paper ballots,  
25 whether it's a ballot-marking device ballot or

1           whether it's a, you know, absentee, emergency, or  
2           provisional ballot. That's all I'm talking  
3           about. How do we control them? How do we make  
4           sure that we've got a good count, that we know  
5           where they all are? We're supposed to reconcile  
6           the printing records, but we're not doing that.  
7           You know, if we had good reconciliation  
8           procedures, none of this would've -- we wouldn't  
9           have the issues that we've got.

10           So this is -- this is how you fix the system  
11           right here. And guess what? It's a little bit  
12           difficult and it's tedious, but it isn't  
13           technical and it's not hard and it's not like we  
14           don't have the resources to be able to get it  
15           done.

16           And I'm happy to go through each one  
17           individually, like I said. You know, if the --  
18           if the scanner is incompatible with colored  
19           paper, then don't make it colored paper, but do  
20           make them separate. If -- if the requi -- if the  
21           law requirement is that we've got to have  
22           separate absentee ballots, then let's make them  
23           separate from the provisional and the emergency.  
24           All these things might --

25           **MS. KING:** (indiscernible) --

1 (Cross-talking)

2 **MR. CHRISTENSEN:** Yeah. Go ahead, Janelle.  
3 I'm sorry.

4 **MS. KING:** So that aspect of your request is  
5 already in rulemaking. That's what we were  
6 explaining earlier.

7 **MR. CHRISTENSEN:** So the numbering is in --

8 **MS. KING:** That was presented.

9 **MR. CHRISTENSEN:** -- rulemaking already.  
10 The numbering piece?

11 **MS. KING:** Okay. I -- I think the problem  
12 we're having is that -- I feel like we're kind of  
13 talking in circles. So you just mentioned the  
14 separation of the absentee ballots from the  
15 emergency and the provisional. That  
16 particular -- that separation of those doc -- of  
17 that ballot --

18 **MR. CHRISTENSEN:** Okay.

19 **MS. KING:** -- that's already in rulemaking.

20 **MR. CHRISTENSEN:** Great.

21 **MS. KING:** Now, I'm not referring to your  
22 numbering aspect, but I just want you to know  
23 that that part is already in the rulemaking  
24 process.

25 **MR. CHRISTENSEN:** Okay. Okay. The

1 separation is great. That's great. So it really  
2 just comes down to numbering then. The numbering  
3 is what allows us to do the reconciliation. We  
4 can't have a good reconciliation without numbers  
5 on the documents.

6 **MR. FERVIER:** Mr. Christensen, I think that  
7 these rules all need some more work and you  
8 should partner with some election supervisors and  
9 with a member of the board to try and perfect  
10 them. I think that they have some significant  
11 requirements that are not stated in the statute.  
12 That may or may not be an issue.

13 **MR. CHRISTENSEN:** Okay.

14 **MR. FERVIER:** And also that this is  
15 extremely close to an upcoming election to make  
16 these kind of changes.

17 **MR. CHRISTENSEN:** Well, then if we've got  
18 to -- if we've got to push them, then let's push  
19 them, you know. If we have to push them, let's  
20 push them, but let's not stop working. And we've  
21 got some momentum here and I think that, you  
22 know, moving forward is a good thing to do. If  
23 you guys say, hey, we want to defer or, you know,  
24 push the implementation date, I would think that  
25 would be within your authority.

1           **MR. FERVIER:** But I think -- I think they  
2 need some work.

3           Yes, Mr. Jeffares. Mr. Jeffares.

4           **MR. JEFFARES:** I make a motion to deny these  
5 rules but tell the petitioner I would love to  
6 work with him on these in the future.

7           **MR. CHRISTENSEN:** Well ...

8           **MR. FERVIER:** Did you hear that,  
9 Mr. Christensen?

10          **MR. CHRISTENSEN:** Yeah, but -- you know,  
11 let's -- I mean, I would like to go on each one  
12 individually because each one of these is a  
13 separate rule request. And so I'd like an up or  
14 down vote on each one of them. And I know that  
15 some of them need amendment. And if you want to  
16 push this -- I know you've got 30 more people  
17 that have got to speak and you've got more stuff,  
18 but I would like a vote on each one.

19          **MR. FERVIER:** Well, the problem is that you  
20 issued these as one petition.

21          **MR. CHRISTENSEN:** No, I didn't. I have one  
22 letter on the top, but each one of them is a  
23 separate exhibit. It says, Exhibit A, rule  
24 request 1, rule request 2, rule request 3. I  
25 mean, if you want me to put them on, you know,



1 seven different letters to you, I could do that,  
2 but I think that's --

3 **MR. FERVIER:** Well, I think that we --

4 **MR. CHRISTENSEN:** -- form over substance.

5 **MR. FERVIER:** I know we -- we have a board  
6 member that has stated he's willing to work with  
7 you and actually is --

8 **MR. JEFFARES:** (indiscernible) it's just --  
9 just go ahead and -- it's too late. These are  
10 complicated. I'm willing to work with you  
11 because I think you've got some great ideas.

12 **MR. CHRISTENSEN:** Well, I mean they're not  
13 all complicated. Like, not all of them are  
14 complicated and some of them we could -- we could  
15 cut right here. You know, absentee ballot  
16 verification envelopes received after the cut-off  
17 date shall be processed and accounted for  
18 separately in accordance to rule. You know, we  
19 could -- that's rule request number 6. If you  
20 want to say no on that, that's fine. I get it.  
21 If you say there is no cut-off date, let's --  
22 let's kill that one then.

23 **MR. FERVIER:** Well, I mean, you --

24 **MR. CHRISTENSEN:** I thought there was a  
25 cut-off date.

1           **MR. FERVIER:** I understand. We -- but we  
2 have -- we have a motion that needs to be  
3 considered. We have a motion made --

4           **MR. CHRISTENSEN:** Okay.

5           **MR. FERVIER:** -- by member Jeffares to deny  
6 these rules and Mr. Jeffares would work with  
7 Mr. Christensen going forward to try and perfect  
8 these rules.

9           So we have a motion. Do we have a second?

10          **MS. GHAZAL:** Second.

11          **MR. FERVIER:** We have a motion and a second  
12 by member Ghazal to deny these rules as presented  
13 and to -- any discussion? Hearing no discussion,  
14 all those in favor of denying these rules as  
15 presented signify by saying aye.

16          Member Ghazal.

17          **MS. GHAZAL:** Aye.

18          **MR. FERVIER:** Member Johnston. Member  
19 Johnston?

20          **DR. JOHNSTON:** Aye.

21          **MR. FERVIER:** Aye. Member Jeffares.

22          **MR. JEFFARES:** Aye.

23          **MR. FERVIER:** Member Jeffares votes aye.

24          Member King.

25          **MS. KING:** Aye.

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**MR. FERVIER:** The motion carries four to zero. The rules are denied.

But, Mr. Christensen, member Jeffares has offered to work with you and try and perfect these so that you can bring them back before this board at a later date.

**MR. CHRISTENSEN:** Okay. So when do they need to be turned in by to make the September 20th meeting? Because, I mean, some of them I'm going to cut and some of them will -- I still want a -- I want an up or down vote.

**MR. FERVIER:** The -- to be considered they need to be turned in 20 days prior to the meeting.

**MR. CHRISTENSEN:** Okay. So September 1st.

**MR. FERVIER:** Yes.

**MR. CHRISTENSEN:** Or the 31st.

**MR. FERVIER:** Yes.

Member Jeffares, did you have a question?

**MR. JEFFARES:** Yeah. Tell Alex to give him my number and tell him to call me.

**MR. FERVIER:** Yeah. We'll -- we'll give him your contact information.

**MR. CHRISTENSEN:** Okay. Okay. Thank you.

**MR. FERVIER:** Thank you.

1           **MR. CHRISTENSEN:** Okay, thanks.

2           **MR. FERVIER:** The next item on the agenda  
3 is -- well, we're on business -- petition for  
4 amendment of state election board rules presented  
5 by Lucia Frazier. This was a petition that was  
6 heard at the last meeting and it was deferred to  
7 this meeting.

8           Ms. Frazier, are you still online?

9           **MS. FRAZIER:** Yes. Can you hear me?

10          **MR. FERVIER:** Ms. Frazier? Yes, yes. You  
11 have the floor, Ms. Frazier.

12 **Petition for Amendment of State Election Board Rules**  
13 **Presented by Lucia Frazier**

14          **MS. FRAZIER:** Okay. So this was -- this  
15 petition -- I don't really have slides for this,  
16 but I'll just speak to it. So this was to  
17 request that the voter roll that is currently  
18 accessible to the public but it's not free -- and  
19 it's accessible by request to the Secretary of  
20 State at the -- for county and statewide voter  
21 rolls for the prices that I showed listed in the  
22 petition.

23                 So at this point, the -- we've talked about  
24 this with the other petitions as well as far as  
25 the Secretary of State being able to charge for

1 that. My recommendation is that -- well, there's  
2 two parts to this discussion that we can talk  
3 about.

4 One part is the counties do own their own  
5 voter roll data and so they would have the  
6 ability to post on their website their updated  
7 voter rolls with the timestamp. And that could  
8 be something that we could recommend. We can  
9 also still recommend that it's done at the state  
10 level as well. Like I said, I think that the  
11 Secretary of State, if they're going to choose  
12 their price, that they could choose zero. We  
13 could, you know, enforce the Sunshine Law with  
14 our rule or at least word the rule to comply with  
15 the Sunshine Law.

16 So that's -- that's where I'm at with these.  
17 I think there's -- there's probably going to want  
18 to be some discussion on that.

19 **MR. FERVIER:** This one is particular to the  
20 Secretary of State and directing the Secretary of  
21 State to provide these registration files for  
22 free. And I -- you know, I have to make the same  
23 comments I made the before that this board has no  
24 authority to direct the Secretary of State to do  
25 anything.

1           And also the -- you know, as I stated in  
2 statute 21-2-225(c), the Secretary of State by  
3 statute has a right to charge for these -- for  
4 these records. That's -- I mean, it's the same  
5 discussion we had earlier concerning that. And  
6 this particular rule request is -- is simply  
7 to -- an attempt to force them to give these for  
8 free.

9           Does any other board members have any  
10 questions on this?

11           **DR. JOHNSTON:** Mr. Chair.

12           **MR. FERVIER:** Yes, Dr. Johnston.

13           **DR. JOHNSTON:** Yes. Just to repeat. Also  
14 21-2-225, paragraph (b) says they're available  
15 for public inspection. So I don't know how one  
16 would pursue that at the county level or at the  
17 state level. But it does say that they're --  
18 they should be available for public inspection.  
19 And how that is accomplished, I think, Mr. Evans  
20 said he would get back with us on that.

21           Also I wonder -- I asked if -- if any of  
22 these rolls were provided for free. And I think  
23 quite -- actually, they're provided for free to  
24 ERIC. As a matter of fact, we probably pay ERIC  
25 to take our voter rolls and -- and work with

1           them. I don't think we charge ERIC \$480 or  
2           whatever it is.

3           And one idea is why -- why wouldn't one be  
4           able to -- to make an open records request of the  
5           voter rolls and it takes less than 15 minutes to  
6           download such. So and that -- if it's less than  
7           15 minutes of somebody's time, it's supposed to  
8           be free. Would that be a novel way of requesting  
9           the voter rolls? Just -- just an idea.

10          And just, again, once more to the Help  
11          America Vote Act of 2002, section 303 reads: Any  
12          election official in the state including any  
13          local election official may obtain immediate  
14          electronic access to the information contained in  
15          the computerized list.

16          I would like to know how our board could  
17          obtain immediate access to the voter rolls. So  
18          I -- I -- unfortunately -- or reluctantly I agree  
19          that the voter rolls are under the control of the  
20          Secretary of State. And it is probably an issue  
21          that will need to be worked out with the  
22          Secretary of State and their decision about  
23          whether to charge for voter rolls.

24          I'm still concerned about people that cannot  
25          afford \$480 to get a voter roll. It's sort of

1 a -- that whole thing, "pay to play," and I  
2 just -- I find it unfortunate that people without  
3 a lot of money could actually obtain the voter  
4 rolls to do their research or participate in the  
5 elections in that way. But that's all.

6 **MR. FERVIER:** Are there any other questions  
7 from the board on this proposal?

8 **MS. GHAZAL:** Well, for what it's worth, I  
9 just wanted to provide a little bit of color on  
10 the ERIC -- and I'm -- I'm open to being  
11 corrected on this, but my understanding is that  
12 all of the data is actually hashed in a way that  
13 it is not -- there's no individual that can  
14 actually read it in -- within the system, and it  
15 is -- it is matched solely by an algorithm,  
16 computer algorithm.

17 So while the information is sent, it is not  
18 sent in a form that anybody can actually use. I  
19 know that's -- that's a little outside the scope  
20 of this petition and I apologize, but I just want  
21 to make sure that folks understand the way that  
22 that system works.

23 **MR. FERVIER:** Thank you.

24 Are there any other comments or questions  
25 from the board?



1           **DR. JOHNSTON:** I think it would be nice for  
2 the people of Georgia to know more about how ERIC  
3 works and how the security and safety of their  
4 private information is handled and protected.

5           **MS. GHAZAL:** I agree.

6           **MR. FERVIER:** Are there any other questions  
7 or comments from the board? The chair will  
8 entertain a motion on this petition.

9           **MS. GHAZAL:** I move that we reject the  
10 petition on the basis that it is beyond our --  
11 our legal capacity.

12           **MR. FERVIER:** We have a motion to reject  
13 this petition based on the fact that it's beyond  
14 our legal capacity. Is there a second?

15           **MS. FRAZIER:** Could we table this so that --  
16 because I've heard the discussion that we were  
17 going to talk more about it.

18           **MR. FERVIER:** The --

19           **MS. FRAZIER:** I should've spoken up sooner,  
20 but I'm just trying to understand the process.

21           **MR. FERVIER:** Yeah. The board has to act on  
22 the motion that's been made. We have a motion to  
23 reject this petition based upon it's not under  
24 the authority of this board. Is there a second?

25           **MS. KING:** Mr. Chairman, I'm concerned about

1 just directly shooting this down because I'm  
2 still -- I still have questions as to what is the  
3 plan should there be a member of our -- of our  
4 great state who cannot afford to purchase this  
5 document? What is the method of ensuring that  
6 individuals can -- can see this public document?  
7 I -- I think I'm still confused on that. Weren't  
8 we supposed to have an answer, particularly from  
9 attorneys, on whether or not -- on how to go  
10 about that for this meeting? Like, wasn't that  
11 why we tabled it to this meeting?

12 I thought for sure the attorney that was  
13 with us said that they -- she -- she would get me  
14 the information confirming why this will be  
15 outside of our purview and what would be the plan  
16 during those (indiscernible).

17 **MR. FERVIER:** I -- I haven't received that.  
18 And we'd have to make a request of the -- a  
19 written request of the Attorney General's Office  
20 for that information.

21 **MS. KING:** Okay, yeah. We spoke about it at  
22 the board meeting, but I -- I'm all for tabling  
23 this one more time if I -- and I can put in a  
24 written -- I'll shoot an e-mail just -- I just  
25 want to make sure I know what the process is

1 because if we turn this down because, you know,  
2 changing the cost is something that has to be  
3 done through the Secretary of State's Office,  
4 that still leaves the major question which is  
5 what happens to those individuals who can't  
6 afford to pay for a document that's supposed to  
7 be publicly available?

8 **MR. FERVIER:** Member Ghazal made the motion.

9 Member Ghazal, are you -- would you consider  
10 withdrawing your motion and presenting another  
11 motion to table this?

12 **MS. GHAZAL:** Yes. I withdraw my motion to  
13 reject and I will move to table it once -- once  
14 again.

15 **MR. FERVIER:** We have a motion to table this  
16 petition. Do we have a second?

17 **DR. JOHNSTON:** Second.

18 **MR. FERVIER:** Who made the second?

19 **DR. JOHNSTON:** (indicating)

20 **MR. FERVIER:** Member Johnston made the  
21 second. Any discussion? Hearing no discussion,  
22 all those in favor of tabling this petition  
23 signify by saying aye.

24 Member Johnston.

25 **DR. JOHNSTON:** Aye.

1           **MR. FERVIER:** Member Ghazal.

2           **MS. GHAZAL:** Aye.

3           **MR. FERVIER:** Member Jeffares.

4           **MR. JEFFARES:** Aye.

5           **MR. FERVIER:** Member King.

6           **MS. KING:** Aye.

7           **MR. FERVIER:** This motion is tabled for  
8 further consideration.

9           **MS. FRAZIER:** Thank you.

10          **MR. FERVIER:** Thank you, Ms. Frazier.

11          **Discussion of Fulton County Monitor Proposal**

12                 **MR. FERVIER:** The next item on the agenda is  
13 discussion of the Fulton County monitoring  
14 proposal. I want to inform the board that I have  
15 been in contact with the new chairman of the  
16 board, Sherri Allen, and Mrs. Allen and I have  
17 plans to meet next week. It was the first  
18 available date that we could both work out and  
19 everybody could attend.

20                 So we have plans to meet and discuss a  
21 proposal made, I believe, originally by member  
22 Jeffares where -- an alternate proposal where  
23 board members would be able to select members for  
24 a monitoring team.

25                 Are there any questions from the board on

1 that? Or any comments or any further discussion  
2 needed?

3 **DR. JOHNSTON:** Look forward to hearing --  
4 hearing about the outcome of the meeting.

5 **MR. FERVIER:** Okay. Thank you. Okay.

6 The next item on the agenda is a -- "U.S.  
7 citizen only" signs.

8 Dr. Johnston, you wanted that on the agenda.

9 **Signage**

10 **DR. JOHNSTON:** I do. Thank you very much.

11 As you recall, last -- last meeting we  
12 passed -- passed a motion to provide "U.S.  
13 citizens only" to be placed in polling places and  
14 election offices to provide a visual for those  
15 who might not be U.S. citizens to provide a  
16 message that voting in elections in Georgia is  
17 for U.S. citizens.

18 Since that time there have been some new --  
19 news reports of thousands of noncitizens found on  
20 voter rolls in Virginia, 6900; in Alabama by the  
21 Secretary of State, 3000. And the election  
22 officials in those states have moved quickly to  
23 remove noncitizens from their voter rolls.

24 Additionally the Supreme Court is  
25 considering a case for emergency stay for --

1 including 24 states that includes Georgia that  
2 will confirm that states can make rules governing  
3 their own elections, including requiring voters  
4 to show proof of citizenship. But because there  
5 are repeated news articles or concerns, at least  
6 in the media, about the potential or the risk of  
7 noncitizens trying to vote or getting registered  
8 to vote in the state, I would -- I would like to  
9 make -- I would make a motion that rather than  
10 the signage being optional, that we would require  
11 this sign to -- to be placed in all polling  
12 places or all places that are receiving --  
13 processing voters to vote and in election  
14 offices. And the sign should be of at least the  
15 same size as the signage for no -- no cell phones  
16 or no weapons to be placed in a prominent place  
17 at the entrance to the polling place and at each  
18 voter check-in table.

19 **MR. FERVIER:** The -- I think that the proper  
20 procedure here would be that you would need to  
21 make a motion for reconsideration of a previously  
22 passed motion because the previously passed  
23 motion was to send a letter along with it,  
24 advising that it was optional --

25 **DR. JOHNSTON:** Yes.

1           **MR. FERVIER:** -- and -- and it was approved  
2 by this board. And therefore, you would have  
3 to -- I believe you were on the prevailing side  
4 of that and therefore you would be able to make a  
5 motion for reconsideration.

6           **DR. JOHNSTON:** Thank you for reminding me.  
7 I will make -- that motion will be a motion for  
8 reconsideration of such with a letter and a  
9 provision of PDF or formats that the counties can  
10 use to make these signs.

11           **MR. FERVIER:** Let's -- let's -- I believe  
12 that you need to make a motion to reconsider a  
13 previously accepted motion. And we will vote on  
14 the motion for reconsideration, and then you can  
15 make a new motion with sending a letter requiring  
16 it. So ...

17           **DR. JOHNSTON:** All right. I'll make --  
18 Mr. Chair, I'd like to make a motion to  
19 reconsider the previously approved motion  
20 concerning signage in polling places.

21           **MR. FERVIER:** We have a motion to reconsider  
22 the previously approved motion authorizing  
23 signage -- the "U.S. citizen only signage" in  
24 polling places along with a letter that would  
25 stipulate that it was -- they could put it up and

1 it would be on a voluntary basis. Is there a  
2 second?

3 **MR. JEFFARES:** Second.

4 **MS. KING:** Second.

5 **MR. FERVIER:** We have a motion and a second  
6 from member Jeffares. Any discussion? Hearing  
7 no discussion, all those in favor of this motion  
8 to reconsider signify by saying aye.

9 Member Ghazal.

10 **MS. GHAZAL:** Nay.

11 **MR. FERVIER:** Member Johnston.

12 **DR. JOHNSTON:** Aye.

13 **MR. FERVIER:** Member Jeffares.

14 **MR. JEFFARES:** Aye.

15 **MR. FERVIER:** Member King.

16 **MS. KING:** Aye.

17 **MR. FERVIER:** Motion carries three to zero.  
18 Give me one moment. Let me plug in this phone --  
19 it has a low battery -- so we can continue to  
20 hear member Johnston.

21 There we go. We had to plug you in, member  
22 Jeffares.

23 **MR. JEFFARES:** I'm about gone too. I'm down  
24 to 30 percent.

25 **MR. FERVIER:** Are you talking about your



1 phone or yourself?

2 **MR. JEFFARES:** My phone and myself. It's  
3 after midnight here or getting close to it.

4 **MR. FERVIER:** All right. Now, we voted and  
5 the motion carried three to one.

6 Member Johnston, you have another motion.

7 **DR. JOHNSTON:** Yes. Mr. Chair, I make a  
8 motion to -- to provide the signage for U.S.  
9 citizens only to be placed in -- as required  
10 signage to be placed in all polling places where  
11 voting is occurring and election offices to be of  
12 the size -- at least the same size as signage for  
13 no cell phones or no weapons and also to be  
14 placed at each voter check-in table.

15 A letter will be sent from the state  
16 election board with the electronic transmission  
17 of the image for the counties to use. And that  
18 this motion will -- or that this recommendation  
19 will be mandatory.

20 **MR. FERVIER:** We have a motion on the table.  
21 Is there a second?

22 **MS. KING:** Second.

23 **MR. JEFFARES:** Second.

24 **MR. FERVIER:** We have a second from member  
25 Jeffares. Any discussion?

1           **MS. GHAZAL:** I have one question. Are there  
2 any other signs that are mandatory both in the  
3 precinct and also at every check-in place?

4           **DR. JOHNSTON:** There are many signs that are  
5 mandatory according to voting laws. And --

6           **MS. GHAZAL:** Right. That's not my question.  
7 At each -- at each check-in location is there --  
8 are there signs that are provided both in --  
9 within the precinct and at each check-in  
10 location, which is what your -- your motion is?

11           **DR. JOHNSTON:** Not that I know of.

12           **MS. GHAZAL:** So this is the only sign --  
13 this is the only prohibi -- the only prohibition  
14 that is getting that sort of blanket coverage?

15           **MS. KING:** Okay.

16           **MS. GHAZAL:** Just want to clarify and make  
17 sure we all -- we're all operating from the same  
18 basis of understanding.

19           **MS. KING:** I mean, that could possibly be  
20 the case, but, I mean, this is also a unique  
21 situation. I, too, have received several  
22 notifications, messages, alerts. I've read about  
23 several different cases where this could possibly  
24 pose a major problem, particularly it's already  
25 showing up in some other states. And so I think

1 it's -- it warrants this form of attention and it  
2 also allows those who are here, who may be here  
3 illegally or those who are here legally but are  
4 still under -- learning our election process, it  
5 creates a precedent for -- for us going forward  
6 and a layer of -- a barrier for those who don't  
7 understand what we allow and what we don't allow.

8 **MR. FERVIER:** Any further comments from the  
9 board? We have a motion and a second. All those  
10 in favor signify by saying aye.

11 Member Ghazal.

12 **MS. GHAZAL:** Nay.

13 **MR. FERVIER:** Member Johnston.

14 **DR. JOHNSTON:** Aye.

15 **MR. FERVIER:** Member Jeffares.

16 **MR. JEFFARES:** Aye.

17 **MR. FERVIER:** Member King.

18 **MS. KING:** Aye.

19 **MR. FERVIER:** The motion carries three to  
20 one. That dispenses with our old business.

21 We will go back to public comment now. We  
22 have about 600 less people online so we will see  
23 how many people have stuck around long enough to  
24 make public comment.

25 **DR. JOHNSTON:** Mr. Chair.

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**MR. FERVIER:** Yes.

**DR. JOHNSTON:** I'm sorry. One -- one last piece of business maybe just to be clear that the petitions that were heard today will be posted so that they may be heard on the September 20th meeting; is that correct?

**MS. HARDIN:** All of them? Or just ...

**MR. FERVIER:** No, just the ones for --

**DR. JOHNSTON:** The ones -- the ones that were --

**MR. FERVIER:** The ones for rulemaking procedures.

**DR. JOHNSTON:** -- that were approved and --

**MR. FERVIER:** For rulemaking procedures.

**DR. JOHNSTON:** -- and for rulemaking.

**MR. FERVIER:** You have till the 21st. So you have two days.

**DR. JOHNSTON:** Okay. But no -- no later than that. Posting no later than that.

**MR. FERVIER:** Yeah. I'm sorry. Alex?

**MS. HARDIN:** If y'all can review and approve before the end of the 21st.

**MR. FERVIER:** Oh. It may be a long night. Alex is going to do her -- Alex is going to do her best to do it. So --

1           **MR. JEFFARES:** Hey, Mr. Chairman. I've got  
2 one last question too.

3           **MR. FERVIER:** Yes.

4           **MR. JEFFARES:** At the end of the day, we --  
5 we talked about some of these that might be not  
6 our job, might not be what we're supposed to do.  
7 Is Legislative Counsel, Attorney General,  
8 Secretary of State -- has any of these attorneys  
9 ruled on this stuff? I mean, they should know.  
10 And if they've got an objection to it, shouldn't  
11 they let us know they've got an objection to it?

12           **MR. FERVIER:** Well, you would hope so. We  
13 send it to them, and I don't think we --

14           (Cross-talking)

15           **MR. JEFFARES:** (indiscernible) to be that  
16 they've got all this time, you know, but it -- we  
17 shouldn't have a debate on whether this stuff is  
18 our duty or not. They should let us know whether  
19 it's our duty or not. Don't you think?

20           **MR. FERVIER:** Well, we send it to them. And  
21 so --

22           **MR. JEFFARES:** I mean, if they don't  
23 respond, then I guess they've got no complaint  
24 against it.

25           **MS. KING:** I mean, they're responding --

1 there's media. I saw the press --

2 (Cross-talking)

3 **MR. FERVIER:** (indiscernible) -- The  
4 press -- I'm sorry. I'm sorry.

5 Member Jeffares, would you continue please?

6 **MR. JEFFARES:** I hate to hear anybody say  
7 we're out of order, we're out of order, and  
8 nobody from the Attorney General, Secretary of  
9 State, or Legislative Counsel has said anything.  
10 What are they doing?

11 **MR. FERVIER:** Well, we --

12 **MR. JEFFARES:** If they have an objection,  
13 they should let us know they've got an objection  
14 to the rules. And that's starting to get  
15 frustrating to me. And I don't even know any  
16 other way to say it.

17 If they think we're out of order, they  
18 should tells we're out of order. And the fact  
19 they're not telling us we're out of order, then I  
20 guess they're saying that we -- we're doing what  
21 we're supposed to do.

22 **MR. FERVIER:** Pertaining to the rules?

23 **MR. JEFFARES:** Yes.

24 **MR. FERVIER:** Yes, pertaining to the rules,  
25 yes. We -- I can't answer for them. All -- all

1 I know is that we send them the -- as required.

2 So ...

3 **MR. JEFFARES:** And if they don't reply, then  
4 they must think we're doing the right thing.  
5 That's all I want to say.

6 **MR. FERVIER:** Your -- your -- your opinion  
7 is on the record, member Jeffares.

8 Member King.

9 **MS. KING:** Yes. I would like to add to that  
10 on the record. I've noticed that our Secretary  
11 of State has been speaking to the public that he  
12 has grave concerns about the actions of this  
13 state election board, yet he has yet to have  
14 communicated with any board member, of my  
15 knowledge. He may have spoken to you or  
16 member -- member Ghazal.

17 But I know myself, Dr. Jan, I don't think  
18 we've received anything from the Secretary of  
19 State saying that he has grave concerns or at  
20 least alluding to why he has grave concern. So I  
21 do think that this is a major issue, is that we  
22 are -- we're hearing through the media about  
23 concerns from the Secretary of State's Office but  
24 no one is communicating with us.

25 And I think it should be on the record that

1 we have yet to have been contacted by the  
2 Secretary of State's Office, particularly the  
3 Secretary himself, who has -- has concerns about  
4 our actions.

5 **MR. JEFFARES:** And the Attorney General.

6 **MR. FERVIER:** We received two letters today  
7 from the Attorney General that I have forwarded  
8 to the board, member Jeffares.

9 **MS. KING:** Today?

10 **MR. JEFFARES:** (indiscernible) am sorry  
11 about that.

12 **MR. FERVIER:** Okay. Yes, I forwarded them  
13 earlier today.

14 **MS. KING:** So he had -- so they -- again,  
15 we're not getting anything in time to review it  
16 before the board meeting begins. You know, I do  
17 think that's a valid concern is that we cannot  
18 keep utilizing the excuse that we can't do  
19 something because it's outside of our purview  
20 when we request the -- the attorneys to provide  
21 us with some type of understanding and we get  
22 nothing.

23 **MR. FERVIER:** The letters received today  
24 were not related to items on the agenda today.

25 **MS. KING:** Okay. Well, that just proves my



1 point. I'm not sure what they're writing us  
2 about rather than what's on the agenda.

3 **MR. FERVIER:** The board has been copied on  
4 those letters. I sent them sometime midday  
5 today. I received this morning, sent them  
6 sometime midday today. So ...

7 **MR. JEFFARES:** I'll have to go back and  
8 look. Thanks -- thank you, Mr. Chairman.

9 **Public Comment**

10 **MR. FERVIER:** Okay. Are we ready to proceed  
11 with public comment?

12 Oh, boy. Kevin Olazonoi(ph)? Kevin  
13 Olazonoi. He's what? Oh, we don't show him on.  
14 The next individual, Matthew Bolin(ph). Matthew  
15 Bolin's no longer online. Next individual,  
16 speaker is Brittany(ph) Burns. Brittany Burns is  
17 no longer online. The next individual is Garland  
18 Favorito.

19 Mr. Favorito, it appears that you're still  
20 with us. Can you hear us? Mr. Favorito, your  
21 mic is on, but we can't hear you. Mr. Favorito,  
22 we still can't hear you. Mr. Favorito, we'll  
23 come back to you. You need to check and see if  
24 your mic is on or if you're having a computer  
25 issue there.

1           The next speaker is Tamara Favorito.

2           Ms. Favorito is still online.

3           Ms. Favorito, we're unable to hear you.

4           **MS. FAVORITO:** Okay. Can you hear me?

5           **MR. FERVIER:** Yes, we can hear you now,  
6           Ms. Favorito.

7           **MS. FAVORITO:** Thank you. And Garland was  
8           having technical problems. He can come down here  
9           to my computer after if you're fine with that.

10           But I just want to say I -- I heard the heat  
11           that the board took during public comments  
12           earlier today. And I want to tell you how much I  
13           appreciate all of you. I see how hard you are  
14           all working. And I just want to remind everybody  
15           once again that this is not supposed to be a  
16           nonpartisan board except for our chairman.

17           And I think the board has proved by the way  
18           they have worked together on some of these issues  
19           today that they do put their political parties  
20           aside to do what's right. And if we're going to  
21           be concerned about conflicts, we can look at a  
22           prior board member who was a lobbyist for the  
23           counties that this board sometimes had to  
24           investigate. Those are the conflicts we need to  
25           be concerned about.

1           But for all of you, thank you so much. I  
2 appreciate that you are taking a lot of heat for  
3 this and I'm -- I'm sorry for it. I appreciate  
4 your efforts. Thank you.

5           **MR. FERVIER:** Thank you, Ms. Favorito. Is  
6 Garland with you now?

7           **MS. FAVORITO:** Garland? He says could you  
8 go to the next speaker and then come back.

9           **MR. FERVIER:** We can.

10           The next speaker is Katie Benson.  
11 Ms. Benson is no longer online. The next speaker  
12 is Leticia Ellerson. Ms. Ellerson is no longer  
13 online. Next speaker is Sonya Sood, S-o-o-d.  
14 Ms. Sood is no longer online. Next speaker is  
15 Greg Davis. Mr. Davis?

16           **MR. DAVIS:** Yes. Can you hear me?

17           **MR. FERVIER:** Yes, we can.

18           **MR. DAVIS:** Okay, great. Let me just get my  
19 sound properly -- am I loud enough?

20           **MR. FERVIER:** Yes, you're perfect. You have  
21 two minutes, please.

22           **MR. DAVIS:** Okay, thank you. I thought  
23 school board meetings were long. They only  
24 lasted five hours.

25           As a voting precinct worker in Clarke County

1 for a few election cycles, I believe counting of  
2 ballots at the precinct level is a bad idea. As  
3 many have already said, there are  
4 chain-of-custody issues, a greater chance of  
5 error, and a greater possibility of a ballot  
6 being misplaced in a school, church, or community  
7 center that are used as precincts.

8           Though I was initially hopeful that  
9 Ms. King's amendment to provide that this ballot  
10 count be done by the next day at the local board  
11 of elections, her final language that this must  
12 be done by each precinct manager and assistant  
13 manager is not helpful. Is it really realistic  
14 to ask these individuals to show up the next day  
15 at the board of elections to conduct a count?  
16 What if one but not the other can show up?  
17 Additionally, how is the time for this individual  
18 precinct ballot count to be established by  
19 10 p.m. on the night of the election? Why can we  
20 not depend on the permanent and temporary staff  
21 that are stationed at the local board of  
22 elections during the election period? Why  
23 involve precinct workers?

24           In Clarke County we arrive in our precinct  
25 at 6 a.m. to complete set up. Every hour,

1 beginning at seven, we then record the numbers  
2 obtained from the poll pads, ballot-marking  
3 devices, and scanner on the hour. At 7:00 it  
4 takes myself and five coworkers almost two hours  
5 to record the final counts on the poll pads,  
6 ballot-marking devices, and scanner, shutting --  
7 shut down -- shut down the equipment using a  
8 couple of dozen digit-coded zip ties -- ties,  
9 store all the equipment in their cases, gather  
10 and count all materials used during the day which  
11 includes tables, batteries, signs, styluses,  
12 et cetera.

13 As to the scanner, two poll workers power  
14 down the scanner, unlock the scanner, pull out  
15 the ballots, and both get on their hands and  
16 knees to ensure that all the ballots are out of  
17 the machine and put those ballots in a case that  
18 is locked.

19 The last thing we --

20 **MR. FERVIER:** Thank you, Mr. Davis.

21 **MR. DAVIS:** -- on the precinct level is to  
22 do -- to do at 8:30 p.m. is to have hundreds of  
23 ballots spread out on a school lunch room table  
24 to be stacked and counted.

25 **MR. FERVIER:** Thank you, Mr. Davis.

1           **MR. DAVIS:** We are trying to focus on  
2 closing down and eating dinner. Thank you for  
3 your --

4           **MR. FERVIER:** Thank you, Mr. Davis.

5           **MR. DAVIS:** -- attention.

6           **MR. FERVIER:** Thank you, Mr. Davis. Thank  
7 you.

8           Mr. Favorito, are you online now?

9           **MR. FAVORITO:** Yes, I am. Can you hear me  
10 okay?

11           **MR. FERVIER:** Yes, I can. You have two  
12 minutes, sir. Please start.

13           **MR. FAVORITO:** Oh, I -- I hate to take -- I  
14 hate to take two more minutes, but on Friday  
15 Secretary of State Brad Raffensperger conducted a  
16 WSB-TV interview that y'all were just talking  
17 about, where he attacked this board by implying  
18 it's passing rules that are illegal.

19           As a former SEB chair, he knows full well  
20 that every state election board rule is vetted by  
21 Legislative Counsel before a final vote, as  
22 member Jeffares just said. Counsel ensures the  
23 board passes rules within their legal authority  
24 and some of the law that I want to quote to you  
25 shows that his claims are, in fact, false.

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In regards to certification, O.C.G.A. 21-2-78 states that the certifying board members duties are, quote: To inspect systematically and fairly the conduct of primaries and elections to the end that primaries and elections may be honestly, efficiently, and uniformly conducted.

Mr. Hancock, a board member, has previously explained that the attestation board member must sign requires them to, quote, certify that the attached election result summary is a true and correct count of the votes cast in this county. Their oath, stated in O.C.G.A. 21-2-20 (15) (b) requires them to swear, quote: That I will to the best of my ability prevent any fraud, deceit, or abuse and, quote: I will make a true and perfect return of such primaries and elections.

Attorney MacDougald explained that if a board member falsely swears to inaccurate results, the member can be charged with a felony under O.C.G.A. 16-10-20. And Commissioner Thorne explained that O.C.G.A. 21-2-493 states, quote: That the superintendent shall then examine all of the registration and primary or election documents.

These statutes show an unbiased individual

1 that the board is legally correct in the actions  
2 it took today and in its last meeting.

3 I thank the board for rejecting the bogus  
4 legal arguments and refusing to rubberstamp  
5 corrupt secretly counted elections.

6 **MR. FERVIER:** Thank you, Mr. Favorito.  
7 Appreciate your comments.

8 The next speaker is Aleta(ph) Silverman.  
9 Ms. Silverman is no longer online. The next  
10 speaker is Amy Leventhal. Ms. Leventhal is no  
11 longer online. Next speaker is Michelle  
12 Spellman. Ms. Spellman is no longer online.  
13 Next speaker is Larry LeSueur.

14 Mr. LeSueur, are you still online with us?  
15 Mr. LeSueur?

16 **MR. LESUEUR:** I am here. Can you hear me?

17 **MR. FERVIER:** Yes, sir. You have two  
18 minutes. Please proceed.

19 **MR. LESUEUR:** Thank you.

20 I'm a voter from Cherokee County. Please  
21 note that at least two of the outside speakers in  
22 favor of altering Georgia's current election  
23 procedures are what might be described as  
24 professional partisans from the right-wing group  
25 Heritage Foundation which is also responsible for



1 the extremist Project 2025.

2 Indeed, both Hans Von Spakovsky and Ken  
3 Cuccinelli are listed among the authors of the  
4 subjectively anti-American manifesto.

5 A point to consider: In 2018, in *Fish vs*  
6 *Kobach*, Judge Julie Robinson ruled that  
7 Spakovsky's claims of voter fraud were not backed  
8 up with provable researched cases. The judge  
9 said, quote: Spakovsky's clear agenda and  
10 misleading statements render his opinions  
11 unpersuasive, unquote.

12 Another point: Spakovsky shared his views  
13 of voter fraud in the movie, *2000 Mules*. That  
14 movie was so thoroughly debunked and widely  
15 ridiculed that it's distributor issued an apology  
16 and pulled the movie from circulation. For an  
17 administration known to value loyalty over  
18 honesty, that these two appointees of previously  
19 Republican administrations may be angling for  
20 positions in a new one should be considered.

21 A recent USA Today headline reads: Trump  
22 says Georgia election board members are, quote,  
23 pit bulls for his victory, unquote. But is that  
24 their job? He thinks it is and maybe he's right.

25 The SEB was formed by the Republican

1           Legislature after losing two Senate seats in the  
2           presidential election. The result of fielding  
3           extremely weak candidates with the top of the  
4           tickets spewing a litany of (indiscernible)  
5           claims of voter fraud. It's under the specter of  
6           these false claims, along with member of -- with  
7           compromising interests and political PACs, job  
8           offer prospects of their own, cheerleading at  
9           political campaign rallies, and the partisan  
10          nature of its creation in an apparent attempt to  
11          find in 2024 that 11,780 votes that Trump was  
12          looking for in 2020, that the decisions of this  
13          board and Trump's trio of pit bulls must be  
14          viewed.

15                 Please do what's right, not just what's  
16                 right for your party.

17                 **MR. FERVIER:** Thank you, Mr. LeSueur.

18                 The next speaker is George Balbona.

19                 Mr. Balbona, are you still online?

20                 Mr. Balbona, we can't hear you. Your mic has  
21                 been turned on. Mr. Balbona, are you still  
22                 online?

23                 We'll move on. The next speaker is Ahmad  
24                 Surika(ph). Mr. Surika is no longer online.  
25                 Next speaker is Cynthia Ingram(ph). Cynthia

1 Ingram is no longer online. The next speaker is  
2 Vivek Shenoi(ph). Vivek Shenoi is no longer  
3 online. The next speaker is Elaine Morris.  
4 Elaine Morris is no longer online.

5 That is the last of our speakers list. The  
6 agenda for today has been completed. The  
7 motion -- I mean, the chair will entertain a  
8 motion to adjourn.

9 **MS. KING:** So moved.

10 **MR. FERVIER:** We have a motion to adjourn.  
11 Do we have a second?

12 **DR. JOHNSTON:** Second.

13 **MR. FERVIER:** We have a motion to adjourn  
14 and a second. All those in favor signify by  
15 saying aye.

16 Member King.

17 **MS. KING:** Aye.

18 **MR. FERVIER:** Member Johnston.

19 **DR. JOHNSTON:** Aye.

20 **MR. FERVIER:** Member Ghazal.

21 **MS. GHAZAL:** Aye.

22 **MR. FERVIER:** Member Jeffares is no longer  
23 online. The motion carries three to zero. This  
24 meeting is now adjourned. Thank you.

25 (Adjourned at 6:28 p.m.)

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CERTIFICATE

STATE OF GEORGIA

I hereby certify that the foregoing meeting was taken down, and was reduced to typewriting under my direction; that the foregoing transcript is a true and correct record given to the best of my ability.

The above certification is expressly withdrawn upon the disassembly or photocopying of the foregoing transcript, unless said disassembly or photocopying is done under the auspices of Steven Ray Green Court Reporting, LLC and the electronic signature is attached thereto.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties; nor am I financially interested in the action.

This, the 26th day of September 2024.

\*\*Mary K McMahan\*\*

Mary K McMahan, CCR  
Certified Court Reporter  
Certificate Number 2757

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# **STATE ELECTION BOARD**

## **NOTICE OF PROPOSED RULEMAKING**

### **Revisions to Subject 183-1-12-.12 *Tabulating Results***

TO ALL INTERESTED PERSON AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Election Board, (hereinafter "SEB") proposes the attached amendments to Subject 183-1-12-.12 (Tabulating Results).

This notice, together with an exact copy of the proposed new rules and a synopsis of the proposed rules, is being distributed to all persons who have requested, in writing, that they be placed on a distribution list. A copy of this notice, an exact copy of the proposed rule amendments, and a synopsis of the proposed rule amendments may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official state holidays, at the Office of the Secretary of State, Elections Division, 2 Martin Luther King Jr. Drive, S.E., 8th Floor West Tower, Atlanta, Georgia 30334. These documents will also be available for review on the State Election Board's web page at: <https://sos.ga.gov/page/proposed-state-election-board-rules-and-rule-amendments> . Copies may also be requested by contacting the State Election Board at: [ahardin@sos.ga.gov](mailto:ahardin@sos.ga.gov) .

To provide the public an opportunity to comment upon and provide input into the proposed rule amendments, a public hearing will be held on Friday, September 20, 2024 at 9:00 A.M. The meeting will take place at the Georgia State Capitol, Room 341.

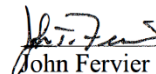
Information regarding how to join and provide public comment at the meeting will be available on the State Election Board's webpage at: <https://sos.ga.gov/page/state-election-board-meetings-events> .

Public comments given at the meeting will be limited to two minutes per person. Additional comments may be given using the following means and must be received by noon on September 19 to be considered by the State Election Board:

- Electronically by emailing [SEBPublicComments@sos.ga.gov](mailto:SEBPublicComments@sos.ga.gov)
- By mailing comments to:  
State Election Board  
C/O Alexandra Hardin  
2 Martin Luther King Jr. Drive, S.E.  
8th Floor West Tower Suite 802  
Atlanta, Georgia 30334

This notice is given in compliance with O.C.G.A. §50-13-4.

This 21st day of August 2024.



John Fervier  
Chair, State Election Board

Posted: August 21, 2024

**SYNOPSIS OF THE PROPOSED RULE  
OF THE STATE ELECTION BOARD  
RULE 183-1-12-.12 *Tabulating Results***

Purpose: The purpose of the rule is to ensure the secure, transparent, and accurate counting of ballots by requiring a systematic process where ballots are independently hand-counted by three sworn poll officers. The rule mandates detailed documentation, sealing, and certification of ballot counts, with provisions for resolving inconsistencies and communicating any counting that occurs outside the polling location to relevant parties.

Main Features: The main features of the amendments to this rule are that requires the poll manager and two sworn poll officers to unseal ballot boxes, remove and record the ballots, and have three poll officers independently count them. Once all three counts match, they sign a control document. If discrepancies arise between the hand count and recorded totals, the poll manager must resolve and document the inconsistency. The counted ballots are sealed in labeled containers, signed to ensure integrity.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED  
AMENDMENTS OF THE STATE ELECTION BOARD,  
RULE 183-1-12-.12 *Tabulating Results***

NOTE: Underlined text is proposed to be added.

**Rule 183-1-12-.12(a)(5)**

5. The poll manager and two witnesses who have been sworn as poll officers as provided in O.C.G.A. § 21-2-94 and 21-2-95 shall unseal and open each scanner ballot box, remove the paper ballots from each ballot box, record the date and time that the ballot box was emptied and present to three sworn precinct poll officers to independently count the total number of ballots removed from the scanner, sorting into stacks of 50 ballots, continuing until all of the ballots have been counted separately by each of the three poll officers. When all three poll officers arrive at the same total ballot count independently, they shall each sign a control document containing the polling place, ballot scanner serial number, election name, printed name with signature and date and time of the ballot hand count. If the numbers recorded on the precinct poll pads, ballot marking devices [BMDs] and scanner recap forms do not reconcile with the hand count ballot totals, the poll manager shall immediately determine the reason for the inconsistency; correct the inconsistency, if possible; and fully document the inconsistency or problem along with any corrective measures taken. A separate container shall be used for the hand counted paper ballots from each ballot box and the container shall be labelled with the polling place, ballot scanner serial number, the number assigned to the ballot scanner for that election, the scanner counts of the ballots from the tabulation tape, and the hand count ballot total as certified by the three poll officials. The container shall be sealed and signed by the poll manager and two of the three hand count poll officers such that it cannot be opened without breaking the seal. The poll manager and two witnesses shall sign a label affixed to the container indicating that it contains all the hand counted ballots from the indicated scanner box and no additional ballots.

- a. The decision about when to start the process described in this rule is up to the Poll Manager or Assistant Poll Manager. This decision can be made at the end of Election Day, or if a scanner possesses more than 750 ballots on Election Day, the Poll Manager can choose to start the next day and finish during the week designated for county certification. This decision should take into account factors such as staffing requirements, fatigue, and concerns about efficiency and accuracy.
- b. If the ballot counting is to take place after Election Day, the relevant ballots, tabulation tapes, enumerated voter lists, and polling information shall be sealed in a tamper-proof container and the number of the seal noted. The counting shall occur in the County election office on the next business day following Election Day and must conclude prior to any scheduled or announced post-election audits. The process must be completed within the designated county certification period.
- c. Counting will take place as mentioned in this rule. The process of opening, counting, and resealing ballots must be conducted in the presence of the relevant poll manager or assistant poll manager. These procedures must be conducted publicly to ensure transparency.
- d. If the counting of ballots takes place at any time or place other than the polling location, the supervisor of elections must immediately communicate the date, time, and place of such action with all candidates on the ballot and the county chair of both major political parties no later than 10:00 pm on Election Day. The poll manager shall post such information on the outside windows of the polling location together with all other information required to be so posted.

Authority: O.C.G.A. §§ 21-2-483(a), 21-2-436, 21-2-420(a)

## **COPY OF THE PROPOSED NEW RULE**

### **Rule 183-1-12-.12(a)(5)**

5. The poll manager and two witnesses who have been sworn as poll officers as provided in O.C.G.A. § 21-2-94 and 21-2-95 shall unseal and open each scanner ballot box, remove the paper ballots from each ballot box, record the date and time that the ballot box was emptied and present to three sworn precinct poll officers to independently count the total number of ballots removed from the scanner, sorting into stacks of 50 ballots, continuing until all of the ballots have been counted separately by each of the three poll officers. When all three poll officers arrive at the same total ballot count independently, they shall each sign a control document containing the polling place, ballot scanner serial number, election name, printed name with signature and date and time of the ballot hand count. If the numbers recorded on the precinct poll pads, ballot marking devices [BMDs] and scanner recap forms do not reconcile with the hand count ballot totals, the poll manager shall immediately determine the reason for the inconsistency; correct the inconsistency, if possible; and fully document the inconsistency or problem along with any corrective measures taken. A separate container shall be used for the hand counted paper ballots from each ballot box and the container shall be labelled with the



polling place, ballot scanner serial number, the number assigned to the ballot scanner for that election, the scanner counts of the ballots from the tabulation tape, and the hand count ballot total as certified by the three poll officials. The container shall be sealed and signed by the poll manager and two of the three hand count poll officers such that it cannot be opened without breaking the seal. The poll manager and two witnesses shall sign a label affixed to the container indicating that it contains all the hand counted ballots from the indicated scanner box and no additional ballots.

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- b. If the ballot counting is to take place after Election Day, the relevant ballots, tabulation tapes, enumerated voter lists, and polling information shall be sealed in a tamper-proof container and the number of the seal noted. The counting shall occur in the County election office on the next business day following Election Day and must conclude prior to any scheduled or announced post-election audits. The process must be completed within the designated county certification period.
- c. Counting will take place as mentioned in this rule. The process of opening, counting, and resealing ballots must be conducted in the presence of the relevant poll manager or assistant poll manager. These procedures must be conducted publicly to ensure transparency.
- d. If the counting of ballots takes place at any time or place other than the polling location, the supervisor of elections must immediately communicate the date, time, and place of such action with all candidates on the ballot and the county chair of both major political parties no later than 10:00 pm on Election Day. The poll manager shall post such information on the outside windows of the polling location together with all other information required to be so posted.

Authority: O.C.G.A. §§ 21-2-483(a), 21-2-436, 21-2-420(a)

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# **GEORGIA ASSOCIATION OF VOTER REGISTRATION AND ELECTION OFFICIALS**

September 17, 2024



Dear Members of the State Election Board,

The Georgia Association of Voter Registration and Election Officials (GAVREO) offers the following feedback on the eleven rules that have been posted for rulemaking to be voted on at your September 20<sup>th</sup> meeting.

We hope you understand that our role is to administer elections in a nonpartisan manner. To that end, any feedback that we provide during the rulemaking process is not only nonpartisan but is rooted in decades of practical election administration experience. We do not oppose rules because we are lazy or because a political operative or organization wants us to. We oppose rules because they are poorly written, inefficient, would not accomplish their stated goals, or go directly against state law. The proposed rules under consideration are not simply “common sense” rules that no reasonable person could disagree with.

The 2024 General Election is less than 50 days away and by-mail voting starts today for some counties and no later than this Saturday for all counties. Ballots have been designed, procured, and are presently being issued to military and overseas voters. Election officials are training thousands of poll workers daily across the state and are already working to educate the public on what to expect throughout the voting process and beyond. We respectfully ask that these proposed rules, and any other petitions for rulemaking, be tabled until 2025.

## **1. 183-1-12-.01 (Absentee Ballot Distinction)**

GAVREO opposes this rule because it goes against state law, will waste taxpayer money, and cannot be implemented prior to the upcoming election.

As we have previously stated, distinguishing between different types of hand marked paper ballots will do nothing to increase the chain of custody of those ballots. However, we would be remiss if we did not inform the board that the opportunity to adopt this rule prior to the 2024 General Election has already passed.

It takes a significant amount of time to design, proof, and order hand-marked paper ballots before the first ballot is ever issued to a voter. That process is routinely completed between 60-70 days prior to any major statewide election so registrars can meet deadlines enumerated in both state and federal law. For the upcoming election we are required to

mail absentee-by-mail ballots to military and overseas voters beginning as early as Tuesday, September 17<sup>th</sup> and no later than Saturday, September 21. Ballots will be mailed to all other requestors on Monday, October 7<sup>th</sup>. Considering that rules are not in place until a minimum of 20 days after the Board votes to adopt them, the earliest day that this rule could be in place is October 10<sup>th</sup> – weeks after ballots have been delivered to counties and three days after we will send ballots to most absentee-by-mail voters.

The stated purpose of this proposed rule is to improve the security and chain of custody of hand-marked paper ballots by ensuring that absentee-by-mail ballots are visually distinct from emergency and provisional ballots. However, knowing the reason that any ballot was cast does almost nothing to address the chain of custody of that ballot but will potentially violate the secrecy of ballots cast in small batches (such as provisional ballots). Rather, we track the chain of custody of hand-marked paper ballots using printed text both on the ballot and the attached stub that is specific to each ballot.

**2. 183-1-12-.12 (Reconciliation)**

GAVREO is neutral on this rule, but believes that this rule is unnecessary.

Poll workers are already required to record the number of ballots cast from the screen of each in-person scanner on the appropriate paperwork. That number is already printed on the results tape for redundancy (and it's worth noting that the number of ballots cast on the results tape is a printed version of what is already on the screen). This rule is redundant and simply could provide the poll managers with an opportunity to make a clerical error on official paperwork.

**3. 183-1-12-.12 and 183-1-14-.02 (Hand Counting)**

While GAVREO appreciates the Board's efforts to amend the proposed rule to address our concerns, we continue to oppose the rules for the reasons we have previously stated including: the rule's potential to delay results; set fatigued employees up for failure; and undermine the very confidence the rule's author claims to seek. Please see our previous comments for more detail about our concerns with this rule.

**4. 183-1-12-.12 (Reconciliation Reports)**

GAVREO does not object to this rule as it will provide more transparency to the election process, but we have identified what we believe is an inconsistency with the rule. If the goal of the rule is to require counties to post the reconciliation report referenced by the rule to their respective county websites, and to allow counties without a county website to post it at their office instead, it appears that the rule provides a county with the choice to report on the website or at the office at its discretion.

While GAVREO does not object to this particular rule, we do object to passing rules within 90 days of the election.

**5. 183-1-12-.13 (Storage of Returns)**

GAVREO does not object to this rule on the condition that the State Election Board provides any additional memory cards that our members may need for future elections.

We acknowledge the importance of retaining election data contained on certain memory cards for a sufficient period of time. However, procuring a new set of memory cards for every election will be expensive even if we procure them through the most economical source possible rather than the current recommended supplier.

Also, we want to be clear that we are not saying that the data described in the rule should not be retained. We simply think that there are more efficient ways to accomplish that goal. For example, each in-person scanner contains two identical memory cards for redundancy. Only retaining one memory card would cut costs in half.

**6. 183-1-12-.19 (Voter Lists)**

GAVREO opposes this rule as it seems to assume that there is a static list of eligible electors that cannot be changed during the voting process. That is simply not the case. Registrars are often required to update the list during active elections for a variety of reasons.

For example, O.C.G.A. § 21-2-224 describes the deadline for anyone to apply to register to vote in an election. That does not imply that they must be registered by that date – only that the application has to be submitted by that date. Furthermore, we are required to accept any application that is received through the mail as long as the application is postmarked on or before the deadline. In fact, that same code section requires election officials to accept any mailed application that does not have a postmark but was received by the Secretary of State's Office no later than 25 days prior to the election.

Another example is O.C.G.A. § 21-2-220(d) that requires registrars to provide applicants 30 days to provide any missing information, and to only finish processing those applications when that information is received (which can occur on Election Day). One last example is that O.C.G.A. § 21-2-407 expressly authorizes registrars to correct the list of electors during every primary and election as we discover errors or omissions.

It is worth noting that Electors Lists are not used during Advance Voting and are only used at Election Day Polling Places. Advance voting is a form of absentee voting, and O.C.G.A. § 21-2-381(b)(1) requires that each application is verified against the information on file at the registrar's office rather than against the electors list.

The Board should also know that the Supplemental List is a document that is often filled out by hand by the poll workers at the direction of a registrar while voting is taking place. It cannot be posted online for public review weeks before Election Day, and the Secretary of State has no way to gather that information statewide as the rule describes.

**7. 183-1-12-.21 (Daily Reporting)**

GAVREO is neutral on this rule as it seems to attempt to make the voting process more transparent by including the number of ballots cast in related daily reporting requirements. However, we are concerned that it contains different reporting requirements for Primary and General Elections. Paragraph (1)(a) requires that registrars include the number of ballots cast in their daily reports for primary election, paragraph (1)(b) does not require those numbers to be reported for General Elections, and special elections are never mentioned. We would prefer if there was one standard report for all three types of elections.

**8. 183-1-13-.05 (Poll Watchers at Tabulation Center)**

GAVREO is neutral on this rule.

**9. 183-1-14-.02 (Reconciliation)**

GAVREO regrettably opposes this rule because it creates a situation where a county may miss a reporting deadline that is required by law.

Our members routinely reconcile the number of absentee ballots cast to the number of voters who were issued ballots throughout the absentee voting period. However, mistakes happen and as a result discrepancies occur that must be investigated prior to certification.

However, under this rule we only have an hour to investigate any discrepancy to the satisfaction of the Election Superintendent before any absentee results can be reported. But, for the majority of our counties the superintendent is the full board and cannot be expected to meet during one of the busiest times on Election Day. Per the rule as written, this rule would effectively contradict the law adopted by the legislature passed this year that expressly requires us to report absentee results within an hour of the polls closing.

While we wholeheartedly agree that the numbers described in this rule should be reconciled and any discrepancies explained prior to certification, the timeline described in the rule is unreasonable.

**10. 183-1-14-.11 (Chain of Custody)**

GAVREO opposes this rule because it fails to increase chain of custody, enhance security, or improve transparency. Furthermore, it cites a law that does not exist.

The main feature of the proposed rule states that it requires absentee-by-mail ballots to be tracked to ensure chain of custody. However, the rule never actually requires us to track absentee-by-mail ballots. The changes in the rule are:

- a. That the registrars use a common carrier that offers tracking to send ballots, and
- b. That the registrars maintain any USPS tracking records generated by this process in accordance with O.C.G.A. § 50-17-70.

The rule never requires registrars to track absentee-by-mail ballots. It requires registrars to retain records that are not generated by the USPS. Furthermore, O.C.G.A. § 50-17-70 does not exist.

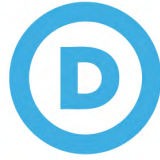
Also, even if the rule was not fundamentally flawed, it is too late to pass the rule for the upcoming election. (See the response to 183-1-12-.01 for the applicable timeframes.)

Sincerely,

GAVREO Executive Board

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# GEORGIA DEMOCRATS

September 19, 2024

State Election Board  
2 Martin Luther King Jr. Drive, S.E.  
8th Floor West Tower Suite 802  
Atlanta, Georgia 30334

*Via Email only to [SEBPublicComments@sos.ga.gov](mailto:SEBPublicComments@sos.ga.gov)*

**Re: Comment Regarding Notices of Proposed Rulemaking to Amend Rules 181-1-12-.01, 183-1-12-.12(a)(5), 183-1-12-.19(6)(a), 183-1-13-.05, 183-1-14-.02**

Chairman Fervier and State Election Board Members,

The Democratic Party of Georgia submits this comment in opposition to the following proposed revisions to the State Election Board Rules (“Proposed Rules”):

1. **Rule 183-1-12-.12(a)(5)** (Hand Counting), requiring new hand-counting procedures for primary and general elections.
2. **Rule 183-1-14-.02** (Advance Voting Hand Counting), requiring new hand-counting procedures during the advance voting period.
3. **Rule 181-1-12-.01** (Absentee Ballot Distinction), requiring provisional ballots to be marked “separately and distinctly” from absentee ballots.
4. **Rule 183-1-13-.05** (Poll Watchers in Tabulating Center), expanding the number of poll watcher observation areas.
5. **Rule 183-1-12-.19(6)(a)** (Voter Lists), requiring the state and counties to provide free and accessible lists of eligible voters before early voting begins.

The Proposed Rules will not benefit voters, nor will they facilitate the administration of orderly, secure elections – in November or beyond. The Proposed Rules are solutions in search of a problem and the only people who stand to benefit from them are a group of partisan actors desperate to vindicate unmoored, debunked conspiracy theories about a “stolen election” who are now seeking to have Georgia’s November 5, 2024 election take place in a chaotic environment under the guise of multiple new rules for which county election officials have not received sufficient guidance or training.<sup>1</sup>

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<sup>1</sup> See e.g., Russ Bynum, *Conservative Group Tells Judge it has no Evidence to Back its Claims of Georgia Ballot Stuffing*, AP News (Feb. 14, 2024, 4:06 PM), <https://apnews.com/article/georgia-elections-true-vote-ballot-stuffing-199113b47bc2df79c63fdf0>

This Board has the limited authority to “promulgate [only] such rules and regulations . . . as will be conducive to the fair, legal, and orderly conduct of primaries and elections.”<sup>2</sup> The Proposed Rules rip straight through this statutory directive in stark violation of Georgia law.<sup>3</sup> At a time when rules for the upcoming election should be fixed and clear, this Board is knowingly courting confusion and chaos.<sup>4</sup> It’s not surprising, then, that this Board is currently the subject of multiple ethics complaints,<sup>5</sup> lawsuits,<sup>6</sup> and international media attention arising from its

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[07cd23115](#); Owen Averill, Annabel Hazrati, and Elaine Kamarck, *Widespread Election Fraud Claims by Republicans Don’t Match the Evidence*, Brookings (Nov. 23, 2024), <https://www.brookings.edu/articles/widespread-election-fraud-claims-by-republicans-dont-match-the-evidence>; Press Release, Ga. Sec’y of State Office, State Election Board Clears Fulton County “Ballot Suitcase” Investigation; Report Finds No Evidence of Conspiracy, No Fraud (June 20, 2023), <https://sos.ga.gov/news/state-election-board-clears-fulton-county-ballot-suitcase-investigation-report-finds-no>.

<sup>2</sup> O.C.G.A. § 21-2-31.

<sup>3</sup> See O.C.G.A. § 45-10-3(1) (stating that “each member of all boards . . . created by general statute shall . . . [u]phold the Constitution, laws, and regulations of the United States, the State of Georgia and all governments therein and never be a party to their evasion”); *id.* § 45-10-3(2) (stating that “each member of all boards . . . created by general statute shall . . . [n]ever discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration”); *id.* § 45-10-3(8) (stating that “each member of all boards . . . created by general statute shall . . . [n]ever engage in other conduct which is unbecoming to a member or which constitutes a breach of public trust”).

<sup>4</sup> See Press Release, Ga. Ass’n Voter Registration & Election Offs., GAVREO Calls on State Elections Board to Pause Future Rule Changes Ahead of Presidential Election (Aug. 21, 2024), <https://www.democracymonitor.com/wp-content/uploads/2024/08/Press-Release.pdf> (“Given the proximity of the election, introducing new rules at this stage would create unnecessary confusion among both the public and the dedicated poll workers and election officials who are critical to ensuring a smooth and efficient voting process.”); Caleb Groves, *County election boards urge the State Election Board to pause rule making*, Atlanta Journal Constitution (Sep. 17, 2024), <https://www.ajc.com/politics/county-election-boards-ask-the-georgia-state-election-board-to-pause-rulemaking/7QVUVXYNUVD3TB6SUGAJRY5PVI/>.

<sup>5</sup> SEB Ethics Complaint by C. Woolard, <https://www.documentcloud.org/documents/25048992-seb-ethics-complaint-c-woolard> (last accessed Sep. 14, 2024); Nabilah Islam, X (Aug. 19, 2024, 7:11 PM), <https://x.com/NabilahIslam/status/1825671961235570950>.

<sup>6</sup> Jeff Amy & Kate Brumback, *Democrats Sue to block Georgia rules that they warn will block finalization of election results*, AP News (2024), <https://apnews.com/article/georgia-democrats-state-election-board-rules-republicans-74017952697aa0db904fc043d94ada5c> (last visited Sep 14, 2024).; American Oversight v. Georgia State Election Board - Open Meetings Act violation, American Oversight (2024), <https://americanoversight.org/litigation/complaint-american-oversight-v-georgia-state-election-board-open-meetings-act-violation> (last visited Sep 14, 2024).

politicized role in a critical swing state on the eve of a Presidential election.<sup>7</sup> Indeed, Secretary of State Brad Raffensberger has said “[l]egal precedent is pretty clear. You shouldn’t change rules in the middle of an election.”<sup>8</sup>

The Board has an opportunity now to dispel appearances of impropriety. For these reasons and those that follow, the Board should reject the Proposed Rules.

**I. Objections to Rules 183-1-12-.12(a)(5) (Hand Counting) and 183-1-14-.02 (Advance Voting Hand Counting)**

As explained previously, the proposed hand counting rules are poor solutions in search of a problem.<sup>9</sup> These rules are ripe for human error, vulnerable to abuse, and would add considerably to the workload demanded of election workers.<sup>10</sup> And they are demonstrably ineffective. For example, last year in Spalding County, ballot counters made an adding error when comparing the machine tally to the hand tally.<sup>11</sup> Each total was off significantly until the adding error was fixed.<sup>12</sup> On multiple occasions, observers noticed hand counters miscounting, election workers calling out the wrong numbers, and multiple people complaining of fatigue.<sup>13</sup> At the August 19 Board meeting, Member King proposed language addressing this final concern with respect to Election Day voting<sup>14</sup> – but the added language creates more problems than it resolves.

When the Election Day hand-counting rule was considered at this Board’s August 19 meeting, Member King proposed language giving the Poll Manager or Assistant Poll Manager

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<sup>7</sup> See e.g., Nick Corasaniti, *How a Far-Right Takeover of Georgia’s Election Board Could Swing the Election*, New York Times (Aug. 19, 2024),

<https://www.nytimes.com/2024/08/19/us/politics/trump-2024-georgia-elections.html>.

<sup>8</sup> Amy Gardner & Josh Dawsey, *Decision on Georgia Election Board Threatens Kemp’s Détente with Trump*, Wash. Post (Aug. 30, 2024, 7:42 AM),

<https://www.washingtonpost.com/politics/2024/08/29/trump-kemp-georgia-election-board>.

<sup>9</sup> See Exhibit A, *Comment Regarding Notice of Rulemaking to Amend Subject 183-1-12-.12(a)5 (“Tabulating Results”)* (Aug. 18, 2024) (objecting to the hand-counting procedures for primary and general elections).

<sup>10</sup> See *id.*

<sup>11</sup> <https://allvotingislocal.org/blog/georgia-elections-highlight-absurdity-counting-ballots-by-hand>

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Curiously, the proposed hand-counting rule for advance voting does not allow Poll Managers any discretion to delay counting – even though some early voting locations can see as many as hundreds or thousands of votes on a given day. For example, in the 2022 midterm elections, 231,063 people voted on the last day of early voting. See Georgia voters set all-time midterm early turnout record | Georgia secretary of State, <https://sos.ga.gov/news/georgia-voters-set-all-time-midterm-early-turnout-record> (last visited Sep 14, 2024). Fulton County alone received 283,084 in-person ballots during the 17 days of early voting in the 2022 midterm elections. See Data Hub - November 8, 2022 general election | Georgia secretary of State, <https://sos.ga.gov/data-hub-november-8-2022-general-election> (last visited Sep 14, 2024).

the discretion to begin the hand-counting process the day after Election Day, “tak[ing] into account factors such as staffing requirements, fatigue, and concerns about efficiency and accuracy.” What happens, though, if election workers express fatigue or an inability to hand count votes on Election Day but the Poll Manager decides to initiate the process anyways? The Proposed Rule prescribes no method of resolution. Further, many election workers cannot secure time off from their full-time jobs to potentially participate in a multi-day process of unknowable length. As previously flagged, Fulton, Gwinnett, Cobb, and DeKalb Counties would likely require 847, 642, 576, and 575 additional poll workers, respectively, to carry out this hand-counting process on Election Day.<sup>15</sup> How many more volunteers would these counties need if the process extends across multiple days?

Additionally, the implications of these rules have not fully been considered. What happens if the hand counts are not completed on time? Are those votes thrown out? Would the delay provide County Boards of Election with a pretext to vote against certification on the mistaken belief that they are entitled to do so as part of their “reasonable inquiry” under the Board’s recently adopted rules? Furthermore, this rule is likely to impact more populous counties, which in Georgia are historically more Democratic. This may create an inaccurate perception on Election Night that Democratic candidates received fewer votes than would be reflected in a final count. History has shown that bad actors will use this development as a pretext to allege the existence of improprieties.<sup>16</sup>

Adding these unnecessary steps to complete before closing polls will only burden tabulation and certification efforts and sow distrust in the electorate.<sup>17</sup> What’s more, early voting in the November 5, 2024 General Election begins in four weeks. County administrators have no time to implement and train workers on these new procedures. To promulgate this Proposed Rule would be a dereliction of duty and a recipe for disaster. Accordingly, this Board should reject both proposed hand count rules.

## **II. Objections to Rule 181-1-12-.01 (Absentee Ballot Distinction)**

The Board should reject the proposed Absentee Ballot Voting Distinction rule for three reasons. *First*, as the Chair and Member Ghazal have warned, the Proposed Rule is a direct violation of Georgia law. Georgia law invests the Secretary of State with the authority “to

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<sup>15</sup> See Exh. A at 5.

<sup>16</sup> See, e.g., Jane C. Timm & Adam Edelman, *The 2020 election took days to call. Could it happen again this year?*, NBC News (Feb. 27, 2024), <https://www.nbcnews.com/politics/2024-election/election-wait-mail-ballots-swing-states-rcna140221> (noting that during 2020 election “Trump allies portrayed slow counting of mail ballots as a sign of fraud”).

<sup>17</sup> See *id.* (“Poll workers already stand at scanners to ensure that counters accurately reflect deposited ballots. In addition, current procedures require frequent comparison during the day among poll pads, ballot monitoring devices, and scanner numbers.”); see also Press Release, Ga. Ass’n Voter Registration & Election Offs., *supra* note 5 (“In a time when maintaining public confidence in elections is more important than ever, making changes so close to Election Day only serves to heighten concerns and fears among voters.”).

determine the forms of nomination petitions, **ballots**, and other forms.”<sup>18</sup> This Board does not have authority to direct the Secretary of State regarding the contents or form of provisional or absentee ballots.

*Second*, the Proposed Rule would go into effect *after* the first ballots have been printed. The Board will vote on this proposal Friday, September 20. If adopted, the regulation will not go into effect for another twenty days, at the earliest. Absentee ballots are set to be mailed to uniformed military and overseas voters on September 21, the day after this Board votes on the Proposed Rule. The passage of such a rule this close to when absentee ballots will be mailed thus risks the possibility of ballots being invalidated and votes not being counted simply due to election administrators not having sufficient time or resources to procure new ballots and otherwise adjust to new regulations.

*Third*, this rule is unnecessary because there are painstaking laws and procedures in place to prevent the intermixing of absentee ballots and emergency/provisional ballots.<sup>19</sup> Absentee ballots and provisional ballots are tracked and counted through entirely separate processes. Absentee ballots must be mailed or personally delivered to a voter’s county board of registrars or else personally delivered to an approved drop box location.<sup>20</sup> Absentee ballots must then be processed and verified before they can be counted, a process that includes “writ[ing] the day and hour of the receipt of the ballot receipt on its envelope.”<sup>21</sup> Finally, if the voter has signed the voter’s oath, the person assisting has signed the required oath, if applicable, and the identifying information entered on the absentee ballot envelope matches the same information contained in the voter’s registration record, the registrar or clerk will sign or initial their name below the voter’s oath, certifying the ballot.<sup>22</sup> The voter’s name is then added to a numbered list of absentee voters for a given precinct.<sup>23</sup>

Georgia law also outlines a thorough framework for casting<sup>24</sup> and counting<sup>25</sup> provisional ballots. Moreover, counties have established, printed procedures for distinctly cataloging provisional ballots. Take Richmond County for example.<sup>26</sup> In Richmond County, poll workers are instructed to immediately place voted provisional ballots into sealed, orange Provisional Ballot Bags.<sup>27</sup> The “Voter’s Certificate, ballot stub and any other forms completed during the

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<sup>18</sup> O.C.G.A. § 21-2-50(a)(1).

<sup>19</sup> *See generally* O.C.G.A. § 21-2-380 et seq.; Exh. B, Richmond County, *The Poll Worker Manual* (March 26, 2024).

<sup>20</sup> O.C.G.A. §§ 21-2-382, 21-2-385.

<sup>21</sup> *Id.* § 21-2-382(a)(1)(B).

<sup>22</sup> *Id.* § 21-2-386(a)(1)(B).

<sup>23</sup> *Id.*

<sup>24</sup> *See id.* § 21-2-418 (“Such person voting a provisional ballot shall complete an official voter registration form and a provisional ballot voting certificate which shall include information about the place, manner, and approximate date on which the person registered to vote.”); Ga. Comp. R. & Regs. r. 183-1-12-.18 (“Provisional Ballots”).

<sup>25</sup> *See* O.C.G.A. § 21-2-419; ; Ga. Comp. R. & Regs. r. 183-1-12-.18 (“Provisional Ballots”).

<sup>26</sup> Richmond County’s 2024 Poll Worker Manual is attached hereto as Exhibit B.

<sup>27</sup> *See* Poll Worker Manual, *supra* note 18, at 36.

process” are then “place[d] in [an] orange Provisional Folder.”<sup>28</sup> Further, “[w]hile the voter is voting, [poll workers must] write the voter’s name, time, precinct number, and provisional code on the Numbered List of Provisional/Challenged Voters.”<sup>29</sup> Poll workers also track the number of Provisional Ballots issued during the election, noting any discrepancies.<sup>30</sup>

In sum, the Proposed Rule is poorly thought out and legally dubious. The Proposed Rule’s author did not – and could not – even cite or allege specific instances where absentee and provisional ballots were mixed up in the past. This type of baseless overreach and last-minute rulemaking is the exact reason why this Board is currently the subject of multiple ethics complaints and lawsuits.<sup>31</sup> The Board should thus reject this needless proposal.

### **III. Objections to Rule 183-1-13-.05 (Poll Watchers in Tabulating Center)**

We also object to the proposed revisions to Rule 183-1-13-.05, which would expand the number of poll watcher observation areas, for the obvious reason that this proposal grossly and unlawfully threatens the security and privacy of Georgia’s elections. Georgia law is clear about the areas in which poll watchers may observe tabulation processes:

[I]n the locations **designated by the superintendent within the tabulating center**. Such designated locations shall include the check-in area, the computer room, the duplication area, and **such other areas as the superintendent may deem necessary** to the assurance of fair and honest procedures in the tabulating center.<sup>32</sup>

The Proposed Rule would remove from the superintendent’s discretion the decision to allow poll watchers to observe “provisional ballot adjudication of ballots, closing of advanced voting equipment, verification and processing of mail in ballots, memory card transferring, regional or satellite check in centers and any election reconciliation processes.” Some of these processes do not even involve vote tabulation, and some are intentionally private to reduce the risk of private, personal identifiable information being disclosed. For example, absentee ballots are processed and verified in private because that process involves signature verification and other information such as a voter’s date of birth and their driver’s license number, state identification card, or the last four digits of their social security number.<sup>33</sup> Poll watchers may observe the scanning of absentee ballots *only after* those ballots have been separated from

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<sup>28</sup> *Id.*

<sup>29</sup> *Id.* at 35.

<sup>30</sup> *Id.*

<sup>31</sup> *See supra* notes 6 & 7.

<sup>32</sup> O.C.G.A. § 21-2-408(c) (emphasis added).

<sup>33</sup> O.C.G.A. § 21-2-386(a)(1)(B). *See also id.* § 21-2-386(a)(1)(A) (“The board of registrars or absentee ballot clerk *shall keep safely, unopened, and stored in a manner that will prevent tampering and unauthorized access* all official absentee ballots received from absentee electors.” (emphasis added)).

personally identifiable information.<sup>34</sup> (Even then, this process is governed by a separate rule – Rule 183-1-14-.14, *Early Absentee Ballot Processing*.)

Beyond its legal infirmities, this Proposed Rule should also be rejected because there is insufficient time before the November general election for political parties, bodies, and candidates to adequately recruit and prepare poll watchers for these new roles and locations. This increases the possibility of a partisan imbalance among poll watchers at various polling locations around the state. There is also the risk of inconsistent election administration between larger and smaller counties, where the number of election staff and volunteers is comparatively limited. All of this raises concerns about potential distractions and, in a worst case scenario, interference with the county employees' efforts to tabulate votes reminiscent of the “Brooks Brothers Riot” at the Miami-Dade County Elections Office during the recount following the 2000 Presidential Election.<sup>35</sup>

#### **IV. Objections to Rule 183-1-12-.19(6)(a) (Voter Lists)**

Lastly, we urge this Board to reject Proposed Rule 183-1-12-.19(6)(a) because it exceeds the Board's statutory authority and attends to baseless claims of voter fraud.

The State Election Board has no authority to direct the Secretary of State and individual county election boards to “post a freely accessible link to the certified time-stamped list of Electors.” Controlling federal law provides that “each State, **acting through the chief State election official**, shall implement . . . a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level.”<sup>36</sup> Georgia's corresponding law explicitly reserves determinations about list maintenance and accessibility to the Secretary of State:

[A]ll data collected and maintained on electors whose names appear on the list of electors **maintained by the Secretary of State**. . . . It shall be the duty of the Secretary of State to furnish copies of such data as may be collected and maintained on electors whose names appear on the list of electors maintained by the Secretary of State pursuant to this article, within the limitations provided in this article, on electronic media or computer run list or both. **Notwithstanding any other provision of law to the contrary, the Secretary of State shall establish the cost to be charged for such data.**<sup>37</sup>

In voting to initiate rulemaking on this Proposed Rule, the Board once again ignored the plain black-letter law that binds it. But make no mistake: this Board cannot lawfully enforce the dictates of this proposal. Voter Lists are available for purchase online through the Secretary of

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<sup>34</sup> *See id.* § 21-2-386(a)(2)(A).

<sup>35</sup> *See* Michale E. Miller, ‘It’s insanity!’: How the ‘Brooks Brothers Riot’ killed the 2000 recount in Miami, Washington Post (Nov. 15, 2018), <https://www.washingtonpost.com/history/2018/11/15/its-insanity-how-brooks-brothers-riot-killed-recount-miami>.

<sup>36</sup> 52 U.S.C. § 21083(a)(1)(A) (emphasis added).

<sup>37</sup> O.C.G.A. § 21-2-225(a)-(b) (emphasis added).

State’s website.<sup>38</sup> The Board may implore the Secretary of State to adjust his policies, but adopting the Proposed Rule would knowingly run afoul of state and federal laws – and for no good reason.

As stated above, there have been no credible findings of widespread voter fraud in Georgia.<sup>39</sup> Adopting the Proposed Rule will encourage vigilantism that merely erodes the public’s trust. The Secretary of State and county boards of elections are best positioned to maintain voter rolls. Indeed, there are many valid reasons why a voter’s information might appear incomplete or inaccurate on public lists. For example, a voter who has obtained a restraining order, or who’s a resident of a family violence shelter, may have their address kept confidential.<sup>40</sup> Private citizens, however, will not be able to divine this information from public Voter Lists. Making Voter Lists with necessarily incomplete information freely accessible is a recipe for disaster when certain actors interpret any omission from such lists as proof of fraud or foul play.

Lastly, this Rule would not go into effect until Friday, October 11, at the earliest. That’s four days before the start of early voting and twenty days after the first mailing of absentee ballots to military and overseas voters. Again, this Board cannot fall into the temptation of taking unnecessary action and must refrain from rewriting rules in the run-up to a major election. To implement this rule (and defend against the formal and informal challenges<sup>41</sup> that inevitably follow) will require counties to divert limited resources that should be focused on the upcoming election. This Board has an obligation to avoid such an outcome.

### **Conclusion**

For the foregoing reasons, we respectfully urge the Georgia State Elections Board to reject these Proposed Rules. We also request that the Board include this comment in the rulemaking record. O.C.G.A. § 50-13-4(a)(2). If the Board votes to adopt the proposed rule, we request that it “issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.” *Id.*

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<sup>38</sup> See *Order Voter Registration Lists and Files*, <https://sos.ga.gov/page/order-voter-registration-lists-and-files> (last visited Sept. 19, 2024).

<sup>39</sup> See *supra* note 1.

<sup>40</sup> See *VoteSafe*, <https://sos.ga.gov/page/votesafe> (last visited Sept. 19, 2024).

<sup>41</sup> It’s worth noting that federal and state laws severely restrict voter roll maintenance within 90 days of a federal election. The National Voting Rights Act prohibits all activities constituting “systematic” list maintenance within 90 days of a federal election. See 52 U.S.C. §20507(c)(2)(A). Georgia law offers an additional protection by postponing all challenges pursuant to O.C.G.A. § 21-2-230 brought within 45 days of an election. See O.C.G.A. § 21-2-230(b)(1). Adopting the Proposed Rule now will potentially lead to frustrating conflict between newly deputized private citizens and voter protection laws.



Sincerely,

/s/ Tolulope Kevin Olanoye

Tolulope Kevin Olanoye  
Executive Director  
Democratic Party of Georgia

CC:

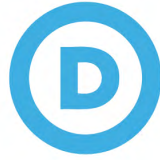
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**EX. A**



# GEORGIA DEMOCRATS

August 17, 2024

State Election Board  
2 Martin Luther King Jr. Drive, S.E.  
8th Floor West Tower Suite 802  
Atlanta, Georgia 30334

*Via Email only to [SEBPublicComments@sos.ga.gov](mailto:SEBPublicComments@sos.ga.gov)*

**Re: Comment Regarding Notice of Rulemaking to Amend Subject  
183-1-12-.12(a)5 (“Tabulating Results”)**

Chairman Fervier and State Election Board Members,

The Democratic Party of Georgia respectfully submits the following comment opposing the proposed revision to State Election Board Rule 183-1-12-.12(a)5 (Tabulating Results) (“the Proposed Rule”), requiring new hand-counting procedures for primary and general elections. These procedures would require election workers to cross-check hand-counted ballot totals with “the numbers recorded on the precinct poll pads, ballot marking devices [BMDs] and scanner recap forms.”<sup>1</sup> Workers would then be directed to correct perceived inconsistencies between these varying records before placing voted ballots in sealable containers.<sup>2</sup>

At best, the Proposed Rule represents an unnecessary effort to address accounting errors that manifestly do not affect the outcome of Georgia’s elections.<sup>3</sup> At worst, it’s an inconspicuous effort to sow distrust within the electorate and sully election outcomes. For these reasons and those that follow, the Board should reject the Proposed Rule.

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<sup>1</sup> See Exhibit A, State Election Board Notice of Proposed Rulemaking, Revisions to Subject 183-1-12-.12. *Tabulating Results*, July 18, 2024.

<sup>2</sup> *Id.*

<sup>3</sup> See Press Release, Ga. Sec’y of State Office, *Georgia’s 2022 Statewide Risk Limiting Audit Confirms Results* (Nov. 18, 2022), <https://sos.ga.gov/news/georgias-2022-statewide-risk-limiting-audit-confirms-results> (explaining that the Secretary of State’s risk limiting audit confirmed the accuracy of voting machine counts in the 2022 election).

## **I. The risk of human error outweighs any perceived benefit of hand-counting ballots.**

Put simply, hand-counting ballots on the proposed scale within the time mandated by law<sup>4</sup> will invite utter chaos and confusion.<sup>5</sup> This Board is charged with “promulgat[ing] such rules and regulations . . . as will be conducive to the fair, legal, and orderly conduct of primaries and elections.”<sup>6</sup> The Proposed Rule fundamentally ignores this statutory directive.

Hand-counting thousands of ballots, even in units of 50, is a long, monotonous task that demands keen attention. It’s not hard to imagine, then, how such hand-counts might frustrate tabulation and certification efforts at the end of long election days.<sup>7</sup> Sticky fingers or a moment’s carelessness could easily derail the process. The Proposed Rule also overlooks the very real risk of ballots being misplaced or damaged while election workers handle loose papers for an extended period of time. A gust of wind or clumsy gesture, for example, could result in mixed stacks or missing ballots. And that’s to say nothing of the risks presented by bad actors with desires to delegitimize the process. As Secretary of State Raffensperger stated in response to the Proposed Rule, “having poll workers handle ballots at polling locations after they have been voted introduces a new and significant risk to chain of custody procedures. Georgia law already has secure chain of custody protocols for handling ballots, and efforts to change these laws by unelected bureaucrats on the eve of the election introduces the opportunity for error, lost or stolen ballots, and fraud.”

So let’s be clear: the Proposed Rule neither identifies nor rectifies a procedural defect. Rather, it attends to unfounded myths about election fraud – and proposes a system that is significantly more vulnerable to abuse and error than the one in place. In short, this is a (poor)

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<sup>4</sup> Under Georgia law, “[a]s soon as possible but not later than 11:59 P.M. following the close of the polls on the day of a primary, election, or runoff, the election superintendent shall report to the Secretary of State and post in a prominent public place the following information: (1) [t]he number of ballots cast at the polls on the day of the primary, election, or runoff, including provisional ballots cast; (2) [t]he number of ballots cast at advance voting locations during the advance voting period for the primary, election, or runoff; and (3) [t]he total number of absentee ballots returned to the board of registrars by the deadline to receive such absentee ballots on the day of the primary, election, or runoff.” O.C.G.A. § 21-2-421 (emphasis added).

<sup>5</sup> See Press Release, Brad Raffensperger, Raffensperger Defends Georgia’s Election Integrity Act from Last Minute Changes Delaying Election Results (Aug. 15, 2024), <https://sos.ga.gov/news/raffensperger-defends-georgias-election-integrity-act-last-minute-change-s-delaying-election> (“The General Assembly knew that quick reporting of results and certification is paramount to voter confidence and passed S.B. 202, but misguided attempts by the State Election Board will . . . undermine chain of custody safeguards. Georgia voters reject this 11th hour chaos, and so should the unelected members of the State Election Board.” (emphasis added)).

<sup>6</sup> O.C.G.A. § 21-2-31(emphasis added).

<sup>7</sup> Frequently Asked Questions, FAYETTE COUNTY POLL WORKER FAQ, <https://fayettecountyga.gov/elections/poll-worker-faq> (last visited Aug 15, 2024) (stating that “[a]ll poll workers should anticipate a minimum 14 hour day, which may include a lot of standing and or sitting in one position.”).

solution in search of a problem. As discussed further below, already existing guardrails adequately secure cast ballots and ensure the accuracy of results.

## **II. The suggested language will undermine existing security protocols and potentially compromise voter privacy.**

Although the Proposed Rule states that these amendments are necessary to “enhance election integrity by providing a checkpoint outside of the electronic system [and] more accurate results,” the practical import would be the opposite. The Proposed Rule would complicate procedures that already achieve these aims while potentially compromising voters’ constitutional expectations of privacy.<sup>8</sup>

The Rule in its current form requires a poll manager and two sworn witnesses to place completed ballots in a sealable container when they remove those ballots from a ballot box, and to log/inventory that container for secured storage until the time of tabulation.<sup>9</sup> “The poll manager and the same two witnesses who emptied the ballot box shall [then] complete and sign a form indicating that the ballot box was properly emptied and the ballots were properly stored and secured.”<sup>10</sup> Trained poll watchers may be present to observe this process.<sup>11</sup>

As this Board knows, Georgia law already requires county election superintendents to conduct “precertification risk-limiting audits”<sup>12</sup> with “a risk limit of not greater than 10 percent.”<sup>13</sup> Time and time again, these audits have confirmed that existing security and tabulation procedures produce honest, accurate results.<sup>14</sup> The Petition from which the Proposed Rule

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<sup>8</sup> See Press Release, Brad Raffensperger, *supra* note 5 (“Throughout this year, the Secretary of State’s office has been traveling across the state working with county election officials to conduct audits and site inspections that ensure the state’s voting equipment is secure and in working order.”).

<sup>9</sup> Ga. Comp. R. & Regs. 183-1-12-.12(a)(5)–(6).

<sup>10</sup> *Id.* 183-1-12-.12(a)(6).

<sup>11</sup> O.C.G.A. § 21-2-408(b); *see also id.* § 21-2-408(d) (“Poll watchers shall be entitled to observe any activity conducted at the location at which they are serving as poll watchers. Except as otherwise provided for in this chapter, poll watchers shall be entitled to sit or stand as close as is practicable to the observed activity so as to be able to see and hear the poll worker or election official being observed.”).

<sup>12</sup> O.C.G.A. § 21-2-498(b).

<sup>13</sup> Ga. Comp. R. & Regs. 183-1-15-.04(1)1.

<sup>14</sup> *See, e.g.*, Press Release, Ga. Sec’y of State Office, *Risk Limiting Audit Confirms Runoff Results* (July 1, 2024), <https://sos.ga.gov/news/risk-limiting-audit-confirms-runoff-results>; Press Release, Camden Cnty., *Risk Limiting Audit Confirms Election Day Results* (May 30, 2024), <https://www.co.camden.ga.us/CivicAlerts.aspx?AID=1872>; *see also* The Carter Center, *2022 Georgia Risk-Limiting Audit*, at 3, [https://www.cartercenter.org/resources/pdfs/peace/democracy/u\\_s\\_elections/2022-risk-limiting-audit-final.pdf](https://www.cartercenter.org/resources/pdfs/peace/democracy/u_s_elections/2022-risk-limiting-audit-final.pdf) (“On Nov. 17 and 18 [2022], The Carter Center sent 40 nonpartisan observers to 33

originates (the “Alexander Petition”) ignores this mandatory audit, and fails to explain why an additional, burdensome hand count is necessary in light of it. Further, the Alexander Petition identifies only three (3) incidents that purportedly justify the Proposed Rule.<sup>15</sup> Notably, however, the Alexander Petition does not (and indeed, cannot) allege that these incidents affected the outcome of an election.

Curiously, the Proposed Rule claims to “reduc[e] the opportunity for collusion to sabotage election results.”<sup>16</sup> But the Proposed Rule leaves open a number of potential avenues for such collusion that need to be addressed before this rule could be adopted. What’s to stop three poll workers, say, from colluding ahead of time to alter their hand counts by five, seventeen, and fifty-two votes, respectively? Will poll workers know in advance the other persons who will hand-count ballots assigned to them? How will these poll workers be shielded from outside influence? These are just some of the questions that must be answered before any such rule can reasonably be said to “reduc[e] the opportunity for collusion.”

What’s more, the Proposed Rule potentially violates Georgians’ constitutional right to cast votes privately through a secret ballot. Specifically, the Georgia Constitution provides that “[e]lections by the people shall be by secret ballot.” Ga. Const. art. II, § 1, para. 1. Under the Proposed Rule, three different people will handle each cast ballot. Put differently: three different people might see for whom or what an individual voted – either by accident or on purpose. And to make matters worse, unless every precinct has sufficient poll watchers at the time of night hand counts will be happening, much of this activity will be unmonitored.<sup>17</sup> The right to vote by secret ballot is essential to the health of our elections. Fear that a fellow community member might see who one voted for threatens the integrity of our elections. Given the security and audit processes already in place, there is simply no need to add this invasive, constitutionally dubious hand-count procedure.

### **III. The proposed rule would significantly burden county election superintendents and poll workers.**

Beyond the striking privacy and security issues discussed, the Proposed Rule would impose significant burdens on county election superintendents with less than 90 days before the general election on November 5. Georgia law requires superintendents to provide training for all

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counties<sup>1</sup> to watch the audit process. . . . In all counties observed, the audit proceeded smoothly and calmly on the counting days, with few significant problems.”).

<sup>15</sup> See Exhibit B, Sharlene Alexander Petition for Amendment to Election Rules (June 6, 2024) (“Alexander Petition”).

<sup>16</sup> See Exhibit A.

<sup>17</sup> Chief among our concerns is the scenario in which a nefarious actor in the dead of night, long after polls have closed, takes advantage of the fact that poll observers are too few or too tired to notice him or her looking at the actual contents of those ballots, thereby invading electors’ legitimate expectations of privacy.

poll workers ahead of an election cycle.<sup>18</sup> Superintendents will be required to quickly amend their training materials should the proposed changes be implemented. Further, to accommodate the sudden need for more poll workers, superintendents in larger counties will have to quickly scale recruitment plans for the upcoming general election. As other commenters have explained with regard to similar proposals, “to do so, counties will need to divert already limited resources away from other responsibilities on an accelerated timeline, including poll worker recruitment efforts that are already underway.”<sup>19</sup>

At a public Board of Elections meeting on August 14, the Election Director stated that Paulding County will need to hire 132 additional poll workers for the sole purpose of hand-counting ballots as contemplated by the Proposed Rule. Extrapolating this data to Georgia's four largest counties based on the number of registered voters in each county as indicated in the Secretary of State's Georgia Active Voter Report,<sup>20</sup> Fulton, Gwinnett, Cobb, and DeKalb Counties would require 847, 642, 576, and 575 additional poll workers, respectively.

Adding steps to complete before closing polls would also add a completely unnecessary burden on poll workers. Poll workers already stand at scanners to ensure that counters accurately reflect deposited ballots. In addition, current procedures require frequent comparison during the day among poll pads, ballot monitoring devices, and scanner numbers. A standard Election Day often requires election officials to work 14 hours or more, starting very early in the morning, continuing through a hectic and stressful day, and ending sometimes very late at night after a last rush of voters at closing time.<sup>21</sup> Having poll workers hand count ballots after a 14-hour work day on top of all of their other necessary tasks administering the election is unduly burdensome, superfluous in light of existing protocols, and all too prone to error. This Board should consider the risks of losing experienced poll workers due to these added burdens.

#### **IV. Ambiguities in the Proposed Rule will sow distrust in Georgia's elections and increase threats of violence.**

The bottom line is that the Proposed Rule will sow distrust in the democratic process. As an initial matter, the Proposed Rule contains many procedural ambiguities ripe for inconsistent, (and perhaps insidious) resolution. Most notably, the Proposed Rule does not articulate a clear, uniform process in the event poll workers cannot reconcile recorded numbers with hand count

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<sup>18</sup> Ga. Code Ann. §§ 21-2-70(8), 21-2-99(a)–(b).

<sup>19</sup> See Exhibit C, Brennan Center for Justice, *Comment Petition to Amend SEB Rule 183-1-14-.02* (Aug. 5, 2024), at 3.

<sup>20</sup> GEORGIA ACTIVE VOTERS REPORT | GEORGIA SECRETARY OF STATE, <https://sos.ga.gov/georgia-active-voters-report> (last visited Aug 17, 2024) (noting the Active Voter Population of Fulton, Gwinnett, Cobb, and DeKalb Counties as 751,192, 569,336, 510,490, and 509,896, respectively).

<sup>21</sup> Voting Rights Lab, *Ballot Hand Counts Lead to Inaccuracy* (Feb. 27, 2024), <https://votingrightslab.org/2024/02/27/ballot-hand-counts-lead-to-inaccuracy>.

totals. This Board should be able to divine workable limiting principles before voting on any rule – particularly one directed at tabulations and certifications.

What’s more, the Proposed Rule would put State Election Board Rule 183-1-12-.12(a)5 at odds with State Election Board Rule 183-1-12-.12(a)2. Rule 183-1-12-.12(a)2 reads:

The poll manager shall cause the number of printed ballots from each ballot marking device to be recorded on the recap form. The poll manager shall further cause the number of spoiled ballots and ballots placed in the emergency bin of the scanner that were unable to be scanned to be recorded on the recap form. The poll manager shall cause the total number of voter check ins from the electronic poll book and/or paper voter list to be recorded on the recap form. If the numbers recorded on the recap form do not reconcile with each other, the poll manager shall immediately determine the reason for the inconsistency; correct the inconsistency, if possible; and fully document the inconsistency or problem along with any corrective measures taken.

Rule 183-1-12-.12(a)2 does not contemplate a mandatory hand count. Recognizing this inconsistency, the Alexander Petition states that “Rule 183-1-12-.12(a)2 would [have to] read ‘if the numbers recorded on the recap forms do no reconcile with each other and the the total of hand counted paper ballot, the poll manager shall immediately determine the reason for inconsistency . . . .’”<sup>22</sup> Yet this language is not included in the Proposed Rule. Meaning a polling location could be in compliance with subsection (a)2 but not subsection (a)5. If a poll manager is able to reconcile inconsistencies pursuant to subsection (a)2 without hand-counting ballots, why are the risks and burdens inherent in the proposed amendments necessary?

The Board must weigh these risks seriously, because as we have said previously,<sup>23</sup> rulemaking has a real impact on the physical safety of elections officials. The Proposed Rule would make poll workers targets for undue pressure campaigns and threats of violence.<sup>24</sup> Instead of dignifying the harmful attitudes and conspiracies animating the Proposed Rule, the Board should focus on providing clear and detailed guidance for existing rules and procedures that have ensured the success, security, and integrity of Georgia’s elections.

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<sup>22</sup> See Exhibit B, Alexander Petition at 4.

<sup>23</sup> See Exhibit D, Democratic Party of Georgia, *Comment Regarding Notice of Rulemaking to Amend Subject 183-1-12-.12 (defining “Election Certification”)* (Aug. 5, 2024).

<sup>24</sup> See, e.g., Josh Meyer, EXCLUSIVE: HOMELAND SECURITY RAMPING UP “WITH INTENSITY” TO RESPOND TO ELECTION THREATS, USA TODAY (2024), <https://www.usatoday.com/story/news/politics/elections/2024/05/08/dhs-alejandro-mayorkas-responds-2024-election-threats/73345797007/> (last visited Aug 17, 2024)(citing to prior examples of threats against election officials and their children and warnings of a “mass shooting of poll workers.”).



## Conclusion

For the foregoing reasons, we respectfully urge the Georgia State Elections Board to reject the proposed amendment to 183-1-12-.12(a)(5).

We also request that the Board include this comment in the rulemaking record. O.C.G.A. § 50-13-4(a)(2). If the Board votes to adopt the proposed rule, we request that it “issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.” *Id.*

Sincerely,

/s/ Tolulope Kevin Olanoye

Tolulope Kevin Olanoye  
Executive Director  
Democratic Party of Georgia

CC:

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**EX. B**

# The Poll Worker Manual

May 2024



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## Board of Elections Office

**Richmond County  
Board of Elections  
535 Telfair Street  
Suite 500  
Augusta, GA 30901  
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Fax: 706-821-2814  
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[richmondelections@augustaga.gov](mailto:richmondelections@augustaga.gov)**

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- Esther Jackson, Deputy Registrar  
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- Ebony Stevens, Deputy Registrar  
[estevens@augustaga.gov](mailto:estevens@augustaga.gov)




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<p style="text-align: center;"><b>Board Members</b></p> <ul style="list-style-type: none"> <li>• <b>Timothy McFalls, Chairperson Nonpartisan</b></li> <li>• <b>Marcia Brown, Vice Chair Democratic Appointee</b></li> <li>• <b>Sherry T. Barnes, Secretary Republican Appointee</b></li> <li>• <b>Isaac McAdams, Republican Appointee</b></li> <li>• <b>Betty Reece, Democratic Appointee</b></li> </ul>	<p style="text-align: center;"><b>About the Board of Elections</b></p> <ul style="list-style-type: none"> <li>• <b>The Board of Elections sets all policies and procedures for conducting elections in Augusta-Richmond County.</b></li> <li>• <b>The Board of Elections office staff works for the Board of Elections.</b></li> <li>• <b>Board Members often visit polling places on Election Day. They will introduce themselves and will have credentials. Please show them every courtesy.</b></li> </ul>
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3

**May 21, 2022 General Primary/Nonpartisan/Special Election**  
*What's on the Ballot*

<p><b><u>Federal Offices</u></b> U.S. Representatives (Congressional District 12)</p> <p><b><u>State Offices</u></b> State Senator (Districts: 22, 23) State Representatives (126,127,129,130,132)</p> <p><b><u>Questions</u></b> Republican (8 state, 3 county) Democratic (8 state)</p> <p><b><u>County Offices</u></b> District Attorney Clerk of Superior Court Sheriff Solicitor-General Tax Commissioner</p>	<p><b><u>County Offices</u></b> Coroner Probate Judge Presiding, Civil and Magistrate Court Judge</p> <p><b><u>Nonpartisan Offices</u></b> Supreme Court Justices Judges, Court of Appeals Superior Court Judge (to succeed Flythe) Superior Court Judge (to succeed McIntyre) Superior Court Judge (to succeed Hunter) Marshal Commission (Districts: 1,3,5,7,9) Special Election Question (Mayor voting power)</p>
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<p>Republican</p> 	<p>Democratic</p> 	<p>Nonpartisan</p> 
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4

## Reminders

### Advance Voting:

- All four of our Advance Voting locations will be open from 8:30am-6:00pm for all 17 days. The Municipal Building will be open on Sunday, May 12, 2024 from 8:30am-6:00pm. If you are assigned to work at a location different from where you are assigned to vote, please plan on voting at one of our advance voting locations or by absentee ballot.

### Absentee Ballots:

- Applications will be accepted up until May 10, 2024.

### Drop Boxes:

- We will have one drop box located inside the Municipal Building in the Linda Beazley room that will be accessible during early voting days and hours instead of 24/7.

### Election Day:

- Wait times for check-in at the Poll Pads shall be recorded three times throughout the day (in the morning, at midday, and prior to the close of the polls) on the hourly log and Poll Pad Recap sheet.
- Prohibits anyone except poll workers from handing out water to voters in line and prohibits passing out food and water to voters within 150 feet of the building that serves as a poll, inside a polling place or within 25 feet of any voter standing in line.
- Votes cast by a provisional ballot in the wrong precinct will not be counted unless it is cast after 5:00 P.M. and before the regular time for the closing of the polls and unless the person executes a sworn statement, witnessed by the poll official, stating that he or she is unable to vote at his or her correct polling place prior to the closing of the polls and giving the reason.
- Once the close out procedures are completed, the Poll Manager must report to the Board of Elections the total number of ballots cast and the total number of Provisional Ballots cast PRIOR to leaving the polling place. This information is then forwarded to the state.

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## Polling Place Changes

### Advance Voting

- **Henry Brigham Advance Voters will vote at:**  
Charles Evans Community Center  
1898 Highland Avenue  
Augusta, GA 30904

### Election Day

- **Henry Brigham Election Day Voters will vote at:**  
Belle -Terrace Presbyterian Church  
2473 Golden Camp Road  
Augusta, GA 30906
- **Hephzibah – Carroll Community Center Election Day Voters will vote at:**  
Oasis Church at Hephzibah  
2228 GA Hwy – 88  
Hephzibah, GA 30815

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## Poll Official Requirements

- 16 Years of age or older.
- Resident of U.S. and Richmond County.
- Must be able to read, write and speak the English language.
- If you've been convicted of a felony at least 10 years has to elapse between the completion of the sentence and becoming a poll worker.
- No public official or a candidate for public office may serve as a poll worker.
- Cannot be an immediate relative of candidate appearing on ballot where you are assigned to work.

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## Code of Conduct

- **Maintain a professional appearance at all times.**
  - Wear clean, comfortable clothes.
  - Bring drinks, snacks, a bag lunch, medications, cell phone and charger.
  - You may want to bring a light jacket or sweater.
  - **Do not wear political, campaign, or items with controversial slogans and avoid strong colognes and perfumes that may affect sensitive people.**



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## Code of Conduct

- Do not suggest or openly discuss in **ANY WAY** a particular party, candidate or question. The voter will select the party they wish to vote in on the Poll Pads so you should never have to ask that question.
- Never interpret what a question on the ballot means. If asked, the only thing you can do is give them a sample ballot to look over.
- Do not eat while at your workstation.
- Do not use a cell phone, iPod, video games or other electronic devices while at your workstation.
- Keep the noise level and personal conversations with voters and co-workers to a minimum.
- Monitor work area for campaign literature including newspaper, radio advertisements, pamphlets, etc.
- If you are unable to work at your assigned poll, you must immediately notify the Board of Elections Office.

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## Election Morning

### *Duties Prior to 7:00am*

- All duties must be performed in full view of the public. Potential voters may watch but are not allowed to enter the enclosed space or interfere when preparations for opening the polls are in progress.
- At no time are the doors to the polling place to be locked to exclude any member of the public from viewing the pre-election preparation, conduct of the election, or the closeout procedures.
- There are to be three people in the polling place at all times.

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# Election Morning Duties Prior to 7:00am

**•MANAGERS –** Have a plan before Election Morning. Assign your poll workers to complete certain tasks using your poll worker list.

**•Never attempt to open any piece of equipment without the instructions. This is why mistakes are made. Make sure every poll worker follows the step-by-step instructions.**

**•Follow your Election Day Checklist that is in the front of your Manager's Expanding File.**



# Election Morning Duties Prior to 7:00am

- **5:30am** - Poll officials report to Polling Place.
- **OATHS** -Before entering upon duties at any primary or election, all poll officers shall take and subscribe in duplicate to the oaths required.
  - Assistant Manager swears in Manager.
  - Manager then swears in the two assistant managers and the clerks.
  - Oaths are signed and placed back inside the Manager's Expanding File.

*Note – Managers make sure that any Poll Officials arriving at 6:00am or late take and sign the Oath of Workers before completing any duties.*

- **NAME BADGES** – Affix your name badge. The badge must be worn at all times.

**Poll Officials who are assigned to open the equipment will immediately begin setup of the Scanner, BMDs, and Poll Pads after completing the Oath of Workers and affixing the name badge. The rest of the polling place setup will begin once the equipment is ready. Some locations may be able to do this simultaneously if they have enough workers.**

- **PAYROLL** – Sign the payroll sheet.
- **TEAMS** – It is essential that all Poll Officials work together on Election Day. Teamwork reduces the possibility of errors, promotes voter satisfaction, and helps provide accurate returns Election Night.



# Setting Up...

Do we have our supplies?

- **SUPPLY CHECK OFF SHEETS – PLEASE** locate and use the *Supply Check Off Sheets* and *Packing Lists* provided to make sure you have all your supplies and are setting up properly. Notify your Poll Manager immediately if any items are missing.

**BLACK SUPPLY BOX**

**BEFORE POLLS OPEN**

1. Please verify that you have all the following items:

**Black Supply Box - please check:**

- 1. Ballot box
- 2. Ballot paper
- 3. Ballot envelope
- 4. Ballot paper
- 5. Ballot paper
- 6. Ballot paper
- 7. Ballot paper
- 8. Ballot paper
- 9. Ballot paper
- 10. Ballot paper
- 11. Ballot paper
- 12. Ballot paper
- 13. Ballot paper
- 14. Ballot paper
- 15. Ballot paper
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- 94. Ballot paper
- 95. Ballot paper
- 96. Ballot paper
- 97. Ballot paper
- 98. Ballot paper
- 99. Ballot paper
- 100. Ballot paper

**BEFORE POLLS OPEN**

1. Please verify that you have all the following items:

**1302.13 - to help sign back**

- 1. 1302.13
- 2. 1302.13
- 3. 1302.13
- 4. 1302.13
- 5. 1302.13
- 6. 1302.13
- 7. 1302.13
- 8. 1302.13
- 9. 1302.13
- 10. 1302.13
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**SUPPLY CHECK-OFF SHEET**

**BEFORE POLLS OPEN**

1. Please verify that you have all the following items:

**1302.13 - to help sign back**

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# Election Morning Posters

- Half of the required posters will now be on a Blue Shield. The remaining will be found in the Manager's Rolling Tote. Please use the guide attached to the set in the Manager's Blue Rolling Tote to hang the remaining posters.



Blue Shield w/Posters Attached.

**Voters Enter Here (1)**

Post on the polling place door.

**Important Notice to Voter (2)**

This poster will already be placed in the voting booth. It is the Important Notice to Voters about casting their ballot. You will have 3 sets to use inside the polling place. If needed, or to use to register any missing to a voting booth, if needed.

**Poll Worker Area Sign (2)**

You will have two 8 1/2 x 11 and two 11 x 17 Posters to use in the Manager's Rolling Tote and near your roll door.

**Voting Instructions (2)**

This poster will already be placed in the voting booth. You will have 3 sets to use inside the polling place. If needed, or to use to register any missing to a voting booth, if needed.

**Ballot Review (1)**

You will have two 8 1/2 x 11 and one 11 x 17 Posters to use in the Manager's Rolling Tote and near your roll door.

**Vote Here Arrow Sign (3)**

Use to direct voters.

**No Leaving with Ballot (2)**

You will have two 8 1/2 x 11 and one 11 x 17 Posters to use in the Manager's Rolling Tote and near your roll door.

**Ball 11 Handicap Poster (1)**

Post on the Ball 11 hand with the Ball 11 Handicap Poster and the Ball 11 Handicap Poster.

**Ball 11 No Cell Phone Use Beyond (1)**

Post inside polling place near entrance.

**Handicap Voters Enter Here (1)**

Post on the polling place door that has the Ball 11 Handicap Poster.

**Posters Sign Sample Ballot**

You will have 1 set of sample ballots for each party and provide to your polling place. Please post them near the entrance.

**Identification Required to Vote (1)**

This poster will already be placed in the voting booth. You will have 3 sets to use inside the polling place. If needed, or to use to register any missing to a voting booth, if needed.

**Handicap Accessible Route Sign (2)**

Use to direct voters.

**No Campaigning (1)**

This is the No Campaigning poster and 3 x 5 SIGN. It is to be posted near the entrance to the polling place. It should be posted on the door nearest the entrance and the other two outside the polling place.

**Post the Punch Poster (1)**

This is the Punch poster and 3 x 5 SIGN. It is to be posted near the entrance to the polling place. It should be posted on the door nearest the entrance and the other two outside the polling place.

Election Day Poster Guide

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# Election Morning

## Equipment

Know the correct names of the equipment to prevent confusion if you need to call in and ask questions.



Poll Pad



ICX - Ballot Marking Device (BMD) & Printer



Adapter Box on ICX-BMD Power Cord



Universal Power Supply (UPS)



ICP-Scanner/Ballot Box

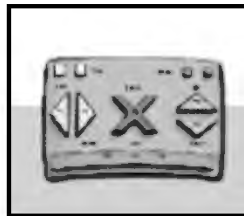
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# Election Morning

## Equipment



ADA Booth for Voters w/Disabilities



Audio Tactical Interface (ATI) For Voter w/Disabilities



Delivery Cart with Transport Cases for the ICX-BMD & Printers



Provisional Voting Booth



Black Supply Box



Red Voter Assistance Box

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## Election Morning Supplies



Blue Manager's  
Rolling Tote



Blue Ballot  
Transport Bag



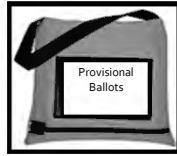
Manager's  
Expanding File



Blue Memory  
Card Bag



Blue Provisional  
Ballot Bag



Orange Provisional  
Ballot Bag



Red Emergency  
Ballot Bag



Green Emergency  
Backup Supply Bag

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## Election Morning

### *Poll Official Manual*

- Located in Manager's Blue Rolling Tote.
- Be sure to look through the Poll Official Manual in the black binder. It provides information that you will find very helpful on Election Day.



- There is a map outlining your precinct boundaries and a map showing the 150 ft. no campaign line around your polling place in the back of the black binder.
- We suggest that once an hour a poll official go outside with the 150 ft. perimeter map to make sure that all campaigners are abiding by the law.

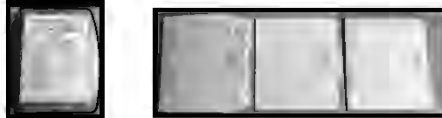
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## Setting Up....

### *Equipment Set up and Opening*

For Opening and Closing of ICP-Scanners, ICX-BMD Touchscreens and Printers, and Poll Pads:

- One Poll Official reads the instructions
  - One Poll Official follows the instructions as read to them
  - One Poll Official records the necessary information on the forms
- Procedures and documents to open and close each piece of equipment can be found in folders located in the Manager's Expanding File.



- The Manager's Expanding File must be kept in a secure location, and no one should handle or remove items without the Poll Manager's knowledge. Stay organized! Put items removed back in the correct place.

**Note – Contact the Elections Office immediately if you are having problems with opening any piece of equipment.**

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## Techniques to Improve *with Opening/Closing Procedures*

- **Start with a clear plan:** Each Poll Manager has a checklist that will guide you through the opening and closing process. Use it and make sure you follow the order that it is in.
- **Slowing down your thoughts to comprehend what you are reading is essential for effective reading comprehension.**
- **Practice Mindfulness:** Before you start reading, take a few deep breaths and center yourself. Focus your attention solely on the text and let go of racing thoughts.
- **Eliminate Distractions:** Keep the noise level to a minimum.
- **Follow the Instructions:** A lot of time goes in to making sure you have everything you need to be successful. You must use the opening and closing instructions provided. You should **NEVER** attempt to open any piece of equipment without the instructions. If you are missing any of the instructions or feel you need additional assistance, call our office and we will talk you through the situation.

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# Election Morning

## ICP- Scanner Seal Locations

Use the diagram in the ICP - Scanner Folder to help identify the seals listed on the Scanner/Ballot Box Recap.



There are **NO** Write-In Options on the ballot (except for the City of Blythe) and the white door located inside the Ballot Box will have **NOT** a red seal on it.

# Election Morning

## ICX – BMD & Printer Opening Procedures

- Complete before 6:00am.
- A team of **two** (if available) prepares the ICX-BMD units and printers.
- Units will already be set up for you by our technicians and delivery crews.
- **PLEASE READ AND FOLLOW ALL INSTRUCTIONS.** Skipping steps results in errors.
- Use the ICX-BMD Opening/Closing Instructions, Election Day Touchscreen Recap Form, Ballot Recap Form and Orange Poll Worker Card (located in the Manager's Expanding File/ICX-BMD Folder/Tab 3) to open the polls on units.
- **DO NOT UNPLUG & REARRANGE YOUR EQUIPMENT.** Contact our office if you have a problem.

Opening Instructions

Touchscreen Recap

Ballot Recap

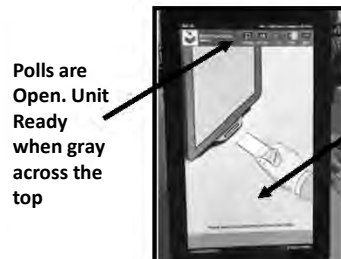
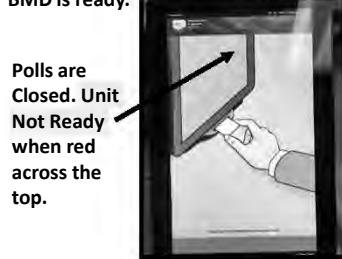


## Election Morning

### ICX – BMD & Printer Opening Procedures

Managers - Please check to ensure the following has been completed before the polls open:

- The polls have been "Opened" on each ICX-BMD - if you see a red bar going across the top, you know the unit is NOT READY. The bar across the top will be gray once the ICX-BMD is ready.



Total Ballots Cast should be at Zero (0).

- All the Power/Printer Doors (bottom right) have been resealed properly and other three seals are still intact.
- Total Ballots Cast on all ICX-BMD Units show Zero (0). Date and Time are correct on each unit.
- Touchscreen Recap and Ballot Recap have been completed properly and placed back in the ICX-BMD Folder with the Orange Poll Worker Card and you return folder to the Manager's Expanding File/Tab 3.

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## Election Morning

### Universal Power Supply

- The Universal Power Supply (UPS) supplied with the Ballot Marking Devices ("BMD") can accommodate 2 Hewlett Packard printers and 2 ICX-BMD units.
- The 2 AC power receptacles on the upper portion of the back of the unit are labeled "Printer" and are to be used only for the HP Printers. These receptacles will provide battery-supplied power to the printers in the event of a power outage.
- The 2 receptacles at the bottom of the back of the unit are labeled "ICX" and these are to be used only for the Touchscreen component of the BMD. These do not supply battery backup power, as the ICX-BMD Touchscreen has an internal battery to do so in the event of a power outage.
- All the Universal Power Supply units should already be on when you arrive Election Morning at your Polling Place. If they are not, you will find instructions on how to power them on in your Manager's Expanding File/ICX-BMD Folder/Tab 3.



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# Election Morning

## Poll Pad Opening Procedures

- Complete before 6:00am.
- A team of two (if available) prepares the Poll Pad units following the directions from the Poll Pad Opening/Closing Instructions.
- Opening materials needed are located in the Manager's Expanding File/Poll Pad Folder/Tab 4.
- PLEASE READ AND FOLLOW ALL INSTRUCTIONS. Skipping steps results in errors.
- Make sure that the White Poll Pad Notebook (located in the blue Manager Rolling Tote) is on the Poll Pad table.
- Look to see if you have any Supplemental Voters on the yellow Supplemental Voter List in the front of the White Poll Pad Notebook.
- Give each Poll Pad worker a copy of the Poll Pad Quick Reference Guide (located inside front pocket of Poll Pad Notebook) so they can use it as a reference for creating voter cards before processing any voter.

Opening Instructions

Poll Pad Notebook

Poll Pad Quick Reference Guide

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# Election Morning

## Poll Pad Recap

This form is used to keep track of the total number of voters versus the number of check-ins at your polling place.

- Verify Poll Pad Serial Number and Seals on Poll Pad Cases.
- Remove the seals and open the cases.
- Complete the Opening Section of the Poll Pad Recap.
- All check-in counts should be Zero (0), if not call the Board of Elections.
- Put all documents back in the Poll Pad Folder and return it to the Manager's Expanding File/Tab 4.

POLL PAD RECAP		S. Gonzalez C. Ponder D. Priddy E. Priddy		Poll Manager Signature: _____ Asst. Mgr. Signature: _____	
County/Municipality: <b>MICHOUGH</b>		Precinct Name: <b>Simple Polling Place</b>		Date: <b>11/02/2022</b>	
Machine ID	Opening Date	Opening Serial #	Closing Serial #	Closing Date	Closing Serial #
001	11/02/22	217965			
002	11/02/22	217967			
003	11/02/22	211113			
<p>The List of Errors for the precinct listed above and contained on this Poll Pad can be found in the County Registrar's office and has been read to the voters.</p> <p>Date: 11/02/2022 Signature: [Signature] Date: 11/02/2022</p>					
Time Checked	Time Checked	Time Checked	Time Checked	Time Checked	Time Checked
0:00:00	0:00:00	0:00:00	0:00:00	0:00:00	0:00:00
<p>FOR USE ON ELECTION DAY BY POLL WORKERS. Open and Close Poll Pad Use to Complete This Section</p>					
A. Time			B. Total number shown on Poll Pad Check-In:		
ACTION			OPENING		
CLOSING			CLOSING		
<p>C. Total number of voters marked as listed on the Supplemental Voter's List: (Do not include Supplemental Voter's List)</p> <p>D. Total number shown on Paper Supplemental Voter's List</p> <p>E. Voters marked on Poll Pad = Supplemental Voters marked as listed. (If A, F should be the same)</p> <p>F. Poll Pad Check-In = Paper Supplemental Voter's List</p>					
<p>We the undersigned Managers, hereby certify the above is true and correct on this <u>02</u> day of <u>November</u>, 2022</p>					

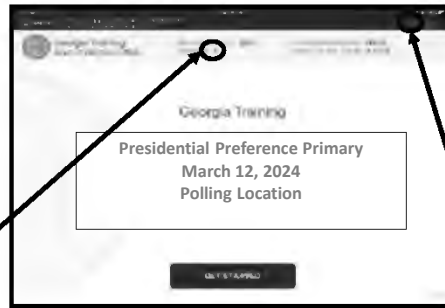
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# Election Morning

## Poll Pad Opening Procedures

On the Home Screen, verify the following:

- Election Name and Date are correct
- Polling Place Location is Correct
- Check-in Count is Zero



- Battery life is full, and Poll Pad is connected to Power
- Encoder Icon is Green (top right of screen)

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# Election Morning

## Spoiled & Unaccompanied Ballot Recap

- Confirm Spoiled & Unaccompanied Ballot Recap sheets are available at each Poll Pad Station before Polls open.
- Only **PRINTED** ballots from the Touchscreens that are spoiled or found unaccompanied should be documented on this form.
- The Spoiled or Unaccompanied Ballot should be attached and kept with the recap sheet it is recorded on.
- At the close of voting, place all completed Spoiled/Unaccompanied Ballot Recap Sheets with the Ballot(s) attached in the Envelope Labeled Spoiled/Unaccompanied Ballot found in the Manager's Expanding File/ Poll Pad Folder/ Tab Four (4).
- For every line completed there should be a Printed Ballot attached. If no ballot is printed, then do not put it on this form or make sure you record "No Ballot Printed" on the form.

SPOILED AND UNACCOMPANIED BALLOT RECAP SHEET						
Polling Place						
Date	Printed	Count	Spoiled Ballot Reason	Unaccompanied Ballot	Index of P/B	Index of P/B
			Printer Error <input type="checkbox"/> Touchscreen Error			
			Scanner Error			
			Voter Requested to Change Selections			
			Other Reason			
			Printer Error <input type="checkbox"/> Touchscreen Error			
			Scanner Error			
			Voter Requested to Change Selections			
			Other Reason			
			Printer Error <input type="checkbox"/> Touchscreen Error			
			Scanner Error			
			Voter Requested to Change Selections			
			Other Reason			
			Printer Error <input type="checkbox"/> Touchscreen Error			
			Scanner Error			
			Voter Requested to Change Selections			
			Other Reason			
			Printer Error <input type="checkbox"/> Touchscreen Error			
			Scanner Error			
			Voter Requested to Change Selections			
			Other Reason			
			Printer Error <input type="checkbox"/> Touchscreen Error			
			Scanner Error			
			Voter Requested to Change Selections			
			Other Reason			
			Printer Error <input type="checkbox"/> Touchscreen Error			
			Scanner Error			
			Voter Requested to Change Selections			
			Other Reason			

Total Spoiled: \_\_\_\_\_ Total Unaccompanied Ballots: \_\_\_\_\_

Poll Manager: \_\_\_\_\_ Poll Office: \_\_\_\_\_

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## Setting Up....

### Forms – Spoiled and Unaccompanied Ballot Recap Sheet

A Spoiled Ballot is a Printed ballot that is returned to the poll official by the voter while in the enclosed space.

The following are reasons for a spoiled ballot:

- Voter Requested to change selections
  - Due to wrong party selected
  - Error in selecting a candidate or answer to a referendum
- Printer Error
- Scanner Error
- Touchscreen Error
  - Voter believes they selected a different candidate or answer to a referendum

Once the Printed Ballot is returned to the Poll Pad Station, the Poll Official will:

- Marked the printed ballot as SPOILED across the front of the ballot
- Enter the precinct, combo, reason, and initial on the Spoiled and Unaccompanied Ballot Recap Sheet
- Attach the printed ballot to the Spoiled and Unaccompanied Ballot Recap Sheet
- There should be a printed ballot for each spoiled ballot listed on the Spoiled and Unaccompanied Ballot Recap Sheet

*Note: Once a ballot is scanned into the Polling Place Scanner, the ballot is cast.*

An Unaccompanied Ballot is a printed ballot that has been left on the printer at the Touchscreen station or found in the polling place.

If an unaccompanied ballot is found and the voter has left the enclosed space:

- The ballot should be returned to the Poll Pad Station
- Marked as SPOILED across the front of the ballot
- Entered on the Spoiled and Unaccompanied Ballot Recap Sheet

*Note: All Unaccompanied ballots must be spoiled. No Poll Official is allowed to scan an unaccompanied ballot.*

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## Election Morning

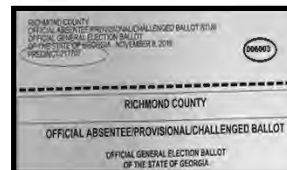
### Voter Assistance Station

Set up the Voter Assistance Station.

- Provisional Voting is done at the Voter Assistance Station and each polling place is required to have one.
- Provisional Ballots are in the sealed large blue canvas bag that is in the blue Manager's Rolling Tote.
- Managers - use the Election Morning Checklist (located in Manager's Expanding File/Tab 1) to verify the Provisional Ballot Bag seal.
- Remove seal and verify that you have the correct ballots.
- Keep the Provisional Ballots in the large blue canvas bag and in a secure location at the Voter Assistance Station. Do not leave them out on the table. I suggest keeping them in the Red Voter Assistance Box on floor behind the Poll Official at the Voter Assistance Station.
- The Provisional Ballots do not need to be resealed until Election Night after completion of the Provisional Recap Sheet.



Poll Manager's Blue Rolling Tote

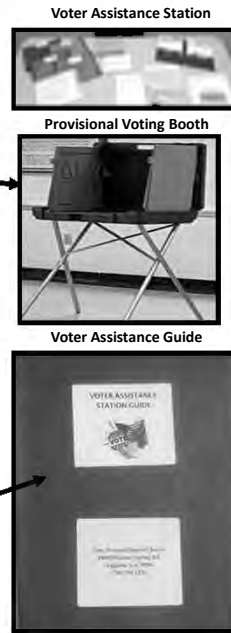


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# Election Morning

## Voter Assistance Station

- Set up your supplies so that they are ready to use during the day and visible to the public.
- The Provisional Booth (Dark Grey Case) should be set up near the Voter Assistance Station.
- The Poll Official assigned to work this station must be someone who **READS** and **FOLLOWS** the instructions in the Voter Assistance Guide.
- I recommend that Managers be involved when issuing a Provisional Ballot to ensure all paperwork is done correctly.
- Once setup of this station is complete, have the Poll Official responsible for this station look through the Voter Assistance Guide and familiarize themselves with the Provisional Codes and the forms.
- It is not expected for anyone to remember all the information. This guide gives step by step instructions with pictures.



# Polling Place Forms

## Opening the Polls

### Voted Ballot Removal Form During Voting

- This form is to be completed **ONLY** if the ballot box becomes full and/or must be emptied to continue to scan ballots while the polls are open.
- Most polling locations may never have to use this form. Just leave the document in the Manager's Expanding File.
- The removal process must be conducted in view of the public.
- Each time ballots are removed; the form must be signed by the Poll manager and two witnesses. The time must be listed as well.

## Polling Place Forms Opening the Polls

### Voting Equipment Exception Report

- This form is used to document any voting equipment malfunctions during voting.
- If an error is due to equipment malfunction, the poll officer shall document the incident on this form. The poll manager shall inform the election superintendent immediately if one or more electronic ballot markers are associated with a significant number of incidents.
- See SEB Rule 183-1-12-.12

**ELECTION:** (Check One)  General  Primary  
 Runoff  Special  
 Presidential Preference-Primary

**USE BALL POINT PEN**  
 Blue Ink - For All Marking These Copies  
 WHITE sheet to Secretary of State  
 PINK sheet to Clerk of Superior Court/City Clerk  
 YELLOW sheet to Superintendent  
 GOLDENROD sheet to Registrar

COUNTY/MUNICIPALITY: \_\_\_\_\_  
 DATE OF ELECTION: \_\_\_\_\_ ELECTION DAY:  ELECTION DAY  ADVANCE VOTING

**VOTING EQUIPMENT EXCEPTION REPORT - One sheet for each equipment exception**

**SECTION A: EQUIPMENT DESCRIPTION**  
 LOCATION OF EQUIPMENT EMPLOYED: \_\_\_\_\_  
 MAKE/MODEL OF EQUIPMENT: \_\_\_\_\_  
 SERIAL NUMBER OF EQUIPMENT: \_\_\_\_\_  
 DATE/TIME OF EXCEPTION: \_\_\_\_\_

**SECTION B: EQUIPMENT EXPLANATION**  
 DESCRIBE EXCEPTION: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 ACTION TAKEN WITH EQUIPMENT: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SECTION C: EQUIPMENT SERVICE**  
 VOTING REGULATED ON THIS EQUIPMENT IN THIS ELECTION  
 VOTING DID NOT REGULATE ON THIS EQUIPMENT IN THIS ELECTION

We, the undersigned poll officers, hereby attest that the above is a true and correct accounting of equipment exceptions on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

POLL WORKER SIGNATURE: \_\_\_\_\_ POLL MANAGER SIGNATURE: \_\_\_\_\_

If an error is due to equipment malfunction, the poll officer shall document the incident on a form forwarded by the Secretary of State. The poll manager shall inform the election superintendent immediately if one or more electronic ballot markers are associated with a significant number of incidents.

VES REPORT-2020

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## Polling Place Forms Non-Felon Affidavit (AFF-20)

Failure to get all information on required documents could result in Poll Managers along with the Poll Officials who accepted the forms to appear before the Board of Election Members to explain why necessary information was not collected.

- This form is located in the Manager's Expanding File/Tab 5 and is to be used when an elector has been identified by county registrars as potentially serving a felony sentence as reflected in the voter registration system, but the elector's record has not been cancelled yet pursuant to the notice provision of O.C.G.A. § 21-2-231(c).
- These voters will be marked "Potential Felon" in the Poll Pads.
- If the elector knows that he or she is not currently serving a felony sentence and is eligible to vote, the elector may sign this form and be issued a regular ballot.
- Elector Prints First and Last Name.
- Elector signs and dates form.
- Poll Official completes the bottom portion.
- Follow the procedures on the Poll Pad Quick Reference Guide to issue a Voter Access Card so the voter can vote on the ICX-BMD.

**Non-Felon Affidavit  
(Affirmation of Eligibility to Vote)**

**Instructions:** This form is to be used when an elector has been identified by county registrars as potentially serving a felony sentence as reflected in the voter registration system, but the elector's record has not been cancelled yet pursuant to the notice provision of O.C.G.A. § 21-2-231(c). If the elector knows that he or she is not currently serving a felony sentence and is eligible to vote, the elector may sign this form and be issued a regular ballot.

I, \_\_\_\_\_ (Elector's First Name) \_\_\_\_\_ (Elector's Last Name)  
 do hereby do swear (or affirm) under penalty of perjury that I am not currently serving a disqualifying felony sentence including any period of probation and/or parole.

O.C.G.A. § 21-2-571, Voting by Unqualified Elector or Giving False Information "Any person who votes or attempts to vote at any primary or election, knowing that such person does not possess all the qualifications of an elector at such primary or election, as required by law, or who votes or attempts to vote at any primary in violation of Code Sections 21-2-229 or who knowingly gives false information to poll officers in an attempt to vote in any primary or election shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00, or both."

Elector's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

FOR OFFICIAL USE ONLY

Voter Registration Number of Elector: \_\_\_\_\_  
 Poll Worker Name: \_\_\_\_\_ Poll Worker Signature: \_\_\_\_\_ Date: \_\_\_\_\_

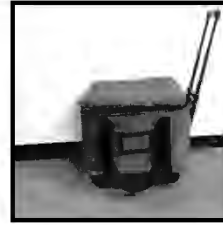
Form - AFF20

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## Setting Up... Security Paper for Ballots

### NEW LOCATION FOR EXTRA BALLOT PAPER!



Ballot Transport Bag

Extra security paper for printing the ballots will no longer be in the blue Ballot Transport Bag. It will now be in a box with a neon pink label with "Extra Paper" and will be placed on the Manager Table or Voter Assistance Table by our delivery crews.

#### Election Morning –

- Each printer will already be filled with paper.
- Keep the extra ballot paper in a secure area.
- You will need to check the paper trays occasionally throughout the day.
- Ballot paper should ONLY be used to refill printers, as needed.
- Refill printers with paper as needed, do not overfill.

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# Election Morning

## Station Setup

MANAGERS ASSIGN THESE DUTIES BEFORE ELECTION MORNING USING YOUR POLL WORKER LIST!

### Greeter Station

Ensure the following supplies are present:



- List of Acceptable Forms of Identification
- Sample Ballots

### Poll Pad Station

Ensure the following supplies are present:

- Poll Pad
- Poll Pad Notebook
- Stylus
- Voter Cards
- Sample Ballots
- Baskets with Reusable Stylus



### Voter Assistance Station

Ensure the following supplies are present:

- Voter Assistance Station Guide
- Provisional/Challenged Ballot Supplies
- Voter Registration Forms/Address Change Forms
- Certificate of Voting Pad
- Sample Ballots



### Roamer

- Poll Official who will be in the area of the ICX-BMD's to offer instructions and assistance to any voter who needs it.

### Scanner Station

Ensure the following supplies are present:

- Magnifiers for reviewing printed ballot.
- Posters reminding voters to not leave with ballot and to review their ballot

Poll Official will remind each voter to review ballot before placing it in the scanner.

### Exit Door Station

Ensure the following supplies are present:

- I'm a Georgia Voter Sticker
- Box to collect voter card



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## Election Morning

### *Emergency Preparedness*

**Before your polls open, please locate the following:**

- Fire Extinguishers
- Fire Alarms
- Building Exits
- Name and Address of your polling location (You need to know this if have to call 911). Labels containing your site address and phone number are on each station guide and manual.

*In the event of a situation that requires emergency evacuation of the precinct, priority is the safety of the poll officials and voters. However, protection of ballots and voting documentation is of vital importance. The poll managers should be familiar with these procedures and adapt them as necessary to meet the needs of each situation. Emergency Procedures can be found in the Poll Worker Manual. Once emergency action has been taken, the manager must notify the Elections Office of the situation immediately.*

### Setting Up to Be Accessible *Inside of the Polling Place*

- Mark the path of travel to the voting room, if necessary.



- Ensure the path of travel is free from barriers or obstructions.



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## Setting Up to be Accessible *Outside of the Polling Place*

- Remember to setup your metal vote here signs. Each polling location will receive at least two. Poll Managers will have a diagram in the Manager's Expanding File to show where the signs should be placed.

- Post accessible parking signs, if provided.
- Mark the path for voters, if necessary.
- Setup wireless doorbells (if required).



- Poll Officials should not park close to the door and should always reserve the best parking spaces for voters.
- Poll Officials should refrain from parking in the accessible parking spaces. These should be reserved for voters. *(If you have a disability and need to park close to the building, please have another worker move your vehicle before the polling place opens).*

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## Election Morning

### *Opening the Poll*

- Once setup is complete the Poll Manager calls the Board of Elections office to let them know that the polling place is ready to open.



*Managers –Please remember to keep your cell phones on and nearby so we can reach you.*

- At 7:00 A.M., the Poll Manager is to publicly declare, “The Poll is Open.”

*Managers – you no longer are required to notify the Board of Elections Office that you have your equipment up and running by 6:00am. However, if you are having problems at your polling place and feel you need assistance, CALL OUR OFFICE IMMEDIATELY AND WE WILL SEND SOMEONE TO ASSIST YOU SO YOU CAN OPEN PROMPTLY AT 7:00 A.M.*

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## The Enclosed Space

### *What is It?*

- The Enclosed Space is the secure area of the polls.
- It is the area in which the Poll Pads, Ballot Marking Devices, Voter Assistance Station, and the Ballot Scanner are located.
- Stanchions will be provided to secure the enclosed space.



### Who May Enter the Enclosed Space?

- Poll officials, voters, persons legally assisting voters, authorized poll watchers, persons authorized by the Secretary of State or State Elections Board (including investigators and monitors), Board of Elections members and staff, Peace Officers when necessary to preserve order, technicians appointed by the Board of Elections, Children under the age of 18 accompanied by parent or any child 12 years and younger provided that they do not create a disturbance and do not in any manner handle the voting units.

### Who May Not Enter the Enclosed Space?

- Media, interested citizens, people representing special interest groups.

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## Campaigning at the Polls

- Campaigners must be 150 feet from the outer edge of the building in which voting is taking place. There is a map in the back of the manager's *Poll Worker Manual* that shows where the 150-foot line is around your polling place.



- Any person entering the poll for any reason must first remove or cover any campaign literature on their person (Hat, buttons, T-shirt, signs).
- Examples of what is permitted
  - A t-shirt or cap with the name of a former candidate or elected official.
  - A t-shirt or cap with a picture – even if that picture is affiliated with a party or candidate.
  - A t-shirt or cap with a slogan – even if the slogan is affiliated with a party or candidate.
- Examples of what is NOT permitted
  - A t-shirt or cap with the name of a current candidate on the ballot.
  - A t-shirt or cap promoting the passage of a referendum that is on the ballot.
  - A t-shirt or cap with the name of a political party who has candidates on the ballot.
- Candidates may not visit any poll. They may only go to their own poll to vote. After voting, they must leave and may not return.
- Exit Polling is permitted so long as it is done at least 25 feet from the building in which a polling place is located. This includes media.
- All persons, except poll workers, are prohibited from handing out water to voters in line and prohibited from passing out food and water to voters within 150 feet of the building that serves as a poll, inside a polling place or within 25 feet of any voter standing in line.

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## Poll Watchers



- Official Poll Watchers will have been given a letter by the Board of Elections, candidate, or party chairperson and a badge bearing the words "Official Poll Watcher", the name of the poll watcher, the primary or election in which the poll watcher shall serve, and polling place in which the poll watcher shall serve. The poll watcher shall wear such badge at all times while serving as a poll watcher.
- Are permitted within the enclosed space for the purpose of *observing* the conduct of the election and the counting and recording of votes. Accredited poll watchers must be able to observe the polling place setup and closed down process; however, they may not interfere with either.
- Shall in no way interfere with the conduct of the election, and the poll manager may make reasonable regulations to avoid such interference. If a poll watcher persists in interfering with the conduct of the election or in violating any of the provisions of Code Section 21-2-408 after being duly warned by the poll manager or superintendent, he or she may be removed by such official.
- Are prohibited from talking to voters, checking electors' lists, using photographic or other electronic monitoring or recording devices, using cellular telephones, or participating in any form of campaigning while they are behind the enclosed space.
- Any infraction or irregularities observed by poll watchers shall be reported directly to the Election Superintendent, not to the poll manager.
- **New** - After the tabulation (closing of the scanner) of results on election day has been completed, accredited poll watchers shall be permitted to photograph the tape of tabulated results and the provisional ballot recap sheet, which will both be taped to the polling place door.

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# Voter Interaction

**Successful communication with all voters is central to a smooth and successful Election Day.**

- Greet voters as they enter the Polling Place and direct them to the appropriate station to begin the voting process.
- Make good eye contact, smile, and nod while speaking.
- Offer the voters in line a Sample Ballot to review, if needed.
- Ask the voters to have their ID ready for the Poll Pad Station.
- Remind the voters to silence their cell phones and that cell phones are not allowed to be used in the polling place.
- Limit personal conversations with voters and other poll officials.
- Keep the noise level down so it does not distract voters.
- Remember that body language matters just as much as the words you use.
- Respect others personal space. Never attempt to put "I'm a Georgia Voter" stickers on the voter.

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# Voter Interaction

## Voters with Speech Limitations

- Be patient. Wait for the voter to finish speaking. Do not interrupt or attempt to finish a sentence.
- To clarify a voter's statement, restate what you understood as a yes/no question.
- Tools: pen and paper for voter to write questions.

## Voters with Hearing Limitations

- If a voter uses an interpreter, address the voter directly.
- If a voter reads lips, face him or her and speak clearly in a normal tone of voice.
- Do not speak loudly unless the voter requests.
- Tools: pen and paper for voter to write questions.

## Voters with Mobility Limitations

- Never touch or move a walker, cane, or other equipment without the voter's permission.
- Sit down to speak with a voter who is seated or in a wheelchair (it's much easier on the voter's neck!)
- If a voter brings an assistant, address the voter directly.

## Voters with Sight Limitations

- Identify yourself and announce your arrival and departure
- Ask if any assistance is needed.
- Give specific nonvisual directions.
- If a voter asks to be guided, offer an arm or shoulder for the voter to hold, then walk slightly ahead of the voter.
- Keep the magnifier and signature guide out and ready to use at the Voter Certificate Station.

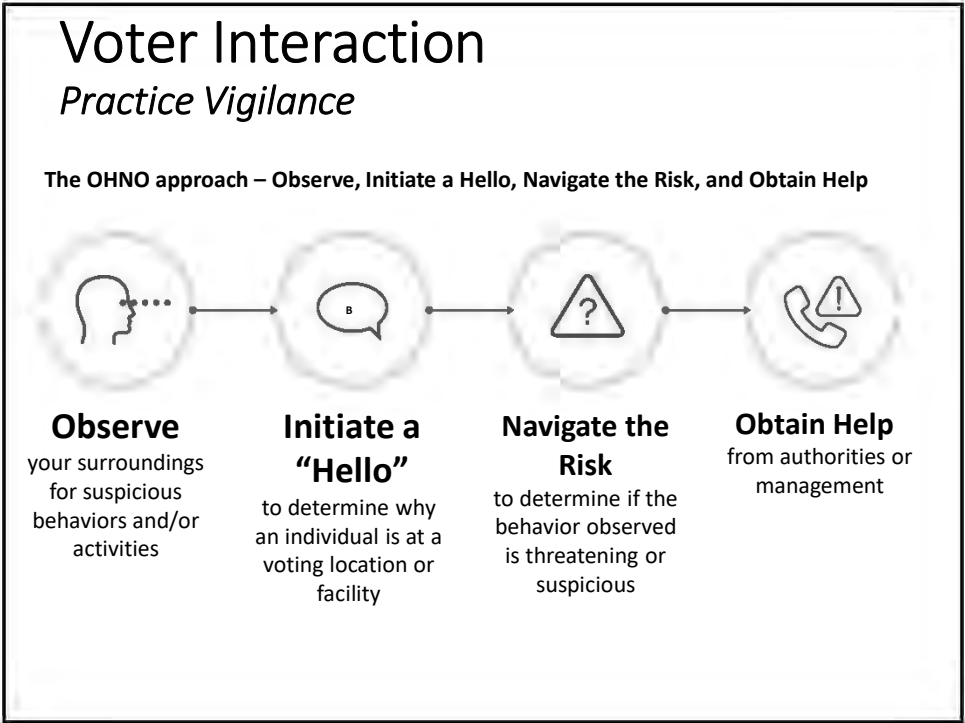


## Service animals

- Are allowed in all public and private buildings.
- Never attempt to pet, feed, or distract a service animal.
- These animals are trained not to bite.
- Handle any complaints with a positive attitude and explain voter has the right to be accompanied.



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# Voter Interaction

## *Practice Vigilance w/ OHNO*

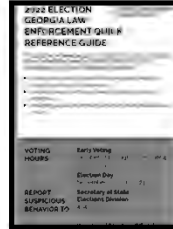
**The OHNO approach – Observe, Initiate a Hello, Navigate the Risk, and Obtain Help**

<p><b>OBSERVE</b> <b>SUSPICIOUS BEHAVIORS:</b></p> <ul style="list-style-type: none"> <li>• Abandoning/placing an object and leaving the area</li> <li>• Taking pictures/videos of personnel, facilities, security features, restricted zone, or the facility itself in an unusual or covert manner</li> <li>• Attempting to enter a restricted area/impersonating authorized personnel</li> <li>• Loitering at a location without a reasonable explanation. For example, loitering inside the campaign free zone</li> <li>• Avoiding security personnel or systems or Expressing threats of violence</li> </ul>
<p><b>Initiate a Hello</b> <b>DO OR SAY THE FOLLOWING:</b></p> <ul style="list-style-type: none"> <li>• Smile, make eye contact, and introduce yourself" Hello. If you need anything, I'll be right over here."</li> <li>• "If you are looking for something or someone in particular, I can assist if needed."</li> <li>• "Hello, if you need assistance I will be around if needed."</li> <li>• "I will be here in case you need help."</li> </ul>
<p><b>Navigate the Risk</b> <b>ASK YOURSELF:</b></p> <ul style="list-style-type: none"> <li>• Do they appear to have legitimate business in the election facility or ballot processing center?</li> <li>• Is their clothing consistent with the weather or for the gathering of the day?</li> <li>• Are they avoiding security?</li> <li>• Are they asking questions about business functions or employee information?</li> </ul>
<p><b>Obtain Help</b> <b>PROVIDE THE FOLLOWING INFORMATION TO FIRST RESPONDERS OR SECURITY PERSONNEL:</b></p> <ul style="list-style-type: none"> <li>• What is happening?</li> <li>• Who is doing it?</li> <li>• Where is it taking place?</li> <li>• When did you observe it?</li> <li>• Why are they here?</li> </ul>

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## Voter Interaction

GEORGIA LAW ENFORCEMENT QUICK REFERENCE GUIDE



- Reference guide highlights potential violations found within the Georgia Election Code that may be reported to local law enforcement. The role of local police and sheriff's offices is typically going to relate to public safety, interference with elections, elections facilities or elections officials. Keep in mind, minor violations (such as displaying electioneering materials at or near a polling location) are often handled directly by Elections Officials without involvement of law enforcement.
- Document is in the Managers Expanding File/Tab 1 and should be returned there if ever removed.

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## Sample Ballots

- Each polling place will have 11x17 posters of the sample ballot that you post on the wall.
- Voters coming into the polling place are allowed to bring their own copy of a sample ballot and take it to the booth with them but should not pass it around to others if it has been marked on.
- Sample Ballots are available for all registered voters online at [www.mvp.sos.ga.gov](http://www.mvp.sos.ga.gov) or through the free mobile app "GA SOS".
- Remember - Do not suggest or openly discuss in ANY WAY a particular party, candidate or question.

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# Voting

## Acceptable IDs


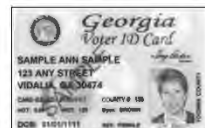








Proper identification shall consist of any one of the following:

- A Georgia driver's license which was properly issued by the appropriate state agency;
  - An Expired Georgia Driver's License is a valid ID for voting.
  - Name and Address can be different
- A valid Georgia voter identification card or other valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the voter;
- A valid United States passport;
- A valid employee identification card containing a photograph of the voter and issued by any branch, department, agency, or entity of the United States government, this state or any county, municipality, board, authority, or other entity of this state;
- A valid United States military identification card, provided that such identification card contains a photograph of the voter; or
- A valid tribal identification card containing a photograph of the voter.

# Voting

## Acceptable IDs

### Examples of Proper Voter Identification

 <p>Georgia Driver's License – Current or Expired Name/Address can be different</p>	 <p>Georgia Voter ID w/photo</p>	 <p>Out of State Driver's License. NOTE: Out of state licenses must be current. The card cannot be expired. Name/Address can be different.</p>	 <p>Valid Military ID w/photo</p>
 <p>State of Georgia University System IDs with photo</p>	 <p>State Agency ID w/photo</p>	 <p>Current Passport w/photo</p>	 <p>Voter ID w/photo</p>
 <p>Tribal ID w/photo</p>	 <p>Transit ID w/photo</p>		

## Assistance in Voting

Georgia law requires all polling places to be fully accessible and equipped with poll workers that are trained to take care of the needs of all voters. Voters who are 75 years of age or older or have a disability and show up at the polling place between 9:30 a.m. and 4:30 p.m., will not be required to wait in line if voter requests to move to the front of the line.

### Who Can Assist Voters with Disabilities

- No elector shall receive any assistance in voting at any primary or election unless he or she is unable to read the English language, or he or she has a disability which renders him or her unable to see or mark the ballot or operate the voting equipment or to enter the voting compartment or booth without assistance. A person assisting an elector shall identify himself or herself to a poll worker who shall record such information on the disabled elector's voter certificate showing that such person provided assistance in voting to such elector.
- Any elector who is entitled to receive assistance in voting under this Code section shall be permitted by the managers to select any person of the elector's choice except such elector's employer or agent of that employer or officer or agent of such elector's union. Do not require the person assisting a voter to indicate a relationship nor limit the number of voters an individual may assist.
- Election Day and Advance Voting - An illiterate or disabled elector who is entitled to receive assistance pursuant to O.C.G.A. §§ 21-2-385 or 21-2-409, or a person assisting such an elector, may use an assistive technology device to help the elector review their paper ballot prior to casting. Any image of the ballot obtained through using an assistive technology device shall be immediately deleted. Use of an assistive technology device by an illiterate or disabled elector or by a person assisting an illiterate or disabled elector shall not be deemed a violation of O.C.G.A. § 21-2-413(e).

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## Assistance in Voting

### Voter Who Does Not Know How to Use the Voting Equipment

- A poll official may accompany the voter into the booth to offer them instructions but must leave the booth when the voter ballot appears.
- If during the course of voting the voter needs additional instruction, a poll officer may offer such instruction, but the poll officer must not attempt to see how the voter has voted.

### Sight Impaired Voter - (Can't read the "normal" print)

- The voter may magnify their ballot by tapping the "LARGE TEXT" button that is on the voting instructions page of the voting unit. This will make the print larger. It also will sometimes cause candidate's names in the same race to be split across two pages, or to appear different than with the "normal" setting, so be aware. Additionally, a magnifier and signature guide are available for voters and should be kept at the voter certificate station.

### Blind or Illiterate Voter

- One unit in each poll is equipped with a headset and Audio Tactical Interface (ATI) in order to allow a blind voter to vote unassisted using an audio ballot. A voter hears candidates' names and questions through the headphones, and then the voter responds to prompts by touching the keypad similar to an automated phone service. A voter access card will have to be specially encoded at the Poll Pad to activate this feature.

### Color Blind Voter

- The voter may change the contrast on the voting unit by tapping the HIGH CONTRAST button on the instruction page of the voting unit. This will turn the screen print from color to black and white, which will enable a colorblind voter to see the print better.

### Seated Voting

- One of the Voting Units will accommodate a voter who needs to vote while sitting in a chair or wheelchair.

### Deaf Voter

- You do not necessarily need to make special arrangements on the voting equipment for a deaf voter. You should have paper and pencil on hand in the event you have trouble communicating with a deaf voter.

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## Poll Pad Station

### Special Situations

What if the voter is marked as receiving an Absentee Ballot but **does not have the Absentee Ballot with them?**

- The Poll Official must contact the Board of Elections Office. **Upon approval from our office**, the voter may complete an Affidavit of Cancelled Ballot (located in red Voter Assistance Box) stating that they would like to cancel their Absentee Ballot and vote in person at the polls.
- The Poll Official must ensure that the form is completed properly and place the Voter Registration #, Precinct # and their initials at the bottom of the form.
- Once completed these forms should be placed in the envelope labeled Cancelled Absentee Ballots/Cancelled Absentee Ballot Affidavits (located in blue Manager's Rolling Tote). The manager is to turn them in to the Elections Warehouse Election Night.

**Note: DO NOT FOLD THESE FORMS.**

- Remember to check voter's ID using your Acceptable Forms of Identification handout as guide.
- Follow the instructions on the Poll Pad Poll Quick Reference Guide to issue a Voter Access Card so the voter can vote on the ICX-BMD.

Baldwin County Affidavit of Cancelled/Lost/Spoiled Absentee Ballot	
In accordance with O.C.G.A. 21-2-384(a)(5) and 21-2-388	
I, _____ residing at _____	
With a date of birth of _____ do hereby state:	
<input type="checkbox"/> DID NOT RECEIVE	<input type="checkbox"/> DID RECEIVE
An absentee ballot for the _____ and I suspect that it be cancelled.	
Reason (choose one):	
<input type="checkbox"/> LOST BALLOT	<input type="checkbox"/> SPOILED BALLOT
I declare under penalty of perjury by the laws of the State of Georgia that the foregoing is true and correct.	
I will vote by one of the following methods:	
<input type="checkbox"/> I will vote in person at my polling place or during Advance Voting	
<input type="checkbox"/> I am requesting a replacement ballot	
Signature of Voter _____	Date _____ Phone Number _____
OFFICE USE ONLY	
Replacement Ballot # _____	Made Out Date _____
Voter Reg # _____	Precinct # _____ Employee Initials _____

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## The Poll Pad Station

### Special Situations

What if a voter does not have one of the acceptable forms of Identification?

- Look the voter up on the Poll Pad to verify the voter's eligibility.
- If the voter is listed on the Poll Pad as a First-Time Voter, additional forms of identification can be provided (HAVA IDs). These forms of ID must list the name and address of the voter
  - Utility Bill
  - Bank Statement
  - Government Check
  - Paycheck
  - Government document
  - Previous listed photo IDs
- If voter is found on the Poll Pad and has no form of acceptable Identification have to voter go to the Voter Assistance Station to vote a Provisional Ballot. If you are a split precinct you will need to write the precinct number down so that the person at the Voter Assistance Station will know which ballot to give them.

**Remember: Never turn a voter away. Always notify the Chief Poll Manager or Assistant Manager to assist in handling any special situation, if needed.**

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# The Poll Pad Station

## *Special Situations*

### What if you can't locate the voter on the elector's list?

- Make sure you have typed their name correctly.
- Use the Advanced Search option on the Poll Pad.
- Ask the voter if they could be listed under a different name.
- Check the Supplemental List of Voters
- If still unable to locate them, send them to the Voter Assistance Station or notify the Poll Manager. The Voter Assistance Station Official or the Manager will attempt to call the Board of Elections office for guidance.
- A Provisional Ballot should be issued if you are unable to reach the Board of Elections Office.

**Remember:** Never turn a voter away. Always notify the Chief Poll Manager or Assistant Manager to assist in handling any special situation, if needed.

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# Electors List

## *Three Lists at Polling Place*

### There are three separate lists of voters at each polling location

- Poll Pad - Poll Pad digitally stores registered voter information for each county in Georgia. Poll Pads allow you to search for voters and check their eligibility for the election. If eligible and they have not voted during Advanced in Person or by Absentee by Mail, they are issued a voter card to vote. The voter inserts the card into the Touchscreen, makes their selections and prints their ballot and then after reviewing their ballot, inserts it into the Polling Place Scanner to cast their vote. The voter is automatically added to the Numbered List of Voters.
- Supplemental List - The supplemental list contains the voters that met the Voter Registration deadline but did not meet the deadline for the Poll Pad upload. Anyone that is not on the Poll Pad but is on the supplemental list is allowed to vote on the Touchscreen unit. These voters do not need to vote a paper provisional ballot. *A voter card is manually created for these voters and their name must be manually added to a Paper Numbered List of Voters and they must complete a paper voter certificate.*
- Paper Back Up list - The paper back up list is a list of all the electors in your precinct. If your polling place loses power or your Poll Pads stop working for some reason, you do not have to stop processing voters. This is what the paper list is for.

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# Voter Assistance Station

## Provisional Voting

- **The Poll Official responsible for issuing Provisional Ballots must ALWAYS refer to the procedures in the Voter Assistance Station Guide for instructions on how to issue the individual types of Provisional Ballots.**
- **When you don't follow instructions, mistakes are made that could cost someone their vote and result in the Poll Manager along with the Poll Officials who accepted the forms to appear before the Board of Elections to explain why the information was not collected.**



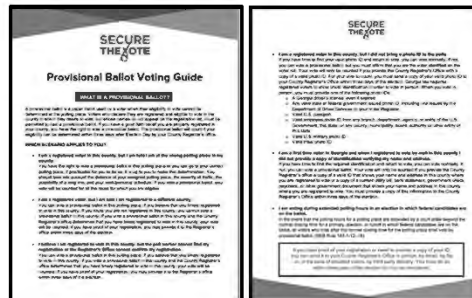
65

# Voter Assistance Station

## Provisional Voting

### Provisional Ballot Voting Guide

- **Each polling place shall have an information sheet available for voters who have questions about the provisional ballot process. This is in your red Voter Assistance Guide folder.**
- **The guide describes relevant laws regarding provisional ballots for voters who do not show up on the electors list for that polling place.**



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# Voter Assistance Station

## Provisional Voting

There are seven types of Provisional Ballot Voters:

- **PI - Pink Folder** - Voters who do not have one of the six forms of photo identification required by law
- **V - Pink Folder** – First time registrants whose voter application has not been fully verified and do not have one of the six forms of photo identification required by law
- **PR – Blue Folder** -Person not on the Elector’s List
- **OP - Blue Folder** -Person whose name does not appear on electors list for your precinct. If a person is not on your Electors List but is showing registered in another precinct, inform the voter of their assigned precinct and then let the voter decide if they can go to their assigned precinct, or vote a provisional ballot. Any votes cast by a provisional ballot in the wrong precinct will not be counted unless it is cast after 5:00 P.M. and before the regular time for the closing of the polls on the day of the primary, election, or runoff.
- **IR – Purple Folder** - IDR voter who does not have ID but can show certain identification types other than photo
- **EH – Green Folder** - Voters who vote during Court Order extended hours (only happens when a federal candidate is on the ballot)
- **OTHER – Voter who is marked in Poll Pad as Absentee Received, Advance In-Person, or Absentee Issued and they have no ballot to surrender, or you are unable to contact us to have absentee ballot cancelled and they claim they have not returned a voted ballot or voted in advance.**

Refer to the procedures in the Voter Assistance Station Guide for instructions on how to issue the individual types of Provisional Ballots.

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# Voter Assistance Station

## Provisional Voting

**EVERY PROVISIONAL VOTER MUST COMPLETE A PAPER VOTER CERTIFICATE.  
PLEASE FOLLOW INSTRUCTIONS IN THE RED VOTER ASSISTANCE FOLDER. CALL THE  
BOARD OF ELECTIONS OFFICE IF YOU NEED ASSISTANCE.**

• **On the front side the voter completes:**

- County Name
- Date of the Election
- Current Name
- Current Address
- Date of Birth
- Signature

VOTER'S CERTIFICATE Piedmont County COUNTY OR MUNICIPALITY STATE OF GEORGIA

For Primary Election Only (Check One)  District Ballot  Republican Ballot  Non-Personal Ballot

I understand that voting is the responsibility of every eligible voter in this state.

Voter's Current Name JAMES S. SINGH Current Residence Address of Voter 1000 Peachtree St NE Voter's Current Address Atlanta, GA 30309

Voter's Date of Birth 01/15/78 City, State, Zip Atlanta, GA 30309

Signature [Handwritten Signature] Date 03/26/24

Print Name (Please Print) JAMES S. SINGH Date 03/26/24

IN CASE OF PHYSICAL INABILITY OR ILLNESS, I WILL USE THE FOLLOWING: [Handwritten Name] (Print Name) [Handwritten Address] (Address)

Signature of poll officer accepting this ballot: \_\_\_\_\_

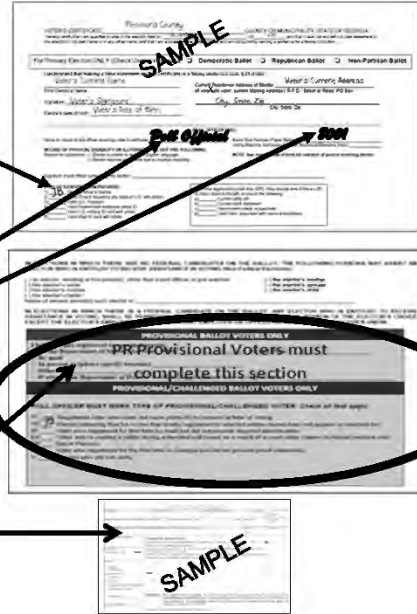
Signature of voter: \_\_\_\_\_

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# Voter Assistance Station

## Provisional Voting

- Poll Official must verify that the front portion of the Voter Certificate is completed accurately, and initial by the type of identification provided (if voter does not have identification, you will place your initials beside the PI code in the provisional section on the back of the Voter Certificate).
- Poll Official will place name or initials on the line of poll officer receiving the voter certificate.
- Record Provisional Ballot Number from the stub located at the top of the ballot.
- On the back side, Poll Official initials beside the provisional code in the salmon-colored section on the back of the Voter Certificate.
- If a PR Voter, you must complete the salmon-colored provisional voter portion on the back of the Voter Certificate and a Provisional Application for Voter Registration (beige form).

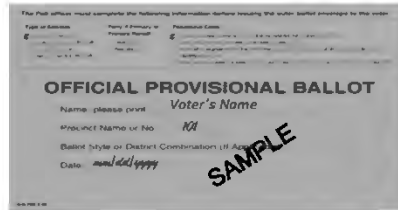


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# Voter Assistance Station

## Provisional Voting

- Print the voter's name, precinct number, and date on the outer salmon-colored provisional envelope. Mark the type of election, and provisional code.
  - Select the correct Provisional Ballot.
  - Remove the stub from the top of the Ballot.
  - Record the ballot number on the voter certificate and initial as issued
- Provisional Ballots should be kept in a secure location at all times.*
- Hand voter the ballot and both Official Provisional Ballot Envelopes. Instruct the voter to:
    - Color the oval next to the candidate or answer of their choice.
    - After voting fold the ballot and seal it in the white inner provisional envelope and to seal the white envelope inside the salmon outer envelope.
  - While voter is voting, write the voter's name, time, precinct number, and provisional code on the Numbered List of Provisional/Challenged Voters.



***ALWAYS Refer to the procedures in the Voter Assistance Station Guide for instructions on how to issue the individual types of Provisional Ballots.***

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# Voter Assistance Station

## Provisional Voting

- Voter will place the voted ballot, sealed in both sets of envelopes, into the orange Provisional Ballot Bag (make sure bag has been sealed).
- Give the voter the appropriate Important Notice to Voter. There is one for each type of Provisional Voter.
- Paperclip the Voter 's Certificate, ballot stub and any other forms completed during the process together and place them in the orange Provisional Folder.



**ALWAYS Refer to the procedures in the Voter Assistance Station Guide for instructions on how to issue the individual types of Provisional Ballots.**

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# Provisional Ballots

## "Out of Precinct" OP

**ATTN: Failure to get all information on required documents could cost Voters their Vote and result in Poll Managers along with the Poll Officials who accepted the forms to appear before the Board of Election Members to explain why the information was not collected.**

- This form is in the front pocket of the red Voter Assistance Station Guide Folder. All "Out of Precinct" OP voters must complete this form and Poll Officials must complete the bottom portion.
- This form is to be used when an elector has presented themselves at a polling place in the county/municipality in which he or she is registered to vote, but not at the precinct at which he or she is registered to vote.
- Any votes cast by a Provisional Ballot in the wrong precinct will not be counted unless it is cast after 5:00 P.M. and before the regular time for the closing of the polls on the day of the primary, election, or runoff and is accompanied by the Provisional Ballot Affidavit (Out of Precinct) form.

**Provisional Ballot Affidavit (Out of Precinct)**

**Subsection:** This form is to be used when an elector has presented himself or herself at a polling place in the wrong precinct as shown by the voter's registration record, but not at the precinct in which he or she is registered to vote. Any votes cast by a Provisional Ballot in the wrong precinct will not be counted unless it is cast after 5:00 P.M. and before the regular time for the closing of the polls on the day of the primary, election, or runoff.

**Voter Prints Name** \_\_\_\_\_  
(Print Name in Full)

**Voter must put reason they are requesting to vote out of precinct** \_\_\_\_\_

**Voter Signs** \_\_\_\_\_ and **Dates** \_\_\_\_\_  
(Signature) (Date)

**Poll Official Prints Election Type** \_\_\_\_\_ and **Date** \_\_\_\_\_  
(Print Name and Title of Election) (Date)

**Poll Official writes Voter Reg. #** \_\_\_\_\_  
(Print Number of Voter Registration Record)

**Poll Official Prints Name/Signs Name/ & Dates Form** \_\_\_\_\_  
(Print Name and Title of Election) (Date)

**ALWAYS Refer to the procedures in the Voter Assistance Station Guide for instructions on how to issue the individual types of Provisional Ballots.**

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# Challenged Ballots

## Procedures

- Locate the Challenged Ballot Procedures in the Voter Assistance Station Guide. Make sure you read and follow the instructions step by step. It is the Poll Official's responsibility to ensure all forms are completed accurately.
- Verify that the front portion of the Voter Certificate is completed accurately, and the type of identification provided is initialed by a Poll Official (If voter does not have identification, you will place your initials beside the PI code in the provisional section on the back of the Voter Certificate).
- Initial beside the challenged code in the salmon-colored section on the back of the Voter Certificate or write "Chal" at bottom of certificate.
- Print voters' name, precinct number, and the date on the salmon-colored Provisional Ballot Envelope. Mark the type of election and write Challenged Ballot on the front of the Provisional Envelope and list the type of Challenged Ballot.



***ALWAYS Refer to the procedures in the Voter Assistance Station Guide for instructions on how to issue the individual types of Provisional Ballots.***

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# Challenged Ballots

## Procedures

- Instruct the voter to:
  - Color the oval next to the candidate of their choice.
  - After voting fold the ballot and seal it in the white inner provisional envelope and to seal the white envelope inside the salmon outer envelope.
- While voter is voting, write the voter's name, time, precinct number, and challenged code on the Provisional/Challenged Numbered List of Voters.
- Voter will place the voted ballot, sealed in both sets of envelopes, into the orange Provisional Ballot Bag (make sure bag has been sealed).
- Give the voter the Important Notice to Voter, paperclip the Voter's Certificate, ballot stub and any other forms completed during the process together and place them in the orange Provisional Folder.



***ALWAYS Refer to the procedures in the Voter Assistance Station Guide for instructions on how to issue the individual types of Challenged Ballots.***

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# Voter Assistance Station

## Address Changes and Hourly Inspection

### Change of Name or Address

- If voter is on the electors list, but needs to change their name or address, have voter complete a voter registration form/address change form.
- Place all completed name/address changes in the Completed Paperwork Envelope located inside the red Voter Assistance Box.

\*Please use a black pen on these forms!

The form is titled "STATE OF GEORGIA APPLICATION FOR VOTER REGISTRATION". It includes instructions for filling out the form, such as providing a legal name, current address, and personal information. It also contains a section for "REQUIRED" information and a "SIGNATURE" section. The form is divided into several numbered sections (1-7) and includes a "REQUIRED" section with checkboxes for various requirements.

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# Hourly Inspection of Units

- At least once an hour, Poll Officers shall inspect the booth for any unauthorized materials.
- Verify that the Poll Pads are in sync and are receiving power.
- Verify that the ICX – BMD units are receiving power.
- Verify that the printer has security paper.
- Verify that the Ballot Scanner is receiving power.
- Make sure no campaign materials were left in the voting booths.
- Record the Number of Voters.
- Record the wait times for voter Check-in on Poll Pad three times during the day. Text the keyword "Time" to 45995 to receive a link to report the wait times at your location to the state.
- At Closing the wait times will need to be recorded on the Poll Pad Recap.

The form is titled "HOURLY INSPECTION" and is dated "May 31, 2024". It is for "Precinct:" and includes instructions for inspectors to check various units and record the number of voters. The form has a table with columns for "Time", "Unit", "Status", and "Number of Voters". The units listed are: "Poll Pad", "ICX/BMD", "Printer", "Scanner", "Check-in", "Ballot Scanner", and "Number of Voters". The table has rows for every hour from 7:00 to 7:00. Below the table is a "CERTIFICATION BY POLL OFFICIAL" section with fields for "Inspector" and "Date".

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## Ballot Scanning Station

- Every voter is reminded to review their ballot.
- The voter will cast their ballot by inserting it into the scanner.
- The screen will confirm that their ballot was cast.

## Exit Door Station

- Voter returns voter card.
- Voter Exits the Enclosed Space.
- Voter receives their "I'm a Georgia Voter I SECURED MY VOTE" sticker.
- Be sure to thank them for voting.



## Ballot Scanning Station *Special Situations*

What if the voter does not have the Voter Access Card when they appear at the Exit Door Station?

- Instruct the voter to return to the ICX-BMD Voting Unit upon which he or she voted and retrieve the card.

What if the voter does not have their printed ballot when they appear at the Ballot Scanner Station?

- Instruct the voter to return to the ICX – BMD Voting Unit upon which he or she voted to ensure they retrieved their ballot off the printer .
- Notify the Chief Poll Manager or Assistant Manager if additional assistance is needed.

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## Closing the Polls

*At 7:00 PM*

- **PUBLICLY** declare the polls closed promptly at 7:00 P.M.
- If voters are still in line at 7:00 P.M., mark the line and allow them to vote.
- **ALL** poll workers are required to stay at the polling place to help with the close out procedures, unless told otherwise by the Poll Manager. Please do not ask to leave early.
- One Poll Official **must** accompany the Manager to the Warehouse to deliver the required supplies on Election Night.

*Managers: Please make prior arrangements with one of your Assistant Managers or Clerks to accompany you. This is a State Law, and it is mandatory.*

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# Closing the Polls

## ICP - Scanner

- Begin Closing Procedures on the ICP – Scanner immediately after last voter votes.
- PLEASE READ AND FOLLOW ALL INSTRUCTIONS. Skipping steps results in errors.
- The Poll Manager and two Poll Officials must close the ICP – Scanner using the ICP-Scanner Open/Close Procedures and the Scanner/Ballot Box Recap Form (both documents located in Manager's Expanding File/ICP-Scanner Folder/Tab 2).

Closing Instructions for the ICP-Scanner

This document provides detailed, step-by-step instructions for closing the ICP-Scanner. It includes numbered steps from 1 to 15, each accompanied by a small photograph showing the physical actions required, such as pressing buttons, turning the scanner off, and handling the ballot box.

Scanner/Ballot Box Recap Form

This form is used to record the closing count and seal numbers for the scanner. It includes fields for Election, Date of Election, County, Precinct, and Scanner Serial Number. It also features a table for recording seal numbers and checkboxes for confirming the closing process.

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# Closing the Polls

## Scanner/Ballot Box Recap

- Record the Closing Count.
- A checkmark should be placed in the Closing Seal Number Confirmation columns. If any seals have been changed, record new seal number.
- After the ICP - Scanners has been powered off, unplug the power cord and put it back inside power cord compartment.

### NEW FORM

NEW FORM

Scanner/Ballot Box Recap Form - (One recap sheet for each scanner in use)

Scanner Serial Number: AS21279333

1. Ballot Box	2. Front Lock Seal #	3. Back Lock Seal #	4. Ballot Box Seal #	5. Emergency Ball Box Seal #	6. Administration Seal #	7. Poll Worker Seal #	8. Scanner Lock Seal #
123513	132154	654321	125623	678451	654321	654321	156789

Ballot Box Encls. (Circle One) YES NO | New Seal #

Emergency Ball Encls. (Circle One) YES NO | New Seal #

Date	Operator	Closing Seal Number Confirmation (If seal is correct, place a checkmark. If seal is broken/replaced, circle new seal number.)	Closing Seal Numbers (Record new seal numbers placed on each area below)	
			Ballot Box Seal #	Scanner Lock Seal #
3/23/24		<input checked="" type="checkbox"/>		

Closing the Polls | Ballot Box Encls. (Circle One) YES NO | Emergency Ball Encls. (Circle One) YES NO | Ballot Box Encls. (Circle One) YES NO

By the undersigned Manager's hands and seal that the above is a true and correct recording of the closing of this election on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Poll Manager: \_\_\_\_\_ Assistant Manager: \_\_\_\_\_ Assistant Manager: \_\_\_\_\_

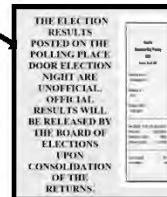
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## Closing the Polls

### ICP Ballot Scanner

- Break the seal on the Poll Worker compartment on the ICP-Scanners.
- Eject the Poll Worker Memory Card and place it, the morning Zero Tape (attached to the Scanner/Ballot Box Recap, and 2 of the result tapes in the small manila envelope labeled ICP-Scanner Memory Card and Tapes (located in the blue Manger Rolling Tote/ Blue Canvas Memory Card Bag). Put the envelope back in the Blue Memory Card Bag.
- One copy of the Result Tape goes on the yellow copy of the Unofficial Results Posting (located in the Manager Expanding File/Tab 6) & must be posted on the polling place outer door with the goldenrod copy of the Provisional Recap.
- You **DO NOT** have to reseal the Poll Worker Compartment once the Poll Worker Memory Card is removed.



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## Closing the Polls

### ICP Ballot Scanner

- Unlock and cut the seal on the Ballot Box Door (Picture 1).
- Remove all scanned ballots from bottom portion of the Ballot Box, stack them together neatly and place a rubber band or clamp around them. *Note – Reach up inside the Ballot Box to ensure all ballots have been removed and check underneath the ICP-Scanner to make sure none were dropped during removal.*
- You will have Write-Ins for this Election. Open the Write-In Chamber Door and remove all ballots, stack them together neatly and place a rubber band or clamp around them. *Note – Reach up inside the Write-In Chamber and make sure all ballots have been removed.*
- Place them in the Blue Ballot Transport Bag (Picture 2). *NEW – You will no longer have the large Regular Scanned Ballot manila envelopes to put the scanned ballots in. You will have one labeled Unscanned Emergency Ballots in the event the ICP-Scanner stopped working.*
- Please follow the checklist provided in the Ballot Transport Bag so that other items do not get placed inside this bag.



Picture 1



Picture 2

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# Closing the Polls

## Scanner/Ballot Box Recap

NEW FORM

- Replace the lid on the Scanner, seal both sides and reseal Ballot Box Door.
- Record the Closing Ballot Box Door and lid seal numbers in the Closing Seal Numbers Column
- Remember to circle "Yes" that all bins have been checked and are empty in the Closing the Polls section at the bottom.
- The form must be signed by the Poll manager and two Poll Officials who assisted in closing the ICP-Scanner.

The form is titled "Scanner Ballot Box Recap Form - (One recap sheet for each scanner to use)". It includes fields for Election Name (GENERAL), Election Date (NOVEMBER 6, 2023), County (ALLEGANY), and Precinct (ALLEGANY JMMC). A section for "Closing Seal Number Confirmation" contains a table with columns for Date, Opening Seal #, Closing Seal #, Full Name, and Seal #. Below this is a section for "Closing the Polls" with checkboxes for "Ballot Box Empty", "Emergency Ballot Box Empty", and "New Seal #". At the bottom, there are signature lines for the Poll Manager and Poll Officials.

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# Closing the Polls

## Chain of Custody Form

- NEW – The Chain of Custody Transfer of Election Results form is now attached to the blue Ballot Transport Bag in a vinyl holder.
- Managers – Record the Number of Voted Ballots, Number of Unscanned Emergency Ballots and the Ballot Transport Bag Seal Number. (Please make sure the seal number is facing out so that it can be checked as you come in the warehouse).
- The Poll Manager and the same two Poll Officials that closed the ICP-Scanner sign the form.
- The Poll Manager and Poll Officer transporting the ballots must sign in the surrender by field. Do this prior to leaving your polling place to keep line moving at Warehouse Check-in.
- Put the form back in the vinyl tag holder attached to the Ballot Transport Bag.
- The person receiving the ballots at the Elections Warehouse will verify the seal #, unseal the Ballot Transport Bag and verify it contains voted ballots, reseal the bag, record new seal number, list the time received and sign the ballots were received.



The form is titled "CHAIN OF CUSTODY FORM - TRANSFER OF ELECTION RESULTS FROM POLLING PLACE". It includes fields for Election Name (General Election), Election Date (November 6, 2023), Location (ALLEGANY JMMC), and Polling Place Scanner # (A1A1A000333). It has sections for "Number of Voted Ballots", "Number of Unscanned Emergency Ballots", and "Ballot Transport Bag Seal #". There are signature lines for the Poll Manager and Poll Officials, and a section for "Surrender by" with fields for Name, Title, and Signature.

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# Closing Procedures

## Transport Cases

- **DO NOT REMOVE POSTERS FROM THE BLUE SHIELD OR THE BLACK PRIVACY SHIELDS ON THE ICX-BMD UNITS. LEAVE BLACK PRIVACY SHIELDS ON UNITS.**
- Place the Blue Shield with the Posters on table with other supplies that our delivery crews pick up.
- Place the Black Transport Bags located on the delivery cart in front of the ICX-BMD unit by matching the Touchscreen Serial Number with the Serial Number on the front label of the Transport Bag.
- Place the Black Printer Transport Bag in front of the Printers by matching the Label on the front left of the Printer with the label located on the bottom of the Printer Transport Bag. This helps speed the process for our delivery crews.

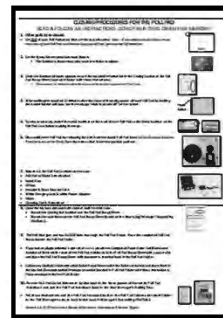


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# Closing the Polls

## Poll Pad Closing Procedures

- Follow the Poll Pad Closing Procedures (located in Manager's Expanding File/Poll Pad Folder/Tab 4) to close the polls on the Poll Pads.
- From the Hourly Inspection of Units, record the Wait Times to Check-in to Vote.
- Section A: Record Closing Time
- Section B: Record number of Check-Ins.
- Section C: Record Total Number of voters marked as Voted on Supplemental List (*only include Supplemental Voters who Voted*).
- Section D: Record Total number shown on Supplemental Numbered List.
- Complete sections E & F and explain any differences, if needed.
- Return the Poll Pads and attachments to the correct Poll Pad cases and seal.
- Record Closing Seal Numbers.



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# Closing the Polls

## Spoiled and Unaccompanied Ballot Recap Sheet

- Confirm spoiled and unaccompanied ballots are documented on the form.
  - Record Total of Spoiled Ballots.
  - Record Total Unaccompanied Ballots.
  - The Poll Manager and two Poll Officials must sign the bottom of each Spoiled and Unaccompanied Ballot Recap.
  - Keep Spoiled and Unaccompanied Ballots attached to the Spoiled and Unaccompanied Ballot Recap Sheets and place them in the envelope labeled Spoiled and Unaccompanied Recap Sheets and Forms located in the Manager's Expanding file/Poll Pad Folder/Tab 4. *Do not fold the forms.*
- Remember: For each Spoiled or Unaccompanied Ballot listed on this document you must have the printed ballot attached to it or have No Ballot Printed recorded on the form.**
- The envelope containing Spoiled and Unaccompanied Recap Sheets will go in the blue Manager Rolling Tote and be returned to the Elections Warehouse Election Night.

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# Closing Procedures

## Ballot Recap Sheet

This form is used to account for all the ballots issued, printed, cast, and spoiled.

### Complete Section A:

- Record the Ballots Printed at Closing Count from each Touchscreen Unit. Please be sure to record the total numbers on the correct line
- Total the number of Ballots Printed from above rows.
- (a) Record Ballots Printed on BMD.
- (b) Record Emergency Ballots Issued (if none issued put Zero (0)).
- (c) Record Total Ballots Printed (a+b).
- (d) Record Total Printed Ballots Spoiled from Spoiled and Unaccompanied Ballot Log.
- (e) Record Total Issued and Cast (c-d).

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# Closing the Polls....

## Ballot Recap Sheet

This form is used to account for all the ballots issued, printed, cast, and spoiled.

Finish Completing the Ballot Recap:

**Section B:**

- Record Ballots Cast from Scanner Tape.
- Record any Unscanned Ballots from Emergency Bin. If none then put 0.

**Section C:**

- Record Totals. All lines should match. If not, explain difference.
- The Poll Manager and two Assistant Managers or Poll Officials must sign the bottom.

Place the completed Ballot Recap in the Blue Memory Card Bag.



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# Closing the Polls

## Provisional Recap

This form is used to record the number of Provisional Ballots issued during the election.

- Complete all highlighted boxes in each section.
- If there are any discrepancies, it must be listed at the bottom of the form.
- The form must be signed and dated by the Poll Manager and two Poll Officials.
- The goldenrod copy of this form must be posted on the Polling Place Door along with one copy of the ICP-Scanner Result Tape attached to the Unofficial Results Form.

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# Closing the Polls

## Provisional Numbered List of Voters

- These forms are located in the Voter Assistance Box/Clear Provisional Folder.
- You **MUST** complete one for **each** Precinct at your Polling Place even if you had no Provisional/Challenged Voters

*Ex: If your Polling Place has 3 precincts then you should have a total of 3 Provisional Numbered List with the heading completed and marked 0 Voters, if polling place has 2 precincts you should have a total of 2 Provisional Numbered List, if polling place has 1 precinct a total of 1 Provisional Numbered List.*

*Writing all precincts on one form is not acceptable by the State.*

The form is titled "NUMBERED LIST OF PROVISIONAL/CHALLENGED VOTERS". It includes a header section for the election date and location, and a table with columns for "NAME OF VOTER", "TAB", "PREC CODE", "BALLOT TYPE", "ACCEPTED BALLOT", and "REJECTED BALLOT". A diagonal line is drawn across the table from the top-left to the bottom-right, with the text "0 Voters" written across it.

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# Closing the Polls

## Provisional Forms

### Voted Provisional Ballots and Paperwork

Place the following in the orange Provisional Bag:

- Voted Provisional Ballots.
- Orange Provisional Ballot folder with completed forms.
- Provisional Numbered List of Voters (one for each of your precincts, even if you had no voters).
- Provisional Ballot Recap Sheet (make sure there are three signatures at the bottom).
- Remember to place the goldenrod copy on the polling place door.



### Unused Provisional Ballots

- Place the unused Provisional Ballots into the Blue Provisional Transport Bag and reseal it.
- Seals are located inside the bag.



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# Closing the Polls Reporting Totals

- Once close out procedures are complete and prior to leaving the polling place to return the Election Results to the Board of Elections Warehouse, Poll Managers must complete an online Election Total Report (Jennifer will text link to Poll Managers Election Day) that requires:
  - The Polling Location
  - The total number of voters from the ICP – Scanner Results Tape
  - A picture of one of the printed Result Tapes from the ICP- Scanner
  - The total number of Provisional Ballots
  - A picture of the completed Provisional Recap Sheet

If unable to complete the Election Total Report Online, then you MUST call the number listed on the Phone Number Sheet (located in Manager's Expanding File/Tab 1) to report totals prior to leaving polling place.

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# Closing the Polls Packing Lists

Refer to the Packing Lists for proper return of all Election Materials. These are the same lists that you used to inventory your supplies Election Morning.

**AFTER POLLS CLOSE**

Please give the following items to the manager to return to the warehouse as directed:

- Completed voter certificates - sealed in zip lock bag provided.

**Please DO NOT put completed Voter Certificates inside the empty white binder envelopes.**

The items listed below should be packed back in the Black Zurich Bag and the delivery crew will pick it up on Wednesday:

- Small result bags - print them back to the bins and take from the bins as needed. Wrap in bubble and seal them in the large zip bag coming off during delivery.
- Ballot envelopes - provide plastic bags to hold, ribbons and return paper bags back in the seal bags.
- Sealed Voter Lists - seal the envelopes, printed paper, signature pads, do not touch cover, and fasten lid back in large zip lock bag.
- Voter Certificate Station Guide
- Blank voter certificates
- Stickers
- Chit board
- Seal protector
- Shut tags
- Extension cord
- Passes - if they can be used (please remove tags) if not, do not have access to station

**AFTER THE POLLS CLOSE**

Please make sure to give the manager the following items to bring back to the election warehouse as directed:

**1. Provisional**

2) = **2022** (see previous version)

Give the Manager the following:

- Orange Provisional Bag containing Total Results
- Orange result tapes with ballot data and completed Data
- Provisional number of list of voters - information to use as one for each person if you are going to provide that information to the Board of Elections (you will need to have a one for each person for the data)
- Signatures and envelopes, seal if you are going to use them, please wrap the envelopes in the black provisional Data

2) = **2022** (see previous version)

Give the Manager the following:

- Orange Provisional Bag containing a Provisional number of list of voters - seal the back of each person with the hanging envelope and seal the return

**3. Completed Provisional Recaps (envelopes)**

4. Completed Change of Address Form

**PLEASE PLACE THE ITEMS LISTED BELOW BACK IN THE VOTER ASSISTANCE BOX AND THE DELIVERY CREW WILL PICK IT UP ON WEDNESDAY:**

**Provisional Recaps:** - one envelope with one paper per list of five Ballots, sealed envelopes, and provisional recap sheet

**2022 Bag:** - seal the back, zip pad, extra copies and extension cords in the zip lock bag (this bag will have to return back to the warehouse with the manager on election night). Please return it to the Voter Assistance box!

**Passes:** - all ballot change of address and voter registration forms and certificate of voting job.

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# Closing the Polls

## Manager's Check List

- Refer to Election Night Supply Return Sheet for proper return of all Election Materials.

The image shows a two-page document. The right page is titled 'LISTED BELOW ARE THE ITEMS TO BE LEFT AT THE POLLS FOR THE FOLLOWING MONDAY PICK UP ON WEDNESDAY'. It lists items to be returned, categorized into 'Ballot Boxes', 'Voting Stations', and 'Equipment'. Each category has a list of specific items to be checked and returned.

- Managers you will be sent back to get anything that is listed on this form, and you do not have when you check in at the Board of Elections Warehouse Election Night.

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## Things to Remember

- PLEASE READ AND FOLLOW ALL INSTRUCTIONS. Skipping steps results in errors and could cost someone their vote. Those not following instructions are subject to being called in for questioning by the Board of Elections.
- Don't Panic. Everything you need is provided for you. You do not have to remember all the instructions. You just need to READ and FOLLOW the instructions. If you are missing any of the instructions or feel you need additional assistance, call our office and we will talk you through the situation.
- Most of the forms you are required to complete have been updated and each section that you are required to fill out is highlighted. Be sure to put something in each highlighted box.
- If you can't locate a voter in the Poll Pad, contact our office. If you can't reach our office, then you must offer the voter the option of voting a provisional ballot. **Never turn a voter away. Always notify the Chief Poll Manager or Assistant Manager to assist in handling any special situation, if needed.**
- Use the packing lists provided in the Black Supply Box and Voter Assistance Box to inventory your supplies and setup in the morning. Use the same lists to repack your supplies and close in the evening.
- Managers - use the Election Night Return sheet to ensure that you bring all the required materials to the warehouse.

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## Things to Remember

- There are to be three people in the polling place at all times.
- Poll Managers must contact the Elections Office and report how many Voted Ballots and how many Provisional Ballots you have prior to leaving the polling place.
- Be sure that all recap sheets and documents are completed properly and have three signatures at the bottom.
- Be sure that the Poll Worker Memory Card from the Ballot Scanner is returned on Election Night.
- If you are still at your polling place after 8:30 P.M., please call the warehouse to let us know your status.
- If you have a key to your polling place, please be sure to return the room to how it was when you arrived. Remove personal items, turn out the lights, lock all the doors, set the alarm (if required) .
- Be respectful to the people working at your polling location. If you have a problem with the building, you need to call us.
- Stay organized.

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## Preparing Yourself for Election Day

### Vote Before Election Day

- On Election Day you will be busy assisting voters and it may be difficult to go to your polling location to vote.
- Request an absentee ballot by mail or vote early at one of the advance voting sites.

### Review your Training Materials

- Review this handout.

### Manager will Contact you

- Your manager will call you before the election to confirm your attendance and provide information about what your assigned polling location does for lunch.
- If you are the Poll Manager, please remember to contact all workers and to let Jennifer know that you have confirmed that all are planning on working by Thursday, May 16, 2024.
- Make sure you check you voice mail for messages and ensure it is working properly.
- Managers - Texting workers may work better than leaving a voice mail. Share your contact information with them so that they recognize your number and can contact you if needed.
- *Poll Officials – Please respond to all voice messages and texts so that the Manager is aware that you are planning to work.*

### Get Ready the Day Before

- Get enough rest so that you stay alert throughout Election Day.
- Pack any items you will be taking with you, including medications.
- Remember your cell phone.
- Charge your cell phone and have it turned on. Take your cell phone charger with you.
- Make sure to set your alarms. You must arrive at your assigned polling location by 5:30 AM (unless told otherwise by Poll Manager) on Election Day.

### Poll Official Pay

- Poll Workers will be paid by direct deposit, and it should be done on Friday, May 31<sup>st</sup>.
- You are only paid for training if you work the election.
- New Check Policy: You will be charged the current stop payment fee for each stop-payment order initiated due to negligence. This does not apply for any check lost in the mail and never received.

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## Voting Schedule

Date	Time	Location
Monday, April 29, 2024 – Saturday, May 4, 2024	8:30am–6:00pm	Linda Beazley Rm Municipal Bldg, 535 Telfair Street Charles Evans CC 1866 Highland Ave. Robert Howard CC 4355 Windsor Spring Rd. Warren Rd. Rec 300 Warren Rd.
Monday, May 6, 2024 – Saturday, May 11, 2024	8:30am–6:00pm	Linda Beazley Rm Municipal Bldg, 535 Telfair Street Charles Evans CC 1866 Highland Ave. Robert Howard CC 4355 Windsor Spring Rd. Warren Rd. Rec 300 Warren Rd.
Sunday, May 12, 2024 <i>(Downtown Site Only)</i>	8:30am–6:00pm	Linda Beazley Room Municipal Building 535 Telfair Street
Monday, May 13, 2024 – Friday, May 17, 2024	8:30am – 6:00pm	Linda Beazley Rm Municipal Bldg, 535 Telfair Street Charles Evans CC 1866 Highland Ave. Robert Howard CC 4355 Windsor Spring Rd. Warren Rd. Rec 300 Warren Rd.
Tuesday, May 21, 2024 <i>Election Day</i>	7:00am – 7:00pm	All Election Day Sites

## 2024 Election Calendar

ELECTION	ELECTION DATE
Presidential Preference Primary	March 12, 2024
General Primary & Nonpartisan Election	May 21, 2024
General Primary & Nonpartisan Runoff	June 18, 2024
General Election	Nov 5, 2024
Federal & State General Election Runoff	Dec 3, 2024

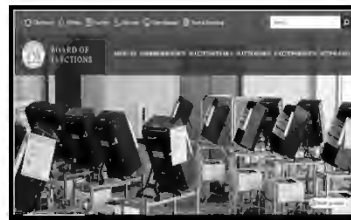
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Please take a look at The Board of Elections Website:

[www.augustaga.gov/vote](http://www.augustaga.gov/vote)

- View sample ballots
- Find your polling place
- See what districts you live in
- Download and print absentee applications
- Register to vote or update your information

Remember all this information is now available for mobile devices on the Apple and Android platforms. Just search for "GA SOS" in the app store.



You can also Like us on Facebook, Follow us on Instagram and Twitter. Share your photos.

Richmond County Board of Elections and @ARCBOE

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**SUMMARY**  
**STATE ELECTION BOARD MEETING**  
**Friday, September 20, 2024**  
**9:00 A.M.**  
**Georgia State Capitol, Room 341**  
**Atlanta, Georgia**

*As required by O.C.G.A. § 50-14-1(e)(2)(A), the following is a summary of the subjects acted on and the Board members present at the meeting.*

**Call to Order and Introductory Remarks**

Mr. John Fervier, as Chairman, called the State Election Board (the “Board”) meeting to order at 9:09 A.M. A quorum was present for each Board action taken. The following Board members attended the meeting: Mr. John Fervier, Mrs. Sara Tindall Ghazal, Dr. Janice Johnston, Mr. Rick Jeffares, and Mrs. Janelle King.

Dr. Johnston requested to amend the agenda to add the discussion of a petition for rule amendment previously submitted by Salleigh Grubbs, Chairman Fervier denied the request, Dr. Johnston moved to appeal the decision of the Chair, Mrs. King seconded, Mr. Jeffares voted aye, Mrs. Tindall Ghazal voted nay, Chairman Fervier voted nay, motion passed 3-2.

Dr. Johnston requested that under new business, the item of “discussion of voter challenges complaints”, be addressed after the Board returns from lunch. After discussion, Dr. Johnston withdrew her request.

**Approval of Board Meeting Minutes**

The Board voted to approve the minutes of the Board meeting held on August 6 & 7, 2024, with the amendment of adding the rule citations to the rule proposals and petitions heard.

The Board voted to approve the minutes of the Board meeting held on August 19, 2024, with the amendment of adding the rule citations to the rule proposals and petitions heard.

**Public Comment**

The following individuals provided public comment: Mason Hill, Natalie Crawford, Brook Schreiner, Barbara Gooby, Larry LeSueur, Elizabeth Hendrickson, Tate Fall, Valerie Kennedy, Marisa Pyle, Ellen Apte, Jacqueline Isaacson, Marci McCarthy, Jane Branscomb, Sam Collier, Akiva Freidlin, Mary Belle Hodges, Michael Beach, Travis Doss, Tonnie Adams, Kevin Muldowney, Kathleen Hamil, Matt Rowenczak, Milton Kidd, Joseph Kirk, Julie Adams, Ethan Compton, Sandy Schoepke, Richard Schroeder, Kristin Nabers, Saira Draper, Salleigh Grubbs, Earl Ferguson, Tracy Moore, George Balbona, Joey McKimon, Michael Kincaid.

## **Procedure Matters**

- A. Discussion and voting on proposed rule amendment to SEB Rule 183-1-12-.12 (Tabulating Results). Subject of Rule: Hand Counting. Presentation from Sharlene Alexander and Janelle King.**  
After presentation and discussion of the proposal, the Board voted to adopt the proposed rule.
- B. Discussion and voting on proposed rule amendment to SEB Rule 183-1-14-.02 (Advance Voting). Subject of Rule: Absentee Ballot Hand Counting. Presentation from Sharlene Alexander.**  
After presentation and discussion of the proposal, the Board voted to table the rule for discussion after the November General Election.
- C. Discussion and voting on proposed rule amendment to SEB Rule 183-1-12-.01 (Conduct of Elections). Subject of Rule: Absentee Ballot Distinction. Presentation from David Cross.**  
After presentation and discussion of the proposal, the Board voted to table the rule for discussion after the November General Election.
- D. Discussion and voting on proposed rule amendment to SEB Rule 183-1-14-.11 (Mailing and Issuance of Ballots). Subject of Rule: Chain of Custody. Presentation from David Cross.**  
After presentation and discussion of the proposal, the Board voted to table the rule for discussion after the November General Election.
- E. Discussion and voting on proposed rule amendment to SEB Rule 183-1-12-.12 (Tabulating Results). Subject of Rule: Reconciliation Reports. Presentation from Gail Lee and Janelle King.**  
After presentation and discussion of the proposal, the Board voted to adopt the proposed rule.
- F. Discussion and voting on proposed rule amendment to SEB Rule 183-1-12-.19 (Preparation of the Electors List and Use of Electronic Poll Book). Subject of Rule: Voter Lists. Presentation from Lucia Frazier.**  
After presentation and discussion of the proposal, the Board voted to reject the proposed rule.
- G. Discussion and voting on proposed rule amendment to SEB Rule 183-1-12-.21 (County Participation and Totals Reporting). Subject of Rule: Daily Reporting. Presentation from Rick Jeffares.**  
After presentation and discussion of the proposal, the Board voted to adopt the proposed rule.
- H. Discussion and voting on proposed rule amendment to SEB Rule 183-1-13-.05 (Poll Watchers for Tabulating Center). Subject of Rule: Poll Watchers in Tabulating Center. Presentation from Julie Adams.**  
After presentation and discussion of the proposal, the Board voted to adopt the proposed rule.
- I. Discussion and voting on proposed rule amendment to SEB Rule 183-1-12-.13 (Storage of Returns). Subject of Rule: Storage of Returns. Presentation from Garland Favorito.**  
After presentation and discussion of the proposal, the Board voted to table the rule for discussion after the 2025 Legislative Session.

**J. Discussion and voting on proposed rule amendment to SEB Rule 183-1-14-.02 (Advance Voting). Subject of Rule: Reconciliation. Presentation from Garland Favorito.**

After presentation and discussion of the proposal, the Board voted to adopt the proposed rule.

**K. Discussion and voting on proposed rule amendment to SEB Rule 183-1-12-.12 (Tabulating Results). Subject of Rule: Reconciliation. Presentation from Garland Favorito.**

After presentation and discussion of the proposal, the Board voted to adopt the proposed rule.

**The Board voted continue the Old Business and New Business items on the agenda to Monday.**

**The Board heard the remaining individuals who signed up for public comment.**

**Recess**

The Board voted to enter recess at 4:50 P.M., and continue business at 9:30 A.M. on the following Monday.



**SUMMARY**  
**STATE ELECTION BOARD MEETING**  
**Monday, September 23, 2024**  
**9:30 A.M.**  
**Georgia State Capitol, Room 341**  
**Atlanta, Georgia**

*As required by O.C.G.A. § 50-14-1(e)(2)(A), the following is a summary of the subjects acted on and the Board members present at the meeting.*

**Call to Order and Introductory Remarks**

Mr. John Fervier, as Chairman, called the State Election Board (the “Board”) meeting to order at 9:37 A.M. A quorum was present for each Board action taken. The following Board members attended the meeting: Mr. John Fervier, Mrs. Sara Tindall Ghazal, Dr. Janice Johnston, Mr. Rick Jeffares, and Mrs. Janelle King.

**New Business**

**A. Petition for amendment of SEB Rule 183-1-12-.13**

**Presented by Salleigh Grubbs**

After presentation and discussion of the petition, the Board voted to initiate rulemaking procedures.

**Old Business**

**A. Petition for promulgation of new State Election Board Rule**

**Presented by Lucia Frazier**

After presentation and discussion of the petition, Mrs. Frazier withdrew her petition.

**B. Petition for amendment of SEB Rule 183-1-12-.19**

**Presented by Lucia Frazier**

After presentation and discussion of the petition, the Board voted to reject the petition.

**C. Petition for amendment of SEB Rule 183-1-15-.03**

**Presented by Marilyn Marks**

After presentation and discussion of the petition, the Board voted to reject the petition.

**New Business, Continued**

**B. Discussion of voter challenges complaints**

After presentation from Ms. Marci McCarthy and discussion amongst the Board, the Board voted to request that Executive Director Mike Coan investigate the voter challenge complaints received. The Board also voted to invite county election board members to attend the October 8 SEB meeting to provide information and answer questions regarding their voter challenge policies.

**C. Report on the Monitor Team for Fulton County 2024 General Election**

Chairman Fervier provided an update on the status of the monitorship. Chairman Fervier and Dr. Johnston agreed to meet with Ryan Germany and the Fulton BOE Chair to discuss the monitorship further.

**The Chair announced without dissent that the remaining business items would be continued to the October 8 meeting.**

**Adjournment**

The Board voted to adjourn the meeting at 4:47 P.M.