

THE OFFICE OF THE SECRETARY OF STATE
STATE OF GEORGIA

IN THE MATTER OF THE:

STATE ELECTION BOARD HEARING

GEORGIA STATE CAPITOL BUILDING
ROOM 341
ATLANTA, GEORGIA 30334

TUESDAY, APRIL 3, 2018
9:00 A.M.

PRESIDING OFFICER

REBECCA SULLIVAN, VICE CHAIR

LATASHA D. BETHEL, CCR
HAPPY FACES COURT REPORTING
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APPEARANCE OF THE PANEL FROM LEFT TO RIGHT

Ralph F. Simpson, Member, State Election Board,
State of Georgia

Rebecca N. Sullivan, Vice Chair, State Election Board,
State of Georgia

David J. Worley, Member, State Election Board,
State of Georgia

(By Phone) Seth Harp, Member, State Election Board,
State of Georgia

ALSO PRESENT IN ORDER OF PRESENTATION

Russell Lewis, Chief Investigator, Investigations Division,
Secretary of State Office, State of Georgia

M. Frances Watson, Investigations Supervisor,
Investigations Division, Secretary of State Office, State
of Georgia

Cristina Correria, Office of Attorney General, Government
Services and Employment Division, State of Georgia

Chris Harvey, Elections Director, Secretary of State
Office, State of Georgia

MS. SULLIVAN: Thank you. We will go ahead and call this meeting to order. Secretary Kemp could not be with us today, so I will be trying out my new role as vice-chair of the State Election Board in chairing the meeting today. We will call this meeting to order. Judge Simpson, if you would like to lead us in the invocation and pledge.

(INVOCATION)

(PLEDGE OF ALLEGIANCE)

MS. SULLIVAN: The first item on our agenda is approval of the minutes from the State Election Board meeting of September 20th, 2017 and the special-called State Election's board meeting on November 7th, 2017. These minutes have been provided to the board members. Do any of the board members have any corrections to those minutes?

MR. SIMPSON: I move that the minutes of both meetings be approved.

MS. SULLIVAN: Judge Simpson has made a motion that we approve both sets of minutes. I'll second that. All in favor?

(Whereupon the vote was unanimous.)

MS. SULLIVAN: Any opposed and that motion passes. That brings us to the public comment section of our agenda. We welcome public comment from any of you who have filled out these public comment cards, and if anyone has joined us late and would like to speak, please, come up to the front and fill out one of these cards. I'll ask that you come up and use this wireless mic that Kevin has to speak. The first person we have to speak is Mr. Fortune. If you would please identify yourself. State your name and your address for the record, and we will allow, as is our custom, two minutes for each person.

MR. FORTUNE: Hi, my name is John Fortune (phonetic). My address is P.O. Box 525, Athens, Georgia. I have come here today to address the issue that I have been addressing with this board and legislators for the past 14 years and that is our broken election system. As you-all know, in Georgia

we have been voting on the Diebold AccuVote TS Voting System since 2002. Those machines were sold to us by our former secretary of state turned lobbyist Lewis Massey. Lewis Massey went through the revolving door and became a lobbyist for the company that subsequently became Diebold Election System. That company originally was called Global Elections Management Systems, and they looked for the best and brightest to program and be the technical lead on these machines. They sought a person convicted of sophisticated computerized embezzlement as the judge who convicted him stated during his sentencing hearing. I would like to enter into the record, here, his conviction papers, and I would also like to enter one other item, the cover sheet for a 2006 error analysis of Georgia's voting machines that came out of Princeton University, and all of the folks who are the authors are now professors of computer science and computer security. May I distribute this to the board?

MS. SULLIVAN: Yes, you may. I think your time is just about up.

MR. FORTUNE: Because these issues have not been addressed, I am throwing my hat into the ring to run for Senate District 46. These issues have failed to be addressed, and the legislature put forth a very deceptive bill that would allow very expensive computers called ballot marking devices to substitute for ten-cent pens in marking paper ballots. Thank you.

MS. SULLIVAN: Thank you. Mr. Raymond Davis (phonetic)?

MR. SMITH: That's me. I am what is left of a stroke so you-all have to give me some space. I am Wallace Smith (phonetic), and I run the precinct in Newton County called (indiscernible). It's on Highway 212, and we've noticed some things over a period of the last 20 years or so that need to be brought before you-all. Number 1 is that our voters are most opposed to you people releasing information about them as to what party they voted. They feel like that is a violation of their constitutional right to a secret ballot because you have even one person on that party that's running opposed, you have exposed their vote and all of them, and I have had many people speak to me. They do not mind choosing a party. What they mind is you-all exposing what party they chose. I also noticed that

during the election up in Wisconsin that information was actually used against a lot of voters, and they were attacked because they were identified as a certain party.

The second thing I want to do, we run a big precinct with over 6,000 registered voters. In order to accomplish that, I go into the high schools every year in November elections and hire students there, which the high school sends me. We go through the training process. They come from the AP government class. Only the AP government class because they are interested in it, and those kids come in and help us in our precinct. I do that for three reasons, essentially Number 1 is I need help. I have a lot of voters. Number 2 is that I am building for the future. You know, you guys operate the oldest functioning operation on the face of the earth. If we went through a bad winter, like in 1918, and a lot of people died of the flu, you would be out of business because your average worker in the precinct is over 75 years old. The third reason that I do it and most importantly is that the children, the teenagers, show to everyone who comes into my precinct --

MS. SULLIVAN: Mr. Davis, your time is up. If you can just wrap it up.

MR. DAVIS: -- everyone that comes into my precinct is that we're honest and aboveboard because you have teenage students in there from high school, the best that they can send you. You people should be looking to do that for the future.

MS. SULLIVAN: Thank you very much. Thank you for being here. Do we have any other members of the public that would like to speak about a matter that is not one of the cases on the agenda?

(No response.)

MS. SULLIVAN: Okay. That will close our public comment period. We will now begin our investigations report. The first group of cases are consent cases which we would normally consider in a block and vote to dismiss those cases unless any member of the board would like to pull one of those cases or if any member of the public would like to speak and like for the board to discuss one of those cases.

So I will first ask Senator Harp or Judge Simpson if

there are any cases they would like to pull off the consent calendar for discussion.

MR. SIMPSON: I have none.

MR. HARP: I do not.

MS. SULLIVAN: Mr. Worley will be joining us a little bit later this morning. He had a court obligation that he could not miss, but he has asked me to pull off four cases off of the consent calendar for discussion. Those cases are SEB Case No. 2014-075, Douglas County voter turned away and that is Tab No. 3 in your binder. The second case is SEB Case No. 2016-077, Liberty County and that is Tab 15. The third case is SEB Case No. 2016- 126, Carroll County, Tab Number 17 in your binder and SEB Case No. 2017-052, City of Temple which is Tab 32.

So we will pull those cases off of the consent calendar. We are going to go ahead and move those to the end of the calendar so that we can discuss those when Mr. Worley arrives. Are there any other cases on the consent calendar that anyone here would like for us to pull off?

UNIDENTIFIED SPEAKER: Hart County case.

MS. SULLIVAN: Hart County.

MR. LEWIS: Hart County is on the letter agenda.

MS. SULLIVAN: Okay. We are first taking the consent cases. We will get to that. Any other cases on the consent calendar anyone here would like the board to pull and discuss separately?

(No response.)

MS. SULLIVAN: Okay. I will entertain a motion to dismiss the consent cases that are listed in our binder except for the four that we have pulled just now.

MR. SIMPSON: So moved.

MS. SULLIVAN: Judge Simpson has made that motion.

MR. HARP: Second.

MS. SULLIVAN: Senator Harp has seconded. All in favor?

(Whereupon the vote was unanimous.)

MS. SULLIVAN: None opposed. That motion passes. We will move on to the letter cases. We normally also vote on these in a block, but I believe that we are going to pull several of these. Hart County has been requested that we pull that case. That is SEB Case No. 2015-036. And Mr. Lewis, do we have some more cases that we would like to pull to discuss separately?

MR. LEWIS: Yes, ma'am. We would request that 2015-037, Tab Number 36, Irwin County staffing issues. Also 2015-049, City of Lumpkin, Tab Number 37. 2015-055, the City of Sumner, Tab Number 38 and 2015-063, City of Sparta, Tab Number 31.

MS. SULLIVAN: Is there any member of the public here that would like to speak to one of these letter cases? I believe we only have three cases left to vote on as a block. That would be SEB Case No. 2014-024, Douglas County; Case No. 2015-030, Telfair County; Case No. 2015-083, City of Richmond Hill, Bryan.

UNIDENTIFIED SPEAKER: I would like to speak on SEB 2015-019, Wilkinson County.

MR. LEWIS: That's on the consent agenda.

MS. SULLIVAN: We just voted to dismiss that case. Did you still want to speak regarding the case, ma'am?

UNIDENTIFIED SPEAKER: Yes.

MS. SULLIVAN: We will get to that after we discuss the letter cases. We will come back and allow that public comment.

Now would be a time for a motion to go ahead and issue a letter of instruction in 2014-024, Douglas County; 2015-030, Telfair County; 2015-083, City of Richmond Hill. I will move that we issue a letter of instruction in those three cases.

MR. SIMPSON: Second.

MS. SULLIVAN: Judge Simpson, seconds. All in favor?

(Whereupon the vote was unanimous.)

MS. SULLIVAN: None opposed. We will have a letter of instruction issued in those three cases. Mr. Lewis, are you ready to present Hart County 2015-036?

MR. LEWIS: Yes, ma'am, Madam Chair. This is 2015, Number 36, Hart County, L&A testing. In this complaint July 2015, the Secretary of State's office opened an investigation into complaints related to the general primary election of May 20th and December 2nd, 2014 general runoff in Hart County. There were five allegations which included issues such as L&A testing was not properly posted prior to the December 2nd runoff. An observer was forced to leave tabulation during the May 20th election and was not allowed to observe in the absentee ballot. The December 2nd runoff were allegedly counted at a precinct and not at the probate office on election night. They were counted without supervision by a member of the Democratic or Republican party. Those were the allegations. During our investigation it was confirmed that Hart County did not publish a notice concerning the preparation and testing of the DREs in the legal organ prior to the December 2nd, 2014 election. All the other allegations were unsubstantiated.

Our recommendation was that Judge Merry Kirk (phonetic), the Hart County probate judge, be issued a letter of instruction regarding the violation of notice not being posted.

MS. SULLIVAN: Thank you. Do we have any members of the public that would like to speak?

(Signifies.)

MS. SULLIVAN: If you will go ahead and come forward and state your name and address for the record, please.

MS. STRESSER: Mary Beth Stresser (phonetic), 151 Woodlake Landing (phonetic), Hartwell, Georgia. Again, I have been here once before on a partial investigation of the complaints I made, and you said you would revisit them.

Our probate judge who is also the deputy chief of elections, she ran her own election for probate judge. Her husband programmed the machines for her election. Her daughters worked as poll workers in her election, and I made a complaint within the week to the local Superior Court. I was told they sent it on here. The fellow I talked to here said they never got it, but he got a copy made by the probate court dated about a week after the election where I made the complaint. She should not be our judge because every vote that she handled or her daughters handled or her husband handled (indiscernible). Every single bid in that election should have been thrown out and that was four years ago. She ran last year. Nobody ran against her, but she should not have made it through. It should not have taken four years to even get to this point.

And about what this fellow said, I was told by the county attorney that there was a meeting -- I was told about election board meetings. There was a meeting in which they all agreed I was removed from the tabulation improperly. I handed the investigator at that time a copy of the recording where the judge -- the judge, the superintendent, he removed me from the meeting illegally. The tabulation for that -- not the judges, the one before, was conducted secretly. Thirty seconds after midnight, there was a manual entry. Nobody knows what that manual entry was. Eight votes disappeared. Eight cast ballots disappeared from the precinct to the courthouse -- I'm sorry. Twenty-one cast ballots now, not votes. Cast ballots disappeared from a machine at precinct level. Thirteen of them reappeared at the state level but not at the tabulation at the courthouse. There were three official results for that one election. I made that complaint. It never got -- somebody needs to pay attention to our county's elections.

MS. SULLIVAN: Thank you for being here. Mr. Lewis, have these allegations been investigated?

MR. LEWIS: Yes, ma'am. All the allegations were investigated as far as the L&A testing, and we were asked about whether the spouse was involved in any of that. The answer was no. All the ballots were transported to the probate office and counted as they normally do, and there wasn't any recollection of anybody being removed from tabulation.

MS. SULLIVAN: Thank you.

MS. STRESSER: The report that investigator received from me on CD, in that first election I made a complaint on, the husband of the deputy went alone to pick up the machine. The daughter went alone to another precinct to pick up the machine. That is on that recording where Ms. Merry Kirk, who is now our probate judge, sent her husband out this way, out that way, because the cards did not work and she handed them each a key. I was there. Handed them each a key and told them to go and get the machines. They went alone. He had a poll worker's name tag, but he is not listed as a poll worker in the paperwork. He is not paid as a poll worker. He was able to handle machines. He did the programming for that election too, unofficial, because he does the computers for the superior court judges. So they let him handle the election machines. He has the recording that states this, and if we can revisit this, I will bring a copy and give it to a different investigator and let him listen to it.

MS. SULLIVAN: Thank you.

MS. STRESSER: Thank you.

MS. SULLIVAN: And Mr. Lewis, the recommendation in this case is a letter of instruction?

MR. LEWIS: That is correct, Madam Chair.

MR. SIMPSON: So moved.

MS. SULLIVAN: Senator Harp, would you like to second that?

(No response.)

MS. SULLIVAN: I will second that motion. All in favor?

MR. SIMPSON: Aye.

MS. SULLIVAN: Aye.

(No response.)

MS. SULLIVAN: Senator Harp, the motion on the table is to issue a letter of instruction in the Hart County case. We had a motion and second. Would you like to aye or nay on that?

MR. HARP: I vote yes.

(Whereupon the vote was unanimous.)

MS. SULLIVAN: That is all in favor, none opposed. A letter of instruction will be issued in the Hart County case. Next case that we have is Case No. 2015-037, Irwin County. That is Tab 36 in our binders.

MR. LEWIS: Thank you, Madam Chair. In this case on July the 14th of 2015, the investigator with the Georgia Secretary of State's office conducted a polling station inspection in the Irwinville (phonetic) Community Center precinct in Irwin County. Investigator learned the poll manager was not assigned to work the entire day of the special election. Also, during the special election, supervisor Steve Hamby (phonetic) had contacted the Secretary of State's office about a vote count being off at the poll precinct due to an issue with a voter access card re-entering the DRE unit.

In regards to the Irwin Community Center polling precinct not having a poll manager working the entire day, the investigation revealed evidence to support a violation of Georgia Elections Code. Election supervisor Steve Hamby acknowledged during the investigation the poll manager Ms. Hall (phonetic) was assigned to work at the Irwinville Community Center, but she was not able to work the entire day of the election. She stated that during Ms. Hall's absence he was on-call if he needed to be there in response, and I think he checked on the polling place four times during the day.

In regards to the vote count being off by one, Mr. Hamby indicated that a voter access card was ejected prior to the elector completing the selection of casting their ballot. The elector left the poll location before notifying election officials to figure out what happened. The situation could have been rectified if the elector had made the poll workers aware of that. So the difference in the totals from the express poll and the DRE units was documented in the voting recount machine. The

investigation did not reveal any evidence to support violations of Georgia Elections Code.

After reviewing the file, we have adjusted the violation in this case to reflect the more affirmative appointment of the poll manager. So the cite listed in your report is going to be changed. We would recommend that Irwin County board of elections and registrations be issued a letter of instruction for violation of O.C.G.A. 21-2-90 appointment of chief manager and two assistants.

MS. SULLIVAN: Is there any member of the public that would like to discuss this case?

(No response.)

MS. SULLIVAN: The recommendation is that a letter of instruction be issued to the Irwin County board of elections and registrations and Steve Hamby for violation of O.C.G.A. 21-2-90.

MR. SIMPSON: So moved.

MS. SULLIVAN: Judge Simpson makes that motion.

MR. HARP: Second.

MS. SULLIVAN: Senator Harp seconds that motion. All in favor?

(Whereupon the vote was unanimous.)

MS. SULLIVAN: Any opposed, and a letter of instruction will be issued in the Irwin County case. Next on our agenda is SEB Case No.2015-049, the City of Lumpkin, and that's Tab Number 37 in our binder.

MS. WATSON: In this case Lisa Ford (phonetic) alleged that during qualification for the City of Lumpkin, for the November 3rd, 2015 election, Mayor Charles Gibson refused to allow her and the general public to obtain the names of the people that were qualifying. Investigation shows that Dolores Sage (phonetic) the deputy clerk for the City of Lumpkin was asked to handle a municipal qualifying, as the person who had done so was no longer there. Dolores completed online training concerning municipal qualifying.

Mayor Gibson advised that he knew that Dolores had not had any training concerning elections and instructed her to have anyone asking questions regarding elections to contact him. Lisa Ford advised that she asked Dolores Sage for the qualifications list in September of 2015. Dolores advised Lisa Ford that Mayor Gibson told her to forward anyone requesting election information to him or Nia Williams (phonetic), the assistant administrator for the city. Lisa came by several times to get the information and found Nia Williams' door closed with a "Do Not Disturb" sign and "The Mayor Unavailable." Dolores Sage cannot recall if she informed the mayor that Lisa Ford had specifically requested the names of those that qualified. Lisa Ford advised that the names were not released until after qualification closed. It was discovered that Charles Gibson was no longer the mayor of the city for the City of Lumpkin, and elections and qualifications have now been contracted out to Stewart County.

We are recommending that the former mayor, Charles Gibson, the City of Lumpkin, and Dolores Sage, deputy clerk, be issued a letter of instruction for 21-2-72, when they failed to provide Ms. Ford with the documents she requested in a timely manner.

MS. SULLIVAN: Are there any members of the public that would like to speak regarding this case?

MR. MINTER: Yes.

MS. SULLIVAN: Thank you. Please come to the front and get the mic. If you would state your name and address for the record, please.

MR. MINTER: My name is Bin Minter. I am the county attorney for Stewart County, Georgia. I am here with Senator Josh McKoon, who is also a county attorney for Stewart County, Georgia. We are here actually in another case for the State Election Board today, but we saw that this matter came up. The county did handle the election for the City of Lumpkin that year. However, qualifying was left to the City. So in our capacity here, we have no issue at all with the letter of instruction in this particular case.

MS. SULLIVAN: Thank you.

MR. MINTIN: Did you need an address?

MS. SULLIVAN: Oh, yes. Please, state your address.

MR. MINTIN: I am with Smith, Moore and Leatherwood at 1180 West Peachtree Street, Atlanta, Georgia. Senator McKoon's address is 3 Bradley Park Court, Suite D, Columbus, Georgia 31904.

MS. SULLIVAN: Judge Simpson, Senator Harp, do either of you have any questions for Mr. Mintin?

MR. SIMPSON: No, I don't.

MS. SULLIVAN: So the recommendation is that a letter of instruction be issued to both Ms. Sage and Mayor Gibson?

MS. WATSON: Mayor Charles Gibson and the City of Lumpkin and Dolores Sage.

MS. SULLIVAN: Thank you. For violation of 21-2-72.

MR. SIMPSON: So moved.

MS. SULLIVAN: Judge Simpson has made that motion. I'll second it. All in favor please say, "aye."

(Whereupon the vote was unanimous.)

MS. SULLIVAN: That would be none opposed and that motion passes. We will move on to Case No. 2015-055, City of Sumner.

MS. WATSON: Mr. Jimmy Cross (phonetic) reported the City of Sumner would not have a qualifying election officer for two days during qualification. That the City of Sumner had violated the time requirement for the qualifying period for the November 2015 Sumner municipal election and that no person qualified to fill the county seats at qualifications should have been reopened.

We found former City of Sumner clerk election supervisor Shannon Integen (phonetic) quit when qualifying was to begin. A replacement Matthew Hills (phonetic) was working on August 31st, 2015 but was not sworn-in by

counsel until September 1st.

The current city clerk, Melissa Dobbins (phonetic), advised that on August 31st Matthew Hills was there working as a qualifying officer, and Ms. Dobbins further stated the office was open all day except during lunch from twelve to one in which a sign was placed on the door advising of the contact numbers in the case somebody came by.

During the investigation it was found that the notice for qualification was posted in the legal organ on August the 5th, 2015 and qualifying notice also ran in other locations in Worth County.

When this case was completed, we incorrectly applied O.C.G.A. 21-2-132(d)(3) as a violation based on the number of weeks the notice was posted in the legal organ. Upon further review we found the City, in fact, met the requirements for notice in this instance and no violation had occurred. We are recommending that this case be dismissed with no violations.

MS. SULLIVAN: Is there anyone here who would like to speak regarding this case?

(No response.)

MS. SULLIVAN: Judge Simpson, Senator Harp, do either of you have any questions regarding this case that you would like to have Ms. Watson address?

MR. HARP: I do not.

MR. SIMPSON: I don't think so. I read the file.

MS. SULLIVAN: I will make a motion that we dismiss Case No. 2015-055.

MR. HARP: I second that motion.

MS. SULLIVAN: Senator Harp has seconded that motion. All in favor?

(Whereupon the vote was unanimous.)

MS. SULLIVAN: Any opposed, and that motion passes. Moving on to Case No. 2015-063.

MS. WATSON: In this City of Sparta case in October of 2015, the following complaints were received regarding the City of Sparta November 2015 municipal election; Nancy Stevens (phonetic) reported the mayoral candidate's sister, Maxine Evans (phonetic), was taking people to the polling location and telling them how to vote while she was assisting them. Tiffany Medlock (phonetic), election supervisor for Hancock County at the time, reported that she heard from a citizen that the mayoral candidate, William Evans, was picking up absentee ballots from the post office. She said she believed the post office box was opened specifically for returned absentee ballots. Britt Palati (phonetic) reported that he was told by a city employee that the mayor is campaigning in City Hall and he was paying ten dollars to each person that would vote for him.

Melvin Belvelle (phonetic) reported that four voters who were mailed absentee ballots also voted advanced. Mr. Belvelle also stated that three workers were allowed -- I'm sorry -- voters were allowed to vote on the advanced voting days. Mr. Belvelle also said that seven voters on the absentee ballot was incorrect addresses and that seven voters on the absentee ballot did not have enough information to be sent an absentee ballot.

Teresa Kayle (phonetic) reported that Mary J. Dickerson (phonetic) voted in the Sparta election and currently resides in the assisted living facility. We found that Maxine Evans did assist four voters during early voting. The only voter that could be located to be interviewed was Beula Johnson (phonetic) who stated that Maxine Evans was her cousin. There was no substantiating evidence to support any of the other allegations.

We originally recommended a letter of instruction for Maxine Evans, but upon further review of code, it was determined that no violation of code occurred and we recommend that this case be dismissed.

MR. SIMPSON: So moved.

MS. SULLIVAN: Is there any member of the public who would like to speak?

(No response.)

MS. SULLIVAN: Judge Simpson has made a motion to dismiss

Case No. 2015-063. I will second that. Any further discussion?

(No response.)

MS. SULLIVAN: All in favor say, "aye."

(Whereupon the vote was unanimous.)

MS. SULLIVAN: That is none opposed, and this case will be dismissed. I believe that concludes the letter case on our agenda. We had one member of the public who would like to speak regarding one of the consent cases. Just for the record, we have already dismissed that case, but if there is someone here who would like to speak, the board will hear from you now.

(No response.)

MS. SULLIVAN: Is she still with us?

MS. BELLS: Thank you very much. I would like to apologize. I was here at a quarter until nine; however, I had a problem finding parking and accessibility into the building. It was a long walk for me in which I had a hard time. My name is Catherine Rubiera Bells (phonetic).

MS. SULLIVAN: Would you state your address for the record too, please?

MS. BELLS: My address is 109 Elan Street, Gordon, Georgia 31031.

MS. SULLIVAN: And you are here regarding 2016-004 with the City of Gordon?

MS. BELLS: 2015-019, the City of Gordon, Wilkinson County.

MS. SULLIVAN: Okay.

MS. BELLS: Do you mind if I sit for this?

MS. SULLIVAN: Go ahead.

MS. BELLS: I live across from the Raima (phonetic)

precinct polling place in Wilkinson County for 32 years. In that 32-year span of time, I saw a mayor's wife who blocked residents from voting in an election because they registered through the county, and I saw one candidate going door to door of a polling place on election day with campaign signs on his vehicle, and then he drove past twice in front of the polling place. I have witnessed numerous individuals who I know for a fact do not live in Gordon (indiscernible). Some of them had given relative's addresses as registration places to vote in our recent elections. Sarah Ann (phonetic), superintendent of elections, neglected to place signs regarding campaign election day. In 2015 I was harassed by the superintendent of elections, Tracy Sperling (phonetic) because I had a candidate's campaign sign in my yard on my private property 15 feet, obviously, by the driveway. I have witnessed suspicious conduct with a screwdriver by the man setting up the polling machines. Conrad Evans (phonetic) is also board of elections member and he is also the Republican chair.

As a checks and balances, there should be more than one person present when the machines are set up in Gordon. There was an issue another time in which I witnessed Mr. Ethridge (phonetic) drop two of the voting machines as he was taking them out of his truck.

The City of Gordon should also pay attention to where these signs are placed. If they are on the city rights way, then they really need to be moved because to me that is promoting the City's preferences on candidacy when they get a lot of people like me who have signs on private property. Thank you.

MS. SULLIVAN: Thank you, ma'am. I do have a question for you. I don't believe that all of these allegations that you stated are necessarily the subject of this investigation. Mr. Lewis, have any of these allegations been formally filed in the complaint and investigated?

MR. LEWIS: There has been several allegations that she has filed. There have been different investigations conducted regarding some of the allegations that she is reporting today are still in cases that have not been presented.

MS. SULLIVAN: So there are some that are still outstanding?

MR. LEWIS: Correct.

MS. SULLIVAN: Some of those allegations that you were speaking of today have not yet been investigated and presented to the board but will come before the board at a later date. We would welcome your attendance at that next meeting to discuss those claims.

MS. BELLS: Do you mind if I ask which complaints are these? Are these the ones of Mr. Etheridge with the screwdriver on the machines and the sign the elections lady harassed me about?

MS. SULLIVAN: Ma'am, thank you for your questions. What we will do is when we take a break you can meet with one of the investigators who can give you an update on the allegations that are still outstanding. Thank you.

We will move on to the investigations report. I will go ahead and run through this list of cases, and if you are here to speak regarding one of those cases, please identify yourself. We will take the cases under consideration first for those people who have come here to speak on behalf of those cases. The first case is 2013-052, City of Atlanta - actually, I believe we've granted a continuance in this case.

MR. LEWIS: That is correct, Madam Chair.

MS. SULLIVAN: So we would not be considering Case No. 052 today. Case No. 2013-070, City of Arlington, Calhoun County?

(Signifies.)

MS. SULLIVAN: 2014-049, Warren County. Anyone here for the Warren County case?

(No response.)

MS. SULLIVAN: 2014-077, Worth County, City of Sumner?

(No response.)

MS. SULLIVAN: 2014-088, Hancock County?

(Signifies.)

MS. SULLIVAN: 2014-111, City of Meigs?

(Signifies.)

MS. SULLIVAN: 2015-024, Clayton County?

(Signifies.)

MS. SULLIVAN: 2015-029, Troup County?

(Signifies.)

MS. SULLIVAN: 2015-042, DeKalb County. Anyone here for DeKalb County?

(No response.)

MS. SULLIVAN: 2015-043, Wilkes County?

(Signifies.)

MS. SULLIVAN: 2015-051, City of Riverdale?

(Signifies.)

MS. SULLIVAN: 2015-054, North Carolina?

(Signifies.)

MS. SULLIVAN: 2015-058, City of Hiawassee?

(No response.)

MS. SULLIVAN: Not seeing anyone here for City of Hiawassee, Towns County.

MR. LEWIS: The mayor was here earlier, and I think she left. We had a discussion, and then she left.

MS. SULLIVAN: 2015-061, Cobb County. No one here for Cobb County?

(No response.)

MS. SULLIVAN: 2015-062, City of Morrow? No one for the City of Morrow?

(No response.)

MS. SULLIVAN: 2015-065, City of Lumpkin, Stewart County?

(Signifies.)

MS. SULLIVAN: Okay. We will take up SEB Case No. 2013-070, City of Arlington.

MR. LEWIS: Thank you, Madam Chair. The complainant reported that the election supervisor was allowing non-city residents to remain on the voter's list and vote in the city elections. Investigators were able to verify that all primary addresses for the 11 electors identified in this complaint all had a primary address inside the City of Arlington with one exception and that was Mr. McGee (phonetic). Mr. McGee advised that he was registered to vote at his parent's address which is inside the city limits of Arlington even though his primary address 15165 Highway 45 is outside the city limits of Arlington.

We would recommend that Mr. McGee, elector, be bound over to the Attorney General's office for the listed violations (indiscernible) address change and being registered where you live.

MS. SULLIVAN: Is there anyone here wishing to speak on this matter?

(No response.)

MR. SIMPSON: I move that this case be bound over.

MS. SULLIVAN: Judge Simpson has made a motion that Case No. 2013-070 be bound over to the Attorney General's office. I'll second that. Senator Harp, a motion has been made and seconded to bind the City of Arlington case over to the AG's office. All in favor please say, "aye."

MR. WORLEY: Aye.

MS. SULLIVAN: Aye. Any opposed?

(No response.)

MS. SULLIVAN: Is that an "aye" Senator Harp?

MR. HARP: Aye.

(Whereupon the vote was unanimous.)

MS. SULLIVAN: The motion passes regardless. So that case will be bound over to the AG's office. Sorry, there are only three of us today. So we all need to vote. Moving on to SEB Case No. 2014-088.

MR. LEWIS: In November 2014 Ralph Turner (phonetic) reported that the former elections supervisor Eretha Hill (phonetic) placed registered voters who fabricated their addresses for redistricting purposes. Ms. Hill stated that when she was in the process of changing rural routes to P.O. Box addresses to physical addresses in the system. In order to do this, she created an error index to place addresses that were not working into the county's auto precincting function. However, Ms. Hill created these false addresses in a production environment in the election net system when she was doing so.

Ms. Hill said she was not able to complete changing the addresses back to legitimate addresses because her employment was terminated with the county in the elections office. The address corrections had to be made by current personnel after Ms. Hill's departure. In light of Ms. Hill's employment being cut short, she was unable to complete the changing of addresses back to legitimate addresses, and other personnel, as I said, had to correct those entries. We did have a potential violation listed in this report, but it does not adequately address the situation as we have found that this activity is not out of the ordinary for election workers. As such we recommend the violation in this case be dismissed.

MS. SULLIVAN: Go ahead, Judge Simpson.

MR. SIMPSON: I think it's very clear in the law that you have to have a physical address to vote. You can't use a Post office box. Isn't that correct?

MR. LEWIS: Yes, sir. That is correct.

MR. SIMPSON: Why do we want to dismiss the case where somebody obviously violated a very clear and specific law?

MR. LEWIS: Well, she was working in the system to make corrections to the addresses, and the addresses that she was creating were false addresses that she deposited. Chris may be able to address that process a little more clearly than I can.

MR. SIMPSON: That seems even worse. I would recommend this case be bound over.

MS. SULLIVAN: I think that Mr. Harvey could clarify a little bit about what happened here. It sounds like it was a fairly technical process that they were going through to try to make corrections.

MR. HARVEY: Yes, ma'am. When voters are being entered into the voter registration system, if they are at addresses that the voter registration system does not recognize, for example a missing address, a partial address, or an incomplete address, the county registrars often create an audit file and sometimes a missing address or a partial address (indiscernible) until the street address can be added into the VR system. The term "false address" is used in the report. I don't believe it was a false address as much as it was a placeholder address. So that when the county is transitioning from the previous rural routes system to the 911 system, they could add the street names that had previously not been in the directory. It is a fairly common practice for election officials to do this. This does not appear that they had a type of subterfuge or hiding voters or concealing voters but just a temporary step in the system so that they could get into the system, recognize the voters, and then go back at the conclusion of the redistricting and put them in the proper street address.

MR. SIMPSON: In the past we have had cases where election officials have allowed people to vote based on post office box, and you can't tell where they are living in a precinct for the candidate for whom they vote. I think we do not

need to begin down a path which will allow additional fraud in the voting process. I think the law says we have to have a physical address. We need to have a physical address, and if she was putting in false addresses and changing things, then I think it should be bound over. I know it is a little more work. If we are going to have fair and equal elections, we have to follow the laws that we have on the book. I move that the case be bound over.

MS. SULLIVAN: Judge Simpson has made a motion.

MR. LEWIS: Madam Chair, may I make a comment?

MS. SULLIVAN: Yes.

MR. LEWIS: Judge, we too felt that way early in the investigation. As we looked at the matter even further, there really was not a violation of code that matched up with the activity based on what election officials are allowed to do. So that was part of the problem as well. If you are binding the case over, we really don't know what to bind it over for.

MR. SIMPSON: That is not what the recommendation says. It says evidence suggest it was in violation O.C.G.A. 21-2-562(a)(1). That's the recommendation?

MR. LEWIS: Yes, sir. We found that site was not applicable to this situation.

MR. SIMPSON: Why is it being recommended in the report?

MR. LEWIS: That is why we are changing that at this time. The further investigation found that code section did not apply to the activity, and we searched and searched to find the code section that did apply to the activity with the assistance of the AG's office, and we were unable to locate a code section that would match.

MS. SULLIVAN: If I can ask Mr. Harvey a further question. We have discussed that, this process of putting placeholders. I think this report is misleading because we talk about fraudulent entries. There was never an intent to put a fraudulent entry into the system that we are aware of. As a placeholder, that is a fairly common activity,

and it would not have been a problem had that been corrected with the correct street addresses as opposed to P.O. Box addresses. It's just that the respondent did not have an opportunity to do that because her position was terminated and was no longer allowed into the system. Is that correct?

MR. HARVEY: That's correct.

MS. SULLIVAN: So the question I have is, this is a fairly common process of putting placeholders in. Is that an appropriate process? Just because it's common does not necessarily mean that it is appropriate, and maybe this is something that further instruction -- is there another way to handle the situation or is this the only way to address this issue?

MR. HARVEY: This is done mostly so that you can get the voters into the system. The concern would be if you do not have the proper information and you don't get the person into the system, you run the risk of it not getting into the system at all. If something were to happen (indiscernible) or something along those lines. So I believe it is an appropriate system as long as the registrars are diligent and sufficient. In most counties they have a designated placeholder address like "missing avenue" or "address can't find lane" or something like that, so that it is very clear that this is a placeholder. To that extent, I believe it's an appropriate thing for them to do. The difference is making sure that you get somebody into the game, into the voter registration system rather than saying, well, this is incomplete so we're just going to hold them out and if something happens to that application, you know, in error they may not get back in.

MS. SULLIVAN: Well, they are performing this process in an attempt to get people recognized as voters?

MR. HARVEY: Yes ma'am. When there's imperfect circumstances with data or street names, the voter registration system is designed so that the addressees are recognized as either residential or commercial, and it is designed to prevent somebody from being registered at a commercial address. Now, sometimes that happens, and sometimes it has to be overridden, but because it is not a

completely flexible system that covers every circumstance, this is a reasonable workaround that most counties do, and then most of them manage it, and most of them manage it responsibly.

MS. SULLIVAN: So, Investigator Lewis, I certainly understand where Judge Simpson is coming from. As the report was originally prepared, it certainly could be an activity that if you don't fully understand, looks like a violation of the State Election Code, and that's why you made that initial recommendation to bind over, but after further discussions with Mr. Harvey and understanding what process was actually happening, that's why you have changed the recommendation?

MR. LEWIS: Yes, ma'am, that is correct. Not only with the elections division but with the AG's office as well.

MS. SULLIVAN: I don't know if that clarifies anything for you, Judge Simpson, or do you want to go ahead with your motion? What is your pleasure?

MR. SIMPSON: See if it gets accepted.

MS. SULLIVAN: Senator Harp, where are you? Oh, here you are.

MR. HARP: I am here.

MS. SULLIVAN: Judge Simpson has made a motion to bind over Case No. 2014-088, Hancock County over to the AG's office. He has made that motion which would require a second.

MR. HARP: Second.

MS. SULLIVAN: Senator Harp seconds that. All in favor please say, "aye."

MR. SIMPSON: Aye.

MR. HARP: Aye.

MS. SULLIVAN: I vote no on that motion, but it passes, and that case will be bound over to the AG's office. I suppose I should have asked if anybody wanted to speak on that case

before we made that motion. Is there someone who still would like to speak on that case? I apologize.

MS. HENDERSON: No worries. I am LaToya Henderson (phonetic). I actually represent Aretha Hill (phonetic) who is the actual plaintiff on this motion. My address is 5555 Glenridge Connector, Suite 200, Atlanta, Georgia 30324. I am going to let her introduce herself.

MS. HILL: My name is Aretha Hill. I have lived in Hancock County for the past 38 years. My address is 377 Hancock Street, Sparta, Georgia 30087.

MS. HENDERSON: I just want Aretha to clarify because everybody keeps saying P.O. Box. They were not actually P.O. Boxes, so I want her to actually clarify because she was the actual election supervisor. So the clarification will actually need to come from her.

MS. HILL: Yes. (Indiscernible) rural routes that we were trying to clear up in 2014. So in order to do that, we did create another index in order to place the incorrect addresses with the rural routes in order to try to get a current address for that particular voter.

MS. HENDERSON: I wanted to also explain why this index was actually created because the courthouse actually burned down in Sparta. So there was no way to actually determine these addresses because all of that information was actually burned down. So all these addresses and information had to be recreated in this county. So the only way to recreate that was to actually have, pretty much, a second system or a second file until they actually did get correct addresses to place these voters. So that's the only reason why the actual file was created, like everyone had stated, to actually put the correct addresses in, but of course, my client did not have the opportunity to put the correct addresses in there because she was terminated, and also she had a pending lawsuit against Hancock County. Now, it is in Federal District Court in (indiscernible) Georgia for retaliation against her. So I think a lot of this comes from a lot of the board members on the county had a lot of issues which we have actually filed suit against the county.

MS. SULLIVAN: Thank you for being here. Because we entertained that motion prior to letting you speak, if any of the board members would like to reconsider that motion, I'll entertain a motion for reconsideration.

(No response.)

MS. SULLIVAN: Sounds like we will not be reconsidering that. Thank you. I'm sorry?

MR. SIMPSON: After hearing their explanation, and we have heard it before, but after hearing that explanation and realizing that there is nothing improper about what she was trying to do in trying to correct an error, I will move to recall that motion.

MS. SULLIVAN: So, if I need any correction on parliamentary procedure, please, correct me for this. I will make a motion that we reconsider the passed motion that we made to bind that case over to the Attorney General's office. This is a motion to reconsider the passed motion to bind over. Need a second.

MR. SIMPSON: Second.

MR. HARP: I will second that motion.

MS. SULLIVAN: Judge Simpson seconds that. All in favor to reconsider please, say, "aye."

(Whereupon the vote was unanimous.)

MS. SULLIVAN: Any opposed, and that motion to reconsider passes. So, now we are considering again the recommendation to dismiss this case. Judge Simpson, would you like to make that motion to dismiss the case?

MR. SIMPSON: I will.

MS. SULLIVAN: Judge Simpson has made that motion. I will second it. All in favor of dismissing this case, please, say, "aye."

(Whereupon the vote was unanimous.)

MS. SULLIVAN: And that motion to dismiss passes. Thank you very much for being here.

MR. SIMPSON: Thank you-all for the explanation.

MS. SULLIVAN: Moving on to 2014-111, City of Meigs.

MR. LEWIS: Madam Chair, the City of Meigs, Georgia held a special election for a vacated seat on their city council after a council member resigned. Our investigation revealed on January 6th of 2014, Willie McNeal (phonetic) resigned his post as a council member in the City of Meigs. Councilman McNeal had 22 months left on his term when he resigned. The town charter specifies that if the elected official leaves office with more than a year left on their term, the town shall hold a special election to fill the vacated position. There was some evidence that suggest there was confusion about exactly when Mr. McNeal's term expired, but the term limits were available for the Thomas County elections office. In January of 2014 the City of Meigs mistakenly appointed Ms. Jackson to fill the vacated seat of Mr. McNeal instead of holding an election.

On May 5th of the same year, Ms. Kilpatrick (phonetic) resigned her post as a council member in the City of Meigs. While the city did call for a special election to fill this seat that was vacated by her resignation, there was disagreement again within the City of Meigs' government, which delayed the special election and consequently the called special-election was not held until the following year on March 17th of 2015.

Our recommendation would be that the City of Meigs, Marylynda Paris (phonetic) and Vickie Mae Cathis (phonetic), city clerk, be bound over to the Attorney General's office for violation of 21-2-504 and 21-2-540. There should also be a letter from attorney Lehman (phonetic), and I don't think he is present this morning, in your paperwork outlining his knowledge of the events for the City of Meigs.

MS. SULLIVAN: Judge Simpson or Senator Harp, do either of you have any questions for Investigator Lewis?

(No response.)

MS. SULLIVAN: Is there anyone here from the City of Meigs

who would like to speak regarding this case?

(Signifies.)

MS. HARRIS: Hi, my name is Linda Eason Harris. I was the mayor at that time. I am the complainant, and I am glad I did -- it just happened that my brother is now on that council. I am the complainant. I am the one who got in touch with the office and notified them of this violation, and had my brother not been on the Council, I would have never have gotten the letter. I am just now finding out that I am the one that is going to be violated, and I do not think that is right. So I ask that the City of Meigs be penalized because I am the one who brought this to their attention that these actions were going on, but they in turn -- Tommy Coleman (phonetic) was our attorney at that time. He gave the council permission to vote to keep Ms. Odessa Jackson (phonetic) in that seat. I did let them know according to our charter that was not right. I mentioned to them that we were to have an election, and they colluded with the Thomas County election, the board supervisor, and did not have the election at all. They were very aware, and I mentioned to them at that time if you-all are not aware of the charter, you need to go to training, have a retreat or something. The council overlooked all of my suggestions and my advice to them, and that was just one of their tactics to come against me as the mayor with strong authority there or at that time, but, of course, that was 2014. I have been recalled since that time, and the City of Meigs is still practicing these negative behaviors. I feel the City of Meigs needs to be penalized, not me. I appreciate it.

MS. SULLIVAN: Thank you.

MR. SIMPSON: May I ask a question?

MS. SULLIVAN: Of course.

MR. SIMPSON: During that period of time, did you make a motion to call an election that was voted on by the city council as the mayor?

MS. HARRIS: Yes, sir, I did.

MR. SIMPSON: You did. And what was the vote on that motion?

MS. HARRIS: Well, the council voted to keep Ms. Odessa Jackson in that seat and to not have an election. They were aware that there was supposed to be a special election. They were aware that Ms. Jackson, her time was up in December of that year. I made the complaint. I was told that I need to seek my representative for our area. I sought out for his advice on that, and I think I talked with Dave Howell (phonetic) at that time. I told him the actions of Tommy Coleman. He told me I was lying. Tommy Coleman did not do that. So I had no help, and since then, the only person that has been penalized is me because of those actions because the young lady they allowed to stay in that seat was the majority vote to go against me, being that I was putting on the table the retreat and the election and all of that. So they were happy to keep her in that seat.

MR. SIMPSON: Did the minutes of the city council reflect that motion and vote?

MS. HARRIS: Yes, sir.

MR. SIMPSON: And Mr. Coleman is the city attorney?

MS. HARRIS: He was at that time.

MR. SIMPSON: And what was his position? What did he say?

MS. HARRIS: He said it was left up to the council, and if the council voted to keep Ms. Odessa Jackson, at that time, which is Odessa Sutton (phonetic) now, in that seat, then she could stay in that seat without an election.

MS. SULLIVAN: Investigator Lewis, it does not appear on my binder that the mayor was noticed as a respondent in this case. Am I mistaken about that? If she was not noticed as a respondent, I don't think that we can --

MR. LEWIS: No, it looks like she was noticed as a complainant but not as a respondent. You are correct, and I would say that if you look on Page 3 of the ROI as well, what Mayor Harris is saying about her attempt to file a

motion with the city council is correct. It was documented in our report.

MS. SULLIVAN: Are there any more questions for Mayor Harris?

(No response.)

MS. SULLIVAN: Is there anyone else here that would like to speak regarding this case?

(No response.)

MS. SULLIVAN: Based on the fact that Mayor Harris is here and explained this and she is not noticed as a respondent in this case, I would make a motion that she not be bound over but that Meigs city council and the city clerk, the allegations regarding them be bound over to the AG's office.

MR. LEWIS: I would agree with that, Madam Chair.

MR. SIMPSON: I'll second.

MS. SULLIVAN: Judge Simpson seconds that motion. So the allegations regarding -- I will make the second part of that motion to -- I will make a separate motion after we vote on this one to dismiss Mayor Harris altogether. So the first motion will be to bind over the Meigs city council and the city clerk to the AG's office. Judge Simpson has seconded that. Any further discussion?

(No response.)

MS. SULLIVAN: All in favor please say, "aye."

(Whereupon the vote was unanimous.)

MR. SIMPSON: I moved that the mayor be dismissed.

MS. SULLIVAN: Judge Simpson has moved that the mayor be dismissed. I will second that. All in favor?

(Whereupon the vote was unanimous.)

MS. SULLIVAN: That is none opposed. Both of those motions pass. Thank you very much for being here. Moving on to Case No. 2015-024, Clayton County and that is Tab 47 in our binders.

MR. LEWIS: On May 29th, 2015 the Secretary of State's office investigations division opened a case regarding an allegedly fraudulent absentee ballot application that was submitted to the Clayton County board of elections and registration. The application for absentee ballot was presented for processing by fax from an insurance company who was recognized to be owned by a candidate for the board of education. When the elections office personnel compared the applicant's signature and the information on the voter registration card on file, two discrepancies were found. The application was for Daniel Johnson (phonetic), and the voter registration card listed the elector as Daniel Darsell Johnson (phonetic). Also, the signature did not match what was on file. The elector was contacted by the elections officials, and she denied having submitted the application and was upset that someone had used her name to request a ballot. When the elector was contacted by SOS Investigations to assess the complaint, she initially verified the information in the complaint but later in that same day followed up with an email explaining how she had given her mother permission to submit the absentee ballot application in her name and to sign her name.

Cynthia Hammons (phonetic), who is the mother in this case, advised that she was visited by Ms. Shebes (phonetic) who was working for the candidate for the board of education race in Clayton County and completed the ballot applications for herself and her daughter during this visit. She also indicates she had contacted her daughter to get permission.

When we talked with Ms. Shebes, she remembered visiting Ms. Hammons and Ms. Hammons volunteering her daughter and herself to fill out the applications, and she signed both of them. She does not ever remember that there was a phone call made to the daughter to request permission.

Our recommendation in this case would be that Cynthia Hammons, the elector, be bound over to the Attorney General's office for violation of 21-2-381, making of application for absentee ballot. Ms. Hammons filled out the absentee ballot application, signed her daughter's name, and did not sign as assisting.

MS. SULLIVAN: Did any of the board members have any questions for Mr. Lewis?

(No response.)

MS. SULLIVAN: Is there someone here who would like to speak regarding this case? If you would please state your name and address for the record.

MS. HAMMONS: Good morning, my name is Cynthia Hammons. Danielle Johnson is my daughter. On that particular day, a lady, this not being brought to my attention, did come to my home and was campaigning for someone in the Clayton County election. During the course she explained everything, and she told me -- at the time, my daughter she does live with me and she was not at home. She said she was trying to get votes, to get people to fill out an application for an absentee ballot which I never did in my life. She asked me did I know anybody else who was registered, and I told her that me and my daughter are voters. Get out and vote and that I will make a phone call. We were on speaker phone. I asked my daughter if she was interested in voting for a superintendent. She did say over the phone, on speaker phone, yes, and she told me that I could go ahead and sign because she was at work at the time. During that course, the young lady, I can't remember her name, told me that was fine and someone would contact me regarding that, and they did, and I did explain. The next thing you know, three years later I am getting a letter in the mail a week before this today. Also, as far as the oath -- some kind of oath I was supposed to sign as far as statements being true. I was never offered that. The only thing the lady told me is that when the absentee ballots do come in the mail that it's important that Danielle fill out her own absentee ballot and submit it and that everything should be all fine.

Excuse me, I am very nervous because I have never been through anything like this before. I did not even know how to dress, so.

MS. SULLIVAN: You are fine. Thank you for being here. We appreciate you coming.

MS. HAMMONS: Like I said, if I did fill out an

application, it was under her guidance. Nothing was told to me about further consequences involving this. I am very, very uneducated on the voting process. I just try to make a difference. Me and my daughter, like I said, are known voters, and we do get out and vote at nearby schools and do it together every year. So I felt that by me being her mother that it was okay and me having her on speaker phone at the time giving permission was okay. Like I said, three years later I am here today. It was no malice involved. Nothing to get more votes. Just trying to help out the gentleman. So now that I know that potentially I could get in trouble for this, I do apologize to the elections committee and whoever is involved. I was just trying to do the right thing.

MS. SULLIVAN: Thank you so much, Ms. Hammons, for being here. Judge Simpson, do you have any questions for Ms. Hammons?

MR. SIMPSON: No. Thank you.

MS. SULLIVAN: I appreciate you being here, and I know this can be intimidating. I hope this does not discourage your participation in the election process going forward. I would make a motion that this case not be bound over to the Attorney General's office. That a letter of instruction be issued.

MR. SIMPSON: Second.

MS. SULLIVAN: Senator Harp, I just made a motion that this case not be bound over to the Attorney General's office as was originally recommended and a letter of instruction be issued to Ms. Hammons.

MS. HAMMONS: May I ask a question?

MS. SULLIVAN: Yes, in just a second. Judge Simpson has seconded that. You may go ahead and ask your question.

MS. HAMMONS: This is for Investigative Lewis. Moving forward because I would like to continue to be a known voter and support my county. I just want to know in that letter of instruction does it show what actions to take moving forward because like I said, this is me being

uneducated.

MS. SULLIVAN: We will make sure that letter that you get gives you all that you need to know about filling out an absentee ballot so that you have the information that you need.

MS. HAMMONS: Thank you so much.

MS. SULLIVAN: Is there any further discussion regarding this case?

(No response.)

MS. SULLIVAN: Have a motion on the table to issue a letter of instruction. All in favor please signify by saying, "aye."

(Whereupon the vote was unanimous.)

MS. SULLIVAN: That is none opposed, and that motion passes. Thank you again. Moving on to Case No. 2015-029, Troup County. Number 48 in our binders.

MR. LEWIS: Thank you, Madam Chair. On June 12th of 2015, the Secretary of State's office investigations division opened an investigation into allegations regarding Troup County elections supervisor having registered voters, and he was not an elector of Troup County or the State of Georgia. The second allegation is that the election supervisor altered the minutes of the board of elections and registration meeting to cover up voter registration activity. The allegation concerning the meeting minutes was unfounded as the minutes were presented to and voted on by all of the VOER members. The evidence confirmed that Andrew Harper (phonetic) was the Troup County election supervisor. He registered voters and maintained the voter registration, and he is not an elector in Troup County or the State of Georgia.

We recommend that Troup County board of elections and registration and Andrew Harper, the Troup County elections supervisor, be bound over to the Attorney General's office for violation of O.C.G.A. 21-2-214, qualifications of a registrar and deputy registrar.

MS. SULLIVAN: Is there anyone here wishing to speak regarding this case?

MR. DEGENNARO: I am here for Troup County.

MS. SULLIVAN: Please state your name and address for the record.

MR. DEGENNARO: My name is Mark DeGennaro. I am with the law firm of Willis McKenzie in LaGrange, Georgia. That is 300 Smith Street, LaGrange 30240. I and my law firm, we've represented Troup County for many, many years. We've been asked to come here to address the investigative report in this case. I guess, first of all and thank you for reminding me to hold this up. I hope that Senator Harp can hear me. If not, I will get closer and I will speak up. I am assuming that everyone can hear you.

My comments are going to be much more of a legal nature than prior (indiscernible). As a lawyer who appears before judges and in courtrooms with briefcases, and we have written submissions, and of course the judge gets to look at those, my first question to the panel is, there has been a letter submitted setting forth these few arguments. Was that part of the packet? If not, I can give that to you.

MS. SULLIVAN: I don't believe the board members have --

MR. LEWIS: No.

MR. DEGENNARO: Let me provide that for you. May I approach?

MR. SULLIVAN: You may. Let the record reflect that we are receiving documents on behalf of Troup County.

(Presenting.)

(Discussions had off the record.)

MS. SULLIVAN: Judge Simpson has moved that we enter those documents into the record. I will second that. All in favor say, "aye."

(Whereupon the vote was unanimous.)

MS. SULLIVAN: None opposed. Thank you. You may go ahead.

MR. DEGENNARO: Again, this is a very technical argument that, I think, has been both the basis of the complaint. I think there is some background that can be very beneficial to the board to hear before we get into that argument. Effective January 1st, 2013 the legislators passed Senate Bill 520. That act was sponsored by Senator McKoon, who is here today. That act was passed, and what that act did is it created the Troup County board of elections and registration pursuant to 21-2-40. 21-2-40 is a general statute that gives the legislator the ability to create boards and provide an alternate mechanism for doing what we all want to do, which is to provide for the fairness and quality of voting and protect the right to vote. It provides an alternate instruction to do that, and that is what the legislature did when it passed the Senate Bill 520.

There are four key aspects to that bill that we all need to have on hand from the very get-go. First, that bill created the board of elections and registration and grants it the duties that the old probate court judge, as the elections superintendent and the old board of registration created under the general state law have.

Second, he provided for an election supervisor as the delegee or designee of that board to carry out its duties, and it provided that election superintendent -- excuse me -- supervisor would be a full-time employee of the county. That becomes key later on. The next one is that it provided that the board members themselves would need to be electors of Troup County rather than electors and residents of Troup County, and finally, as is typical, at the very end of this legislation, the legislator abolished the offices of the old election superintendent, and the old board of registration no longer exists for Troup County.

With this background, we come to Mr. Harper. Mr. Harper became a county employee in 2000 or so. A long-time county employee, he worked in zoning and building, then in GIS or geographical information services for the county for a long time. During that period, he received training on the election machines from the probate court judge who was the elections superintendent. Completed that in 2011. Assisted with elections and enjoyed it. When the old election supervisor resigned, the position became open.

Mr. Harper decided that he would like to apply for that position. One of the first things he did was to go to the county manager and say, Todd -- the county manager is Todd Camel (phonetic) -- Todd, as you know, I live a mile within the Georgia line in Alabama, is that going to be a problem? Todd Camel says, well, I do not know. I'll check it out. Mr. Harper pursued the application. The way it was structured to work, as provided by the local act, applications are received by the county. It goes to the board of elections registration. The board of elections and registration interviews applicants, and then it goes to the board of commissioners who makes the final decision on those positions. Mr. Harper went through the application process with the board. The board, including the board member who actually filed the complaint in this case, unanimously voted recommending he be the election supervisor. He goes before the board of the commissioner and he gets the job. During this period, the county manager did what he said he would do. He called Linda Ford, who as you-all know was the former director of elections division. Discussed the situation with her and was essentially told she could not see no problem. If there had been a problem, Mr. Harper would not have applied for the job. Mr. Harper takes the job, works his first election in 2014, gets all the training. In the spring of 2015, the issue comes up again. The allegation was made that he should not be serving as elections supervisor because he lives one mile of the state line.

The day chairman of the board of elections, myself, and Jane McCoy (phonetic), and Mr. Harper again called the Secretary of State's office. This was during the transition period, and Ms. Ann Hicks (phonetic) was there at the time. Had the same conversation with Ms. Hicks. Again, giving her full information about his residency which of course was no secret. Mr. Harper had been through all the training, had been on the state system for quite a while. The state again says, no, we do not see any problem. Mr. Tenant (phonetic) was not part of that conversation. He was, like, well, I'll check myself. He tried to call, and he was not able to get Mr. Hicks, and ended up speaking with John Hallman (phonetic), and Mr. Hallman essentially said call your county attorney, which is what he did.

What I did was look at the statute. The very first thing we did, and respectfully, I would say that the

problem with this case is that the statute, which I am sure you have before you, and if you don't, I have copies. 21-2-214, to put it succinctly, the statute in Subsection A is what we are talking about. It's a qualification statute. It's not a penal statute, and it doesn't say what the findings of the investigations division said it says. That statute says in Subsection A, members of the board of registrars shall be electors of the state in the county in which they serve. Many deputy registrars shall be electors of the state. Again, this is Section 21-2-214. That applies to boards of registration created under general law under Subsection 21-2-212. A body in an office that had been abolished by the legislature did not exist is problem one. Problem two is that it does not say what the findings says it says. It does not say that it shall be a violation for anyone performing acts of registration to not be a resident elector of the county of the state. It simply does not say that.

I could get into the technical legal argument, and I will touch it briefly because I know that we have able people on the board and who have knowledge of this and can appreciate it. Generally, when you have a piece of local legislation, it controls unless there is a conflict of state law. The local legislation here provides for an election supervisor, does not say he has to be an elector of the county of the state, and provides that he acts as a delegate or an agent of the board. The board members themselves are electors of the county and state. There is no conflict of state law here for a couple of different reasons. First of all, with my letter I refer to the Attorney General's opinion that clearly points out that what the legislature did in passing 21-2-40 is provided there would be no conflict because you have created an alternate setting for all the stuff to be done. Alternate ways of qualifying and appointing elections officials to do the same job, to get to the fundamental fairness and to ensure the quality in voting and protector of rights. A different way to get to the same thing. That statute, in fact, would -- there would only be a conflict with state law if you try to read it the way that the investigations division has tried to read it. The status of the local act provides that the election supervisor shall be a full-time employee of Troup County. State law, and I will refer to O.C.G.A. 45-2-5. You probably don't have a copy of that if you just have the election code there.

MS. SULLIVAN: What is your cite?

MR. DEGENNARO: 45-2-5. I've got a copy of it here.

MS. SULLIVAN: You can go ahead and tell us what it says.

MR. DEGENNARO: I can read it. It is very short. O.C.G.A. 45-2-5, no municipal or county government in this state shall require as a condition of employment by such government that applicants for employment as officers or employees, or such officers or employees now or hereafter employed, must reside within the boundaries of the municipality or county. The only conflict here is if you try to read this to say that full-time employees have to reside in Troup County.

The statute in violation or the suggested violation here, I think, should be dismissed for a couple of different reasons. First of all, I think this board has done consistently here today what it tries to do. As a matter of general law, you do not construe penal statutes in such a way to violate somebody when it is not clear. There is no way that you could read this statutory structure with the local act, with a state statute for a board that does not exist, that was abolished, in language that does not say word one about an election supervisor that happened to be in violation of this case. It's a qualification statute. It is not a penal statute. And every act that Mr. Harper has done as election supervisor, he has no status as an elections supervisor. He is a delegee. The law provides that generally you can delegate duties, even statutory duties be it absent the Attorney General (indiscernible) in reference to (indiscernible). You can delegate those duties. He did those as an agent and delegee of the board. They are their acts, not his.

With that, I know it is atypical and maybe, kind of, a convoluted argument and position, but I hope you understand. If you have any questions, I will be glad to try to get it answered.

MS. SULLIVAN: Go ahead, Judge Simpson?

MR. SIMPSON: I am looking at 21-2-214. It seems to me the title, first of all, talks about qualifications of registrars and deputy registrars, okay. In the statute

itself it says, members of board of registrars shall be electors of the state. That is one category mentioned in the statute, and then they say and any deputy registrar shall be the elector of the state. That is the second category. And then they say all registrars, which to me means the people who are actually doing the work registering the voters, shall be able to read, write and speak the English language. It does not require them, a simple registrar, to be an elector of the election except when it says, municipal registrars shall be registered voters and shall be able to registrar. That is only municipal registrars that that applies to. So you are looking at four categories of registration personnel. It seems like to me this statute is being construed with regard to registrars from municipalities, deputy registrars, and the board registrars but not to a simple registrar. So that is my reading of the statute.

MR. DEGENNARO: That is the conclusion I got. Honestly, I got to it in a different way, but I got to the same conclusion by virtue of the fact that if you look at the remaining subsections of that statute, there is mention of boards of elections and registration and combined boards, but it doesn't appear in Subsection A.

MR. SIMPSON: Right. I read the other section too. To me that seems to be the answer to the question just for discussion purposes.

MS. SULLIVAN: I have a question. So the duties that Mr. Harper is performing, would you say that those are the same duties that a registrar or deputy registrar performs? How are the duties of a deputy registrar different than the duties that he is performing? Where I am going is, the statute says a deputy registrar shall be an elector of the state, but I don't think you can perform the same duties and call it whatever you want to and have a different law apply. The point is that someone who is performing those duties has to be an elector of the state. So if you could proceed with that.

MR. DEGENNARO: There are two points to that. First of all, before you even get there, you are talking about a deputy registrar in the context of that statute. It is talking about a deputy registrar appointed by the board of

registrars that is created by the state law which was abolished.

We have a totally new system here which the legislature has decided that you can do that, you have a board that can delegate their duties to Mr. Harper, and that delegation is essentially a delegation of election superintendent duties whose role is primarily in the nature (indiscernible). He has people working for him doing this, by the way, which reside in Troup County. The reason and difference there is that what we are talking about here is a qualification statute. We are not saying that there are other rules that the election supervisor is precluded from complying with because he is not under the state statute. In fact, there are specific sections in the code, again, pointed out in the letter, which requires an election supervisor to get the training and sit back and says that the training of the board can be fulfilled by the election supervisor's training. So what we are talking about is the narrow issue of residency, and again it is hard for me to answer that question in the abstract.

MR. SIMPSON: Am I understanding you also to say that the local act does not require a residency requirement?

MR. DEGENNARO: There is no requirement for an election supervisor in the local act. The only residency requirement is for the actual board members who must be electors of Troup County.

MR. SIMPSON: Right. So since we have a specific local act which applies to this situation, it may appear, or what is your argument with regard to which statute prevails?

MR. DEGENNARO: Correct, and I think it's pretty clear that the local act does. Not only that but by appointing (indiscernible) to the statute.

MS. SULLIVAN: Thank you. I believe we have some more people who would like to speak on this. I believe that the representative for the Attorney General, Ms. Correria, would like to speak.

MR. CORRERIA: Thank you, Madam Chair. I would say that O.C.G.A. 21-2-220(a) requires that any elector wishing to register to vote has to do so by application either to the

registrar or deputy registrar of that person's county. So certainly, there are code and provisions that every county has somebody who is designated as a registrar or deputy registrar, and the local legislation, in this case, provides that the election supervisor among other things must carry out the duties of voter registration and elections as required by law. So I think there is some argument, at least, that that person that for that county is, in fact, the registrar under 21-2-220(a), and in looking at 214(a) for the qualifications of those --

MR. SIMPSON: The local act does not require a residency requirement. How are you going to argue around that?

MS. SULLIVAN: Senator Harp, Judge Simpson just made the point that the local act does not have a residency requirement, and Ms. Correria is addressing that.

MR. CORRERIA: I think that there is an argument of 21-2-214(a) applies to, first, the individual, the officers required by 21-2-220(a) for every county to maintain the registrar. You are either the chief registrar or deputy registrar is the way I interpret the statute.

MR. DEGENNARO: Respectfully, I would hate to subject someone with a penal penalty on the grounds that there is at least some argument that does not apply, but the local act is clear, and I think reading the statute is limited that specifically governs this. There is a myriad of provisions in the code, and again, I guess, as a procedural matter that is not (indiscernible) that is here before us today. It's violation -- violated 21-2-214, so.

MS. SULLIVAN: Okay. Thank you for being here. We are just a little bit more statutory construction than we normally engage in.

MR. DEGENNARO: I understand that, and I did my best, and I hope I was helpful.

MS. SULLIVAN: Thank you. I believe we have someone else here who would like to speak regarding this.

MS. HALL: I am Lonnie Hall. I live at 706 Renalds (phonetic) Street in LaGrange, Georgia, and I am one of the

board members for Troup County. First, I wanted to defend Linda Ford. I don't think if she was given the wrong information and told them that (indiscernible) totally does not agree with this. You have to be an elector in the state and county where you vote. If the poll workers have to live in that county and state where they vote, why shouldn't the election supervisor? He can be the supervisor but he cannot be the registrar. Alabama has the same code law. You cannot live in Alabama and vote in Georgia. Maybe he should have moved to Troup County and changed his voting area. He votes in Alabama and he lives in Alabama. So is it right for him to certify the votes for voting in Georgia? Is it right for him to challenge a voter? If a voter comes up and wants to challenge something, can he represent Georgia as a challenger to that vote?

I know specifically Linda Ford took this book and showed it to him at one of our training sessions and said you cannot be the registrar. Now, he probably could have appointed someone in the office to be registrar. I mean, we had a person. She was a registrar, but when he came on board he took that away from her. He is listed on the website as the registrar for Troup County voter registration, and as Mr. DeGennaro had said about board designating, I don't know where in writing that he was designated to represent the board. I could not find it, and it is not in our bylaws. As a matter of fact, we just redid our bylaws, and some items were taken out that were not taken out by the board members. As Mr. DeGennaro knows, he was in the meeting. I asked, and another board member asked who specifically took this out, and we never got an answer.

As far as the legislation is concerned, yes, that legislation -- there was no way that the addresses of the supervisor (indiscernible) in Senate Bill 520 that Mr. McKoon helped to send through the legislature, and I understand that there should have been another bill going through the legislation that would make some changes in that SB 520 because we are the only board in the State of Georgia that has seven members on the board, and we are the only board that really, as far as the county is concerned, have no power. Most of that power goes to the supervisor.

MS. SULLIVAN: Thank you for being here today. Judge Simpson, do you have any questions for her?

MR. SIMPSON: No. Thank you.

MS. SULLIVAN: We have one more person who would like to speak regarding this case.

MR. WARD: Hi, my name is Ernest Ward (phonetic). I am from Troup County. I reside at 222 Meriam Court, LaGrange, Georgia. On April the 3rd, 2015 I went before our county commissioners and spoke on this issue, and what I specifically asked in the letter that it is vital that there is a clear understanding that the local bylaws, which govern the purview mentioned, and the Senate Bill 520 should be written in alignment with the Georgia code, which are the guidelines for how the Troup County government should operate, and the Georgia state code supersede any policies, procedures, expectations established by the local government. I asked the question, how can the board of election be responsible for eliminating any fraud, deceit, or abuse if they are not the final voice? How can we eliminate the appearance that others have the ability to undermine the board of elections?

My major concern is that one of the things that it makes clear that an elected official cannot be a board member but is that process undermined when you have an individual that's hired by the county officials, and then that individual usurp the authority of the board so that he is the voice of the board. I've worked in the military and other different places of leadership when you have a designee. Well, that designee is a voice of the group, but in this situation, it is different. He is the voice for the board, and sometimes there have been things that have happened where he did not include the board, and so he is making the final decisions. What I would like to say is he is acting on behalf of the county. I don't think that should be happening. I tried to talk to the Commissioner before I wrote a complaint to the Secretary of State's office addressing these issues. I don't know if my complaint was a part of this process, but I wrote several letters trying to address this and have it dealt with. Thank you for your time.

MS. SULLIVAN: Thank you for being here. Is there anyone else here who would like to speak?

MR. DEGANNARO: I would be happy to address any particular questions this board might have.

MS. SULLIVAN: Judge Simpson, Senator Harp, do you-all have any more questions for Mr. DeGannaro?

MR. SIMPSON: No.

MR. HARP: I do not.

MS. SULLIVAN: It seems to me that this is a very complicated legal issue. There may be conflicting opinions that have been issued by various people throughout the years, but it is one that needs to be resolved and have an affirmative binding decision. This board can't do that. That is beyond our authority. Our only authority is to determine whether or not there is probable cause or a violation of the election code, and then that is bound over to the AG's office and can be resolved through administrative hearing if necessary. Because this issue, I think, needs to be resolved and is somewhat unclear as to various legal arguments out there, I would move that this case be bound over to the AG's office. So I make that motion. It will fail without a second.

MR. HARP: I second the motion.

MS. SULLIVAN: Motion and seconded. Is there any further discussion?

(No response.)

MS. SULLIVAN: All in favor please signify by saying, "aye."

MR. HARP: Aye.

MR. SIMPSON: Excuse me. What are we voting on?

MS. SULLIVAN: That we bind this case over the Attorney General's office.

MR. SIMPSON: No.

MR. DEGENNARO: May I make one more comment before a vote?

MS. SULLIVAN: I think we are going to go ahead and continue our vote now. So we have two in favor. All opposed -- Judge Simpson just voted no. The motion will pass two to one to be bound over to the Attorney General's office.

MR. DEGENNARO: May I make one point quickly?

MS. SULLIVAN: One quick point. Thank you.

MR. DEGENNARO: What I would suggest is, I do not disagree with the clarification issue, but the place for that to be done, if you want resolution, is not the Attorney General's office to be bound over. It is through local legislation. It's through the legislative process, and that's what should be happening.

MS. SULLIVAN: Well, thank you. We are not legislators, and we do not have that option, but thank you for being here and engaging in this discussion. We are going to take about a ten-minute break. We will be back in about ten minutes.

(Off the record at 10:54 a.m.)

(Back on the record at 11:07 a.m.)

MS. SULLIVAN: We are ready to call this meeting back to order. The next case on our agenda is Case No. 2015-043, Wilkes County. Tab 50 in our binders.

MS. WATSON: On August 15th, Linda Buff (phonetic), the Rayle city clerk, reported the City of Rayle had not properly done elections. The specific allegations in the complaint were identified as the city's city clerk had conducted elections without certification. The city failed to adhere to their chart as they conducted elections every four years instead of every two, and the city had failed to properly secure election documents. The elections in question are the City of Rayle municipal elections held in 2007 and 2013. Linda Buff, the complainant, had recently assumed the position of city clerk for Rayle as the allegation concerning failure to secure election documents. It was found that the 2007 election documents were not

properly secured. They had been given to the mayor after the former city clerk Pamela Hall (phonetic) resigned. The mayor in turn gave back the documents to Ms. Buff.

It was found that the City of Rayle nor the city clerk were certified to conduct municipal elections prior to 2015 as the failure to adhere to the city charter as to when elections would be held, this was unfounded with verification of amendments to the charter and changes in state law.

We are recommending the City of Rayle and Pam Hall, former elections superintendent, be bound over to the AG's office for violation of 21-2-500(c), preservation and security of the primary election records, as they chose to preserve election records after the 24-month retention date then failed to properly preserve the records at the city hall of Rayle and 21-2-70, powers and duties as the city clerk, Pam Hall, failed to perform the duty as an election superintendent in satisfactorily completing a certification program as set forth in 21-2-101.

MS. SULLIVAN: The first violation, can you repeat what code section that is?

MS. WATSON: Yes. Originally, it was 21-2-73. We changed that to 21-2-500(c).

MS. SULLIVAN: Thank you. Is there anyone here wishing to speak regarding this case?

MS. HALL: My name is Pamela Hall. My address is 4915 Lexington Road, Washington, Georgia. I live in the heart of Rayle, but my address is Washington, Georgia. I sort of inherited the job of city clerk when our former clerk was killed in a car accident. I think that was back in 1998, and it was on a volunteer basis. Can you, please, do this until we get a new clerk? So I agreed to do that because I teach school, and there was no way I could actually do it. Well, that went on for about 15 years, this volunteering temporarily until we can get a clerk. I had no idea that if I did not intend training that the elections would not be certified. Once I did find that out, that was when I gave it up, resigned as the city clerk. Because I teach school -- we are actually out of school today -- because I teach school, what I would do was I would go down to our courthouse to the Wilkes County registrar to make sure, you

know, what is it that I need to be doing for this election because many times we did not have elections. Our city is less than a 190 -- less than 199 people. We can't get people to run for our city's election. There is no pay. Everybody is pretty much volunteering. It was not anything intentional. Once I realized that I could not do it without going through training, and I cannot leave my paid job of teaching school to go to training, that is when I resigned as the city clerk.

MS. SULLIVAN: Thank you for being here, Ms. Hall. Is there anybody else here wishing to speak?

(No response.)

MS. WATSON: Madam Chair, we do have a letter from the City of Rayle. I don't know if it's in your packet.

MS. SULLIVAN: No, I have not seen it. (Presenting). Senator Harp, Judge Simpson, what is your pleasure?

MR. SIMPSON: I move we send a letter of instruction.

MS. SULLIVAN: And would that be to the City of Rayle? Just the City of Rayle?

MR. SIMPSON: Yes. The City of Rayle and also make sure we copy the attorney for the City of Rayle, James Bobber (phonetic), so that he can advise the city as to what they need to do. Make sure he gets a copy. So, a letter of instruction.

MS. SULLIVAN: Judge Simpson has made a motion that we issue a letter of instruction to the City of Rayle regarding this case, and I will second that. Is there any further discussion?

(No response.)

MS. SULLIVAN: All in favor please say, "aye."

MR. SIMPSON: Aye.

MS. SULLIVAN: Aye. Senator Harp, I am giving you a chance to say aye.

(No response.)

MS. SULLIVAN: Any opposed?

(No response.)

MS. SULLIVAN: None opposed.

MR. HARP: I vote aye.

MS. SULLIVAN: You vote aye?

(Whereupon the vote was unanimous.)

MS. SULLIVAN: Thank you. That motion does pass unanimously. I am trying not to forget about you here. We are moving on to the next case, which is 2015-051, City of Riverdale.

MS. WATSON: This is a similar case. In September of 2015 a complaint was made when the City of Riverdale clerk's office shipped what they thought were election supplies to the Secretary of State's office when, in fact, they showed documents pertaining to past elections. The election documents were from December of 2007, November 2007, 2009, 2011, and 2013. The City of Riverdale clerk and records management clerk mailed three boxes to the Secretary of State's office. They failed to properly inventory the boxes resulting in mailing of the city election documents. The election documents of 2013 did not meet the preservation requirements that are set forth in 21-2-73 and therefore should have been secured.

We recommend the City of Riverdale, Sylvia Vaughn (phonetic), the city clerk, Linda Parco(phonetic), director of management be bound over to the AG's office for 21-2-500(c).

MS. SULLIVAN: Is there anyone here wishing to speak regarding this case? State your name and address for the record, please.

MS. WILLIAMS: Absolutely, I am Lari Williams (phonetic), and I am here with Sylvia Vaughn. We are both from the City of Riverdale, Suite 200, Church Street, Riverdale,

Georgia 30274. I represent the city as the city attorney, and Ms. Vaughn here is the city clerk. A couple of these dates that were alleged in the complaint predate us so not much detailed information about those documents, but certainly, we can address the boxes being sent to the board that did not meet the preservation requirements.

Ms. Vaughn who has been the city clerk since 2014 - 2015. I apologize. Did take over after Ms. Stephanie Thomas (phonetic), who I believe is a person named in the complaint, departed the city and is no longer the city clerk. Ms. Vaughn has a couple of people that work under her. One of those named, Ms. Linda Vadell (phonetic). The occasion in which these boxes were sent, Ms. Vaughn indicated that Ms. Vadell said she was going to send these boxes back and that they were empty. Unbeknownst to Ms. Vaughn, they were not empty, and she had not gone through the inventory of what was in those boxes. So certainly not blame-shifting but just an explanation of indeed what happened. An inadvertent mistake by one of the clerk's office employees.

2015, we recognized, "we" as being the city council, the city manager and myself, recognized that the city needed some help with respect to elections, and because of that, to avoid any more issues, we integrated into an intergovernmental agreement with Clayton County, and they now conduct the city's elections. So we just had one in 2017 that went over without any (indiscernible), and that seems to be the best way to handle the elections for the city until we have someone on staff that is properly trained in how elections should be conducted. So hopefully, the explanation this afternoon helps you more to understand that while the city did make an inadvertent mistake, we have since corrected a lot of those issues by entering into an agreement and paying the county to conduct the elections for the city. I am definitely happy to answer any questions or if the board wants to hear from Ms. Vaughn as the now current city clerk.

MS. SULLIVAN: Thank you. Ms. Vaughn, is there anything you would like to add to that?

MS. VAUGHN: No, I believe she covered everything. I came in basically under the assumption that the records retention person was already basically trained, and when she informed me that the material in the boxes were blank,

I took her word for it. So it's, kind of like, I obtained this information after the fact, if that make sense. So now since I have been the clerk, I make sure that everything is secured and in its proper place.

MS. SULLIVAN: So all of these -- looks like there were violations in place before Ms. Vaughn was the city clerk?

MS. WILLIAMS: Yes. Unfortunately, it predates us, and I do believe from the letter we received, Ms. Thomas could not be contacted. We have not had any contact with her. I can speak on behalf of the city in that regard. So, unfortunately, yes, it does predate us.

MR. SIMPSON: I move we send a letter of instruction concerning the protection of records.

MS. SULLIVAN: Senator Harp, Judge Simpson has moved that we send a letter of instruction regarding the preservation of election documents. I will second that. Is there any further discussion?

(No response.)

MS. SULLIVAN: All in favor signify please vote by saying, "aye."

(Whereupon the vote was unanimous.)

MS. SULLIVAN: Any opposed?

(No response.)

MS. SULLIVAN: That motion passes. Thank you very much for being here. Let the record reflect that Mr. Worley has joined us. Welcome.

MR. WORLEY: Thank you, Madam Chair, and let the record reflect that I was required to be at a hearing in Federal court this morning. I apologize for being late, but I am here now.

MS. SULLIVAN: We are now moving on to SEB Case No. 2015-054, and this is a case involving repeat voting.

MS. WATSON: In September of 2015, it was reported by North Carolina board of elections that there were six voters who were suspected of having voted in both Georgia and North Carolina. We found that three of the six were not the same person that voted in North Carolina and Georgia, so there was no violation. They had similar but not identical names and different identifying information.

The first voter, Mr. William Thomas Kennedy (phonetic), registered in Georgia in 1963 and then in 2009 in North Carolina. Mr. Kennedy had bought a second home in North Carolina. He voted in 11/3/2009 and 11/4/2014 in Georgia and in North Carolina. He cancelled his Georgia registration once he was contacted and was made aware of the violation, and I believe Mr. Kennedy's son-in-law, attorney George Koenig, advised that his father-in-law had some memory issues and is 89 years old. North Carolina dismissed the case due to his status.

A second individual, Mr. Zane Bivens Wood (phonetic), registered in Georgia in 1988 and in North Carolina in 2014. Only one election overlapped on 11/4/2014 he voted in person, and on 11/4/2014 in North Carolina an absentee ballot in Georgia on 10/31/2014. Mr. Wood provided medical documents to North Carolina regarding head injuries sustained in military service that causes memory issues. North Carolina dismissed due to his status.

Teresa Bradley (phonetic) registered in North Carolina in 1995 and in Georgia in 2006 in only one overlapped election 11/4/2014. She voted in person in North Carolina an absentee ballot and in Georgia 10/28/14. North Carolina did forward this to the district attorney, and they declined to prosecute due to no criminal intent.

We originally had all electors cited for repeat voting in the same election, but due to a lack of similar candidates and the voting occurring across State lines, we are now recommending that letters of instruction be issued to all three electors for violation of 21-2-216(f), no person shall remain an elector longer than such person shall retain the qualifications under which such person registered.

MS. SULLIVAN: Ms. Watson, is the new citation you are making suggesting it is a violation of that code section because once a voter who is registered in Georgia votes in an election in another state they are automatically no longer registered in the State of Georgia.

MS. WATSON: That's correct.

MS. SULLIVAN: So anyone who moves from this state to another state and votes in that election is no longer qualified to be an elector in Georgia as long as they are registered in another state; correct?

MS. WATSON: Correct.

MS. SULLIVAN: Thank you. Is there anyone here who would like to speak regarding this case?

MR. KOENIG: My name is George Koenig. I am with the Koenig Law Group at 1718 Peachtree Street, Suite 599, Atlanta, Georgia 30309. I represent Bill Kennedy who is my father-in-law. Just very briefly before I mention some of the facts relating to him, I did want to mention that each of the inspectors that we have been working with, Inspector Lewis, Inspector Watson, Inspector Howard (phonetic) have been real pros and fantastic to work with and very compassionate to the process.

My father-in-law first become aware of the issue about the double voting when he was contacted by the Secretary of State in North Carolina. He did not know that he had done something wrong. He has a vacation home up there where he has been spending more and more time up there. To the best of his recollection of the reason that he registered up there was to vote in a local election in East Mountain, which is where his house is. He was made aware by the North Carolina Secretary of State that you can't register in two states. He immediately wrote to Fulton County and asked that he be stricken from the voting record here. Right now, he is in declining health. He is not driving. Recently, his finances have been taken over by family members. He's moved whatever retirement funds he has to fiduciary management. We would just ask that, if possible, the board would just issue a letter of instruction or something along those lines, and we will make sure this does not happen again. If you have any questions, I will be happy to answer them.

MS. SULLIVAN: Thank you. Did any of the board members have any questions for Mr. Koenig?

(No response.)

MR. KOENIG: Thank you very much.

MS. BRADLEY: My name is Teresa Bradley. My address is 3723 Beetle (phonetic) Street, Atlanta, Georgia. I made the mistake of voting in North Carolina as well as Georgia. I grew up in North Carolina and still go back periodically to help my family's business in North Carolina, and so I happened to be there during the election in 2014. I was made aware of the mistake in 2015 by the State of North Carolina, and I am unregistered to vote in North Carolina at that time, and now I am registered to vote in Georgia. So I asked to receive only a letter.

MS. SULLIVAN: Thank you for being here. Can you remind me of the recommendation in this case?

MS. WATSON: Yes. A letter of instruction for 21-2-216(f).

MS. SULLIVAN: For the three respondents?

MS. WATSON: For all three respondents.

MR. SIMPSON: So moved.

MR. WORLEY: Second.

MS. SULLIVAN: Motion has been made and seconded as to a letter of instruction to the three respondents in this case. Any further discussion?

(No response.)

MS. SULLIVAN: All in favor signify by saying, "aye."

(Whereupon the vote was unanimous.)

MS. SULLIVAN: That is none opposed, and that motion passes. Thank you to the respondents for being here. We're moving on now to 2015-065, City of Lumpkin, Stewart County. It is Tab 56.

MS. WATSON: We received a complaint from Alfonso Selden (phonetic), Kimberly Selden (phonetic), and Monica Hubbard

(phonetic) concerning irregularities during the November 3rd, 2015 City of Lumpkin Georgia municipal election. The allegations are that the ballot was formatted wrong placing candidate Kimberly Seldon in the wrong post. That Carolyn Iversen (phonetic) filled out an absentee ballot for Mitsy House (phonetic) and Darryl Wilson (phonetic). It was also alleged that Carolyn Iversen was in possession of a stack of absentee ballot applications. That councilman Barbar Releford (phonetic) and other city council members voted twice when they first received an improper ballot and after the ballot was corrected.

The investigation showed as allegation one concerning formatting of the ballot, Diane Powell (phonetic) the elections registrar, stated that she did send in incorrect information for printing. Once the error was discovered, Diane Powell reported the issue to her supervisor, and they petitioned the court to get it corrected. Prior to the correction, 24 electors had voted using the incorrect ballot, and 53 absentee ballots had been mailed prior to the ballot being corrected. The court decision directed the 24 ballots already cast to be voided and to notify those electors to vote again, to void all returned absentee ballots and re-issue the corrected ballots. As to the allegation two and three, there was no evidence to support the allegations.

We recommend the City of Lumpkin, Diane Powell, the previous Stewart County registrar be bound over to the AG's office for the listed violations.

MS. SULLIVAN: Is there anyone here that would like to speak on this case?

MR. MINTER: Again, my name is Bin Minter. I am here with the firm Smith Moore Leatherwood at 1180 West Peachtree Street, Atlanta, Georgia. I am a county attorney for Stewart County Georgia as is Senator Josh McKoon, who is with me. His address is 3 Bradley Park Court, Suite D, Columbus, Georgia. We are here on behalf of the county to ask the board to either move for dismissal or for a letter of instruction be issued in this case. The reason we, as the county attorneys, are here is because the 2015 election and (indiscernible) as we said earlier, was conducted by the county pursuant to an intergovernmental agreement. Under that agreement, as we said earlier, the City of Lumpkin handled the qualifying, but nonetheless, the county

ran the election. It was the county attorney who filed the petition to the Superior Court subject to O.C.G.A. 21-2- I think it was 293, for direction from the Superior Court as to how to handle this matter when they found out there had been a mistake made. It was the county that represented the board of elections, and a petition was filed by Ms. Kimberly Selden (phonetic) who I believe is the person who initiated this complaint, and even after Ms. Selden dismissed her complaint, voluntarily Chief Judge John Allen had a hearing anyway, and the county was there at that hearing where the judge also affirmed dismissal of the case.

We are also here because the board of elections is actually superintendent and chief registrar for Stewart County and has been since the 90s, and Ms. Powell was an employee of the board of elections. I think her technical title at that time might have been supervisor. Beg your pardon, her title might have been supervisor, but it was not the technical title. I think the technical title was administrator or deputy registrar of the poll.

I understand Ms. Powell has spoken with investigators before. I have not seen a transcript of that. I don't know if it was under oath or not. I do have copies of an affidavit Ms. Powell signed recently. I would be happy to give it to the board if you care to see it. Nothing in this affidavit is really controversial. The only thing that she says that might at all conflict with what the investigative report showed is that Ms. Powell says that she received from the City of Lumpkin the names of the qualifying candidates after she had already had to send the information to the security of state. So, in other words, she was waiting for the City of Lumpkin to give her the names. They did not meet the deadline so she went based on prior information. She sent that information on, she says, and afterwards she got the true qualifying paperwork.

MS. SULLIVAN: If you would like to submit it, that's fine.

MR. MINTER: Sure. I would like to (presenting). There are three copies of that, Madam Chair.

MR. SIMPSON: I move to enter these documents into the record.

MR. WORLEY: Second.

MS. SULLIVAN: All in favor?

(Whereupon the vote was unanimous.)

MS. SULLIVAN: None opposed.

MR. MINTER: I should also point out that Ms. Selden, who is the person who filed the complaint, was an incumbent on the City of Lumpkin -- she was a council chair as an incumbent for the post of six. Now, all of the seats in the City of Lumpkin are at-large seats, and Ms. Selden chose to run as a challenger against someone who is in Post 4 instead of as an incumbent for her own seat in Post 6. In fact, in her application you can see where there is White-Out marks. Apparently, she covered out Post 6 and put Post 4. That is neither here nor there but just to show that there are reasons for confusion that have arisen. Nonetheless, there are statements clearly made because there is qualifying paperwork that showed that Ms. Selden was applying and qualifying for Post 4. The board of elections office did receive that and they did not take action and did not recognize that mistake until October when early voting had already begun and absentee ballots had already gone out.

At that time the board of elections immediately contacted the then county attorney, Tommy Coleman (phonetic). At his advice they stopped the election. The board of elections then filed a petition in Superior Court and that was the order in October that was described in the investigative report. The county Board of elections filed the order to address the mistakes. Some votes were voided. Notices were sent out to those who had already voted that they could come and vote again. Ms. Selden filed a complaint after the election. She voluntarily dismissed that complaint. As I said, Chief Judge John Allen wanted to have a hearing anyway. There was a hearing, and in that hearing he agreed to findings of fact. The prior Superior Court judge, Judge Rucker Smith, and he dismissed the suit. Since that time, two members of the board of elections are no longer on that board including the former chair Rosie Ross. Diane Powell is no longer an employee of the board of elections. She has since then been replaced by Mr. Todd Black, who has the role, again, as supervisor in quotes.

Nonetheless, county law is still that the board of

elections and registration is the superintendent, and they are the chief registrar. The current members of the board, the current supervisor who is a full-time employee, they have all received extensive training. Supervisor Todd Black has given me a list of his training. It is sufficed to say he is not (indiscernible). He has certified election registration in, I guess, CERA, all seven rounds of that training; State of Georgia county certification; GEOA conference training in 2017; again, VRAG conference training in 2017; GEOA, VRAG combined conference training in 2018; and then the members of the board, who are currently, Ms. Alfreda Hudson (phonetic) and then the chairman is Larry Westbrook (phonetic). I forget the name of the -- Mr. Hammonds is the other member but all of them have also obtained all of the required certifications.

So given the fact that Ms. Powell is no longer there, that she was an employee at the time regardless and wasn't the superintendent and that there's been a lot of training since this time and this matter already came up before the Superior Court, that is why we ask today that the matter either be outright dismissed or a letter of instruction to those involved, and then the letter of instruction might need to be made out to the names of the board members -- excuse me. The former members of the board of elections at the time since they certainly would be the ones who made this.

MS. SULLIVAN: Did any of the board members have any questions for Mr. Minter or Mr. McKoon?

MR. WORLEY: I do. Of the 24 voters who had their ballots canceled, how many of them came back and voted?

MR. MINTER: I am not sure, Mr. Worley. I am looking right now. I have an answer and defense that was filed by the county in Ms. Selden's suit in case it would be there. Do you have in your folders a copy of the October order from the Superior Court?

MR. WORLEY: We don't.

MS. SULLIVAN: We do not.

MR. WORLEY: I am sure it is in the investigative file.

MR. MINTER: I have a single copy that I'm sure addresses that. I do have a copy of the elections results that show that Ms. Selden lost her position by 70 percent to 30 percent. It showed the total number, but as we speak right now, I do not have that information.

MR WORLEY: Okay.

MR. MINTER: The court ordered the county to notify the 24 individuals who cast advanced ballots that their ballots have been deleted and that they would be required to cast new ballots in order for their vote to be counted, but I don't know that we had any information about whether or not those 24 individuals did come back and cast new ballots following the Superior Court's order of October 28th, 2015.

MS. SULLIVAN: Thank you. Are there any more questions from the board?

(No response.)

MS. SULLIVAN: Is there anyone else here who would like to speak regarding this case?

(No response.)

MR.MINTER: I do have a copy of that October order that we just referenced if you would like to see it.

MS. SULLIVAN: I think that is part of our investigatory file. That's fine.

MR. SIMPSON: I move we send a letter of instruction including the old and the new members of the board of registrar.

MS. SULLIVAN: I'll second that. Senator Harp?

MR. HARP: I'm here.

MS. SULLIVAN: Thank you. Judge Simpson has just made a motion that we issue a letter of instruction in this case and I seconded.

MR. HARP: I second.

MS. SULLIVAN: Any further discussion?

MR. WORLEY: I would ordinarily be inclined to refer this over to the Attorney General's office because I think it is a very serious matter when 24 people have their votes canceled, many of whom may not have had an opportunity or avail themselves of an opportunity to vote again but given the change in personnel and given that, I think, you have done all of the things that we would want you to do in this matter. I would be agreeable to a letter of instruction.

MS. SULLIVAN: I agree with your comments. We have a motion and a second on the floor. All in favor of that motion, please, vote by saying, "aye."

MR. WORLEY: Aye.

MR. SIMPSON: Aye.

MS. SULLIVAN: Aye. Any opposed? That motion passes. Thank you very much for being here.

MR. MINTER: Thank you for your consideration.

MS. SULLIVAN: Okay, we are going back up to the top of the investigation report with Case No. 2014-049 Warren County; is that correct?

MR. LEWIS: Yes, ma'am. That is correct. Thank you, Madam Chair. A Warren County voter alleges in this complaint that the Warren County registration office failed in their duties prior to the May 2014 election to inform voters of changes to the voter registration district maps thereby leaving many voters confused as to what district they were in.

Secondly, the complaint alleges that the Warren County Board of Education did not follow with the mandated pre-clearance process when they changed the district maps in 2012. Warren County requested voter cards; however, some of the cards were delayed in printing due to issues with the data transferring on the requested spreadsheet in the consolidated precinct that they were working with. Some of the cards were sent out, some were delayed in that process to no fault of Warren County. It took some time to

identify the missing cards.

As to the district maps not being available, this was not substantiated as the maps were available and published in the newspaper. As to the Warren County board of education not following procedures when they changed the district maps in 2012, we could not locate any evidence to support notification with the Department of Justice, the Secretary of State's office or the Legislative and Congressional Reapportionment office of the changes in 2012. However, in light of changes of the U.S. Supreme Court decision in June of 2013 which the court ruled that governing bodies no longer needed Federal approval to change voting procedures. We recommend that this case be dismissed with no further action. This preclearance process is no longer required.

MS. SULLIVAN: Is there anybody here who would like to speak regarding this case?

(No response.)

MS. SULLIVAN: Did any of the board members have any questions for Mr. Lewis?

MR. WORLEY: There's not any question that the maps should have been submitted to the Justice Department?

MR. LEWIS: That is correct.

MR. WORLEY: Okay. Well, I would make a motion that we refer this over to the Attorney General's office in that case since clearly there was a violation of the requirements, and it's just not the kind of thing that we ought to let slip by even though the law has subsequently changed.

MR. SIMPSON: Second.

MS. SULLIVAN: The motion on the floor that has been seconded is to bind this case over to the Attorney General's office. Is there any further discussion?

(No response.)

MS. SULLIVAN: All in favor please vote by saying, "aye."

(Whereupon the vote was unanimous.)

MS. SULLIVAN: That is none opposed, and that motion passes. The next case on our agenda is 2014-077, Worth County and that is Tab 44 in our binders.

MR. LEWIS: Thank you, Madam Chair. Susan Brantly (phonetic), a candidate in the mayor's race filed a complaint with the Secretary of State's office alleging that the City of Sumner had elected officials in office that did not live in the city limits and that the City of Sumner improperly filed annexation paperwork while working in the election's office. Consequently, some electors were not counted in the 2014 general special election. The City of Sumner annexed lanes into the city in 2009. In 2013, Worth County requested documents from the City of Sumner to include an updated map of the city, the borders and the district lines drawn. The City of Sumner provided an updated map that was not approved at the time although the city clerk also wrote on a note stating that the list of residential and commercial addresses would be provided. There was no evidence that we found to show that the county ever received these documents.

On October the 15th, 2014, the mayor of Sumner hand-delivered a letter to Worth County with accompanying documentation that they were unable to create an electors list at that time or make changes to the boundaries for the City of Sumner within the time frame that is outlined in O.C.G.A. 21-2-261(c) because it was within the 60 days prior to the election. During the November 2012 election in the City of Sumner, there were nine names handwritten on the elector's list without getting prior approval from the county registrar's office. Our investigation indicated that those electors were allowed to cast a ballot when they should have been issued a provisional ballot since they were not on the list of eligible electors at the time.

We recommend that the City of Sumner, Brian Walker (phonetic), city clerk, be bound over to the Attorney General's office for the listed violations 21-2-70, 21-2-224(e), and 21-2-226(c).

MS. SULLIVAN: Any of the board members have any questions?

(No response.)

MS. SULLIVAN: Anyone here wishing to speak regarding this case?

(No response.)

MR. SIMPSON: Was anyone who could have voted excluded from voting or were there any people that should not have voted that voted?

MR. LEWIS: Well, they allowed nine people in the 2012 election to vote and hammered their names on the list of eligible electors when they were not on the list. Those people should have been provided with provisional ballots and those ballots, probably for review at that time. They came back, the same individuals that did, to vote in 2014, and they were given provisional ballots, and the county voted not to accept those ballots because they were not on the list of eligible electors. Two elections, same group of people.

MR. SIMPSON: What evidence is there that the annexation has been completed properly?

MR. LEWIS: In October 15th of 2014, they hand-delivered all the correct documentation to the county, but there was not enough time based on the code to be able to make those changes prior to the election, so the county could not redo the list at that time because they were within 60 days of the election.

MR. SIMPSON: Has it been done now?

MR. LEWIS: Yes, sir.

MR. SIMPSON: So they have corrected the problem now?

MR. LEWIS: Yes, sir.

MS. SULLIVAN: I still make a motion that this case be bound over to the Attorney General's office.

MR. WORLEY: I would second that.

MS. SULLIVAN: Any further discussion?

(No response.)

MS. SULLIVAN: No further discussion. All in favor please say, "aye."

MR. SIMPSON: Aye.

MR. WORLEY: Aye.

MS. SULLIVAN: Aye. Any opposed?

(No response.)

MS. SULLIVAN: None opposed, and that motion passes. I believe the next case is 2015-042, DeKalb County, Tab 49.

MS. WATSON: On August 2015 a complainant alleged candidate for House District 80, J. Max Davis, entered into the Ashford Dunwoody Road poll location on several occasions during the July 14th, 2015 special election and in a subsequent runoff election held on August 11th, 2015. J. Max Davis was assigned to vote at the Ashford Dunwoody voting poll at 3110 Ashford Dunwoody Road. The poll manager, Gwen Siegel (phonetic), advised that during the July 14th, 2015 special election runoff held on August the 11th, 2015, she had witnessed incidents of candidate J. Max Davis coming back into the poll after he voted. The person said on July the 14th. Ms. Seigel reports that Mr. Davis came into the poll three times. The first to vote and was observed speaking to voters on the way out and was asked to leave the poll. The second time he came in with his wife when she voted and again was asked to leave the poll. Third visit was after the poll closed when he was inquiring about vote count. After the report (indiscernible) incident, Mr. Davis responded back to DeKalb County elections and advised that he could not re-enter the polling location after voting while being a candidate on the ballot. Mr. Davis was said to have understood the restrictions. On August 11th, 2015, he came in to vote and again began to speak to voters and was asked to leave. He returned in the afternoon with his wife and kids and sat on the pew inside the polling area with his kids while his wife voted. Again, the poll worker asked him to leave the poll. Mr. J. Max Davis was seen in the parking lot later

in the afternoon sitting in his vehicle when he noticed the poll manager.

We recommend that J. Max Davis, candidate for House District 80, be bound over to the AG's office for violation of 21-2-414(b) restrictions on campaign activities.

MS. SULLIVAN: Is there anyone here wishing to speak regarding this case?

(No response.)

MR. SIMPSON: I move to bind this case over.

MR. WORLEY: Second.

MS. SULLIVAN: There's a motion and a second to bind this case over. Any further discussion regarding this?

(No response.)

MS. SULLIVAN: All in favor please say, "aye."

(Whereupon the vote was unanimous.)

MS. SULLIVAN: And that is none opposed, and that motion passes. Moving on to 2014-058, Number 53.

MS. WATSON: Yes, October 2015 a complaint was reported that the City of Hiawassee failed to notify electors of a precinct change in the November 3rd, 2015 election. The City of Hiawassee was holding an election on November 3rd, 2015. The city elections were previously contracted to be handled by the Towns County elections office; however, in March of 2015 the City was notified in writing that Towns County would no longer be handling the City of Hiawassee elections for them which would require a poll location change. The change was from 48 River Street to the building across the street at 50 River Street.

The city clerk handling elections, Ms. Galloway (phonetic), ran a notice in the local paper and placed notice on the door of the new poll location. It was determined that no request for new precinct cards were made and no new cards were issued to the registered electors. Additionally, no notice was posted on the door of the previous poll location until contacted by the investigator

during advanced voting at which time the notice was immediately posted.

We are recommending a letter of instruction for City of Hiawassee and Ms. Galloway, the city clerk and election supervisor, for violation 21-2-265, duty of superintendent to select polling places, when they failed to post the notices such change on the previous polling place and three other places in the immediate vicinity thereof. We had originally requested a violation of 21-2-226 for the City of Hiawassee; however, that applies to the county and not the City of Hiawassee, and we are requesting that be dismissed.

MS. SULLIVAN: Is there anyone here that would like to speak regarding this case?

(No response.)

MS. SULLIVAN: Did any of the board members have any questions for Ms. Watson?

(No response.)

MS. SULLIVAN: And the recommendation is a letter of instruction be issued to both the City of Hiawassee and Ms. Galloway?

MS. WATSON: That is correct.

MS. SULLIVAN: I will make that motion.

MR. SIMPSON: Second.

MS. SULLIVAN: Any further discussion?

(No response.)

MS. SULLIVAN: All in favor please vote by saying, "aye."

(Whereupon the vote was unanimous.)

MS. SULLIVAN: That motion passes. We have two more cases on the investigations report. I think we will go ahead and knock those out before lunch. We have 2015-061, Cobb County, Tab 54.

MS. WATSON: In October 8th, 2015, Cobb County elections and registration manager, Beth (indiscernible), forwarded a complaint to the investigations division regarding improper voter registration procedures. The elections office had received copies of four applications for voter registration from the Georgia Coalition for People's Agenda. The Cobb County elections office did not receive the original applications, and one of the applicants was then showing to be in a felony status. Additionally, Cobb elections received 46 applications for voter registration from the Delta Sigma Theta sorority at Kennesaw State, the organization who collected those applications on September 3rd, 2015, and failed to forward to the Cobb County elections until February 3rd, 2016.

The investigation showed that the Georgia Coalition for the People's Agenda submitted four listed voter registrations by fax. The applicant believed to be under felony sentence was found to have completed their sentence, and the George Coalition advised that they mailed the originals, but they have never been received or located. It was verified that the 46 voter registration applications from Delta Sigma Theta were not forwarded in a timely manner. Jamal Riggins (phonetic) advised that a miscommunication with another member of the sorority caused the delay. She thought the applications had already been delivered.

We originally requested Mary Butler, for the Georgia Coalition for the People's Agenda, be bound over for State Election Board Rule 183-1-029, and we are recommending that case be dismissed for insufficient evidence as we cannot show -- that they said they mailed them and Cobb County said they never received them. We can't show that they were not misplaced in the mail, or they did not actually mail them, and we are recommending that Jamaal Riggins, primary advisor for Delta Sigma Theta, be bound over to the AG's office for State Election Board Rule 183-1-6.028

MS. SULLIVAN: Is there anyone here who would like to speak regarding this case?

(No response.)

MR. SIMPSON: Wouldn't the proper person to bind over be Mary Butler, the convener of the Georgia Coalition for the

People's Agenda? That is probably not a legal entity. We have bound over the advisor to the Delta Sigma Theta sorority, and Mary Butler is named as the respondent. So if the case is bound over, shouldn't it be bound over in individuals' names?

MS. WATSON: We are recommending that the case for Mary Butler and Georgia Coalition for the People's Agenda be dismissed, as they said they submitted four applications and Cobb County said they did not receive them, and we can't show that she did not actually mail them. There are two different entities. There is the Georgia Coalition and then the KSU sorority. We are recommending dismissal against the Georgia Coalition and bind over for Jamaal Riggins with Delta Sigma Theta.

MS. SULLIVAN: Do we have any record of how we have handled these cases in the past when it is essentially a he said/she said as to whether or not the applications were mailed or not mailed? Do we have any record of how we've typically handled these cases?

MR. SIMPSON: I think we have bound them over, but I think the problem that bothers me is that I don't think you can bind over the Georgia Coalition. I'm not sure what type of entity, if any, that is.

MR. WORLEY: Well, is the Georgia Coalition a respondent in the case?

MR. SIMPSON: No, I would not think so.

MS. SULLIVAN: Mary Butler is.

MR. SIMPSON: Mary Butler is the respondent, but she is recommending that we bind over the Georgia Coalition, which I don't think we can do.

MS. WATSON: No.

MR. WORLEY: No, I don't think that is the recommendation. I think they are recommending that we bind over the sorority that is involved.

MS. WATSON: That is correct. Jamaal Riggins.

MR. SIMPSON: But not the --

MR. WORLEY: And not the Georgia Coalition.

MS. SULLIVAN: But if the motion passes to bind over, I agree that it should be Mary Butler and not in the name of the George Coalition. So the recommendation is that it be dismissed. I would like to ask our counsel -- maybe, I should not ask this question considering what the Board may do. My question relates to the sufficiency of the evidence about the allegations. If you have any guidance, generally.

MR. CORRERIA: Well, generally, in this sort of case (indiscernible), so there is really no way to show that Mary Butler did not, in fact, mail those voter registration applications, but Ms. Watson has contacted our office in regards (indiscernible).

MS. SULLIVAN: Thank you.

MR. WORLEY: Sorry, I did not hear that last part.

MR. CORRERIA: The investigative office contacted our office for guidance on the recommendation in this case. So we agree with the recommendation.

MS. SULLIVAN: Thank you.

MR. WORLEY: I would move that we adopt the recommendation to bind over the sorority and their official.

MS. SULLIVAN: I will second that motion. Any further discussion?

(No response.)

MS. SULLIVAN: All in favor of binding over Mr. Riggins please vote by saying, "aye."

MR. WORLEY: Aye.

MR. SIMPSON: Aye.

MS. SULLIVAN: Any opposed?

(No response.)

MS. SULLIVAN: That motion passes. I need a motion to dismiss Ms. Butler, or we need a motion regarding the allegation complaint regarding Ms. Butler and the Georgia Coalition.

MR. SIMPSON: So moved.

MR. WORLEY: Second.

MS. SULLIVAN: The motion is to dismiss Ms. Butler and the Georgia Coalition of the allegations that were put before us, and it has been made and seconded. Any further discussion?

(No response.)

MS. SULLIVAN: All in favor please vote by saying, "aye."

MR. WORLEY: Aye.

MR. SIMPSON: Aye.

MS. SULLIVAN: Any opposed?

(No response.)

MS. SULLIVAN: And that motion carries.

MR. HARP: I am here, but I was waiting, but I vote aye.

(Whereupon the vote was unanimous.)

MS. SULLIVAN: One more. Case No. 2015-062, City of Morrow, Number 55.

MS. WATSON: In October of 2015 a complaint alleged the City of Morrow city clerk election superintendent, Bea Tran, (phonetic) failed to have the ballots probably printed as the (indiscernible) Patricia Manley (phonetic) with a degree titled Doctor. The allegation was verified as accurate.

We recommend the City of Morrow and Bea Tran, the former city clerk and elections supervisor, be bound over to the AG's office for 21-2-283, printing and safekeeping of ballots and labeled by superintendent and State Election Board Rule 183-1-11.022.

MS. SULLIVAN: Is there anyone here wishing to speak on this case?

(No response.)

MS. SULLIVAN: Did any of the board members have any questions?

(No response.)

MS. SULLIVAN: And again, the motion is to bind over the City of Morrow and the city clerk.

MS. WATSON: And the former city clerk. That is correct.

MR. SIMPSON: I move that we issue a letter of instruction to the City of Morrow and the election officials -- election superintendent and city clerk.

MS. SULLIVAN: So all of the respondents?

MR. SIMPSON: Yes.

MS. SULLIVAN: Judge Simpson has made a motion to issue a letter of instruction to the respondents in this case. Is there a second of his motion?

MR. HARP: I'll second it.

MS. SULLIVAN: Okay. That motion is made and seconded to issue a letter of instruction. Is there any further discussion?

(No response.)

MS. SULLIVAN: There being no further discussion please vote by saying, "aye."

MR. SIMPSON: Aye.

MR. HARP: Aye.

MS. SULLIVAN: Any opposed?

MR. WORLEY: No.

MS. SULLIVAN: And I am not going to vote in this case. So the motion will carry 2-to-1. I think it is time, with that, that we break for lunch. I think we need to go into executive session to discuss pending litigation. If someone would like to make a motion.

MR. WORLEY: I move that we go into executive session to discuss pending litigation.

MR. SIMPSON: Second.

MS. SULLIVAN: Motion is made and seconded. All in favor please vote by saying, "aye."

(Whereupon the vote was unanimous.)

MS. SULLIVAN: Any opposed? None. We are now in executive session. If we could all be back by one o'clock to reconvene, and Senator Harp, we will call you back in an hour.

(Off the record at 12:04 p.m.)

(Back on the record at 1:01 p.m.)

MS. SULLIVAN: Let the record reflect that we are calling this meeting back to order at 1:01 p.m., and we need to exit executive session.

MR. WORLEY: So moved.

MS. SULLIVAN: Second. Motion made and seconded. All in favor?

(Whereupon the vote was unanimous.)

MS. SULLIVAN: Motion passes. We are back in open session. No action was taken during executive session. We have four

cases on the consent calendar to discuss. The first one is SEB Case No. 2014-075, Douglas County, Tab Number 3 in our binders.

MR. LEWIS: Thank you, Madam Chair. I am probably going to mispronounce her name, but Roxanne Walsack (phonetic) advised that she was turned away from voting in the November 4th, 2014 general election in Douglas County and that she was not found on the list of electors for eligible voters. She requested a provisional ballot and was denied a provisional ballot. The voter went to Praisemill (phonetic) Baptist Church in Douglasville to vote on November the 4th. She completed a voter certificate and presented a driver's license with an address of 6051 Plumcrest (phonetic) Road, Douglasville. The poll worker could not locate Ms. Walsack in the express poll, and a call was placed to the elections office. Ms. Walsack was told she was at the wrong poll location and was directed to Merelake (phonetic) Elementary. Ms. Walsack tried to explain that this was her old address poll location and not the poll location for her new address and that she had gone to DDS, Drivers Division Services, and made changes to her address and voter registration changes. The voter stated that she did not have time to go to the other poll location due to work obligations even though there was time due to the poll being open.

It was confirmed that DDS did show an address change on August the 23rd, 2014 and that voter registration was selected as yes on the DDS paperwork. However, the voter registration through DDS was not submitted to Douglas County due to a clerical error through DDS when the examiner marked "no" instead of "yes" on the transmittal form that they send of changes to Douglas County. There is insufficient evidence to suggest a violation of Georgia Elections code in this case, and we recommend a dismissal.

MS. SULLIVAN: Questions, Mr. Worley?

MR. WORLEY: I don't have any questions. I think the record is clear, but I ask that this case be pulled out because I think it should be referred on to the Attorney General or a letter of instruction of some sort, at least, should be sent to Douglas County to let them know that when a person requests a provisional ballot, they are to be given a provisional ballot. That is a requirement of

Federal law and that is the problem as I see it with this case.

So I would move that the case be bound over the Attorney General's office.

MS. SULLIVAN: So she did request a provisional ballot but was not given one, and the recommendation is it is not a violation. Why?

MR. LEWIS: Not according to SEB Rule 183-1-12.06 on Page 30.28 in the rule book. If they go to the electors table and are found to be an eligible voter but at the wrong precinct and time remains that the voter can be redirected to the correct precinct, the county has the opportunity to do so and that's what they did this case. It sounds like maybe the SEB rule does not match up to what the Federal requirements are.

MR. WORLEY: Well, I think it is okay for the local poll official to tell them that, but at that point after they are told and they then still request a provisional ballot, I think they have to be given the provisional ballot. So I don't think it's necessarily a conflict between the State rule and the Federal, but if someone does, in fact, request a provisional ballot, they need to be given one.

MS. SULLIVAN: Well, what's it a violation of if they are not? If it's not a violation of the -- I don't have the rule handy. (Presenting rule book to Chair.) So I don't know what we bind it over on if it is not something that they violated.

MR. CORRERIA: There is some inconsistency between the (indiscernible) and HAVA, and I think the board might want to consider amending or making changes to the (indiscernible). I absolutely agree that a voter at a polling place should be given a provisional ballot for not only electors in that polling place pursuant to HAVA, they are entitled to a provisional ballot. But the way the regulation reads, if they are not on the list for that polling place but they are on the list for another polling place, the polling manager directs them to that other polling place.

MR. WORLEY: Isn't there some general catch-all provision

where a violation of HAVA would be a violation of some provision in the State Election code?

MR. CORRERIA: I don't know something off the top of my head. Obviously, the provisions of HAVA prevail and that is what the election officials should be doing.

MR. WORLEY: Right.

MS. SULLIVAN: But we can't find the violation of (indiscernible).

MR. CORRERIA: Right.

MS. SULLIVAN: Unless you come up with some catch-all. If Mr. Worley figures out how we can. For what it's worth, I agree we have to consider amending this regulation so that it is consistent.

MR. LEWIS: That would certainly help out investigative staff. We have had issues with this, too, come up in the past, and counties have come in here and argued this rule, and we have cited the provision, and they come in and argue this rule and say we are following the board rule. Why are you citing this, so some clarity would be beneficial for us?

MR. HARVEY: Just so you are aware, we train the counties to give out provisional ballots. In my conference last weekend, I sat in front of everyone and said and other people have said, give them a provisional ballot, and so it is very clear that is the expectation.

MR. WORLEY: Given that, why don't I suggest this, I withdraw my previous motion, and I would move that we send a letter to Douglas County informing them of that. If someone requests a provisional ballot, they are to be given one.

MS. SULLIVAN: I would second that. So essentially instead of dismissing the case, we are writing a letter of instruction to the county to instruct them to give out provisional ballots when requested; is that correct?

MR. WORLEY: Yes.

MS. SULLIVAN: I second that. We have a motion and a second. Any further discussion?

(No response.)

MS. SULLIVAN: All in favor please say, "aye."

(Whereupon the vote was unanimous.)

MS. SULLIVAN: No opposed, and that motion carries. The next case is Liberty County, 2016- 077, Tab 15.

MR. LEWIS: Thank you, Madam Chair. There were two complaints made from voters in Liberty County involved in the May 24th, 2016 presidential election primary. The first allegation involved poll manager at the Midway precinct and Sheriff Stephen Sikes (phonetic). Sheriff Sikes reportedly went to the precinct and was involved in a confrontation with a poll manager after the sheriff took a picture of the poll manager inside the voting areas.

The second allegation stems from a series of allegations made by supporters of the opposition candidate, Sheriff Bowman (phonetic), that included claims of double voting and eligible voters and security concerns with voting machines.

The investigation revealed that Donald Spencer (phonetic) was a poll manager in Liberty County. Mr. Spencer advised that he had requested some of the deputies move their vehicles outside, 150 feet from the poll -- 150 feet campaign line from the poll as the sheriff's name was included on the vehicles, and he believed him to be considered as a campaign employee. Sheriff Sikes came to the poll location and entered the poll and took a photograph of poll manager Spencer and exited the poll. Mr. Spencer followed Sheriff Sikes out of the building, and he got into a heated argument and discussion about him taking the picture. This confrontation also came up with the petition to contest the election by the opposing candidate in the Superior Court hearing concerning this, and the confrontation between Sheriff Sikes and Mr. Spencer was also addressed by Judge McCorvey (phonetic). Noted in the order is that Sheriff Sikes was not campaigning when he entered the facility and was acting within the scope of his duties as the sheriff.

Regarding the remaining allegations, there was insufficient evidence to support any violation of elections code. There is insufficient evidence to support a violation of election code for the entire case, and we recommend that the case be dismissed.

MS. SULLIVAN: Do you have any questions?

MR. WORLEY: Not a question, but I was concerned about this case. Well, I do have a question. The sheriff was a candidate on the ballot?

MR. LEWIS: Yes, sir.

MR. WORLEY: And the sheriff did go into the polling place and take a picture?

MR. LEWIS: Yes, sir.

MR. WORLEY: Which is a violation of law.

MR. LEWIS: Well, the sheriff said he was there conducting an investigation about who was running his deputies off, and the sheriff has a constitutional duty for poll security and can be supplanted to the deputies as well. So he was going in to identify the individual who was running his deputies off. He had gotten some complaints and that is what he testified to in court.

MR. WORLEY: That's his view of the facts. I take it Mr. Spencer had a different view of the facts.

MR. LEWIS: Correct.

MR. WORLEY: And our general rule has always been that if there is a dispute over the facts, that that's enough probable cause to bind it over to the Attorney General's office and given that he was a candidate, that he did do something that is a prima facie violation of the statute, that there was arguably some intimidation of the poll manager. I thought it was appropriate to bind it over. I would move that we bind it over to the Attorney General's office.

MS. SULLIVAN: We have a motion on the floor to bind over

all of the respondents or --

MR. WORLEY: No, just the sheriff. I agree that the other -
-

MS. SULLIVAN: To bind the allegations regarding the sheriff over to the Attorney General's office. We need a second in order to vote on that motion. Was that a second? I will give you an opportunity, Senator Harp, in case you want to second; otherwise, this motion will fail.

MR. HARP: Madam Chair, what were the reasons the deputies were there?

MS. SULLIVAN: The reason the deputies were there.

MR. LEWIS: The deputies often go by poll locations to check on poll security. I assume some deputies came in to vote and then left. Some came in to check on the poll operations. So that is not uncommon, and we often get complaints about, in particularly Sheriff's races, for cars being inside the 150 feet and being at the poll locations and a lot of communities do have the sheriff's name on the car, but they don't have the poll managers running them off, and that was the complaint that, supposedly, Sheriff Sikes had received that the poll manager was running his deputies out of the poll location. He wanted to identify who that person was. As I said, this came up in the petition to contest the election in Superior Court, and Judge McCorvey did address that, and he did say in the order that was released that Sheriff Sikes was there on official business and was not campaigning and had every right to be there.

MS. SULLIVAN: So that is part of the court order?

MR. LEWIS: It is.

MS. SULLIVAN: So I think the motion fails for lack of a second. I will make a motion, particularly based on that court order that is cited and the factual issues have been investigated, that we dismiss this case. Would anyone like to second that motion?

(No response.)

MS. SULLIVAN: All right. That motion fails. Your turn to make a motion, Senator Harp.

MR. HARP: I think it needs to be referred to the AG to get to the bottom of this. The reason I asked the question about the deputies being there, I have not seen a sheriff's car in South Georgia that did not have Sheriff John or whatever the name is plastered all over without it being an election with the biggest stickers you can have and the intimidating presence of law enforcement. That is why they had a valid reason that they went there. It sounds like they were parking their cars (indiscernible) rolling posters, for lack of a better word. I would like to get some more information into that. I think we need to reconsider the motion and go forward with this case.

MS. SULLIVAN: I think you can make a new motion since we've already voted once.

MR. WORLEY: I will second that motion.

MS. SULLIVAN: The motion is made and seconded. Any further discussion?

(No response.)

MS. SULLIVAN: All in favor vote "aye."

MR. HARP: Aye.

MR. WORLEY: Aye.

MS. SULLIVAN: Those opposed. Nay. The motion passes.

MR. LEWIS: Is this to bind over? I could not hear.

MS. SULLIVAN: Sorry. Yes, the motion was to bind it over.

MR. LEWIS: To the AG's office?

MS. SULLIVAN: To the AG's office, the sheriff. That is correct. Senator Harp, correct?

MR. HARP: Yes, if we reconsidered it to bind the sheriff

over to the AG's office.

MS. SULLIVAN: I think we just passed that motion. Are you good with that?

MR. WORLEY: Yes.

MS. SULLIVAN: The next case is Tab 17, which is 2016-126, Carroll County.

MR. LEWIS: Madam Chair, on August 24, 2016, we received a report that individuals were conducting a voter registration drive at the University of West Georgia where they were stopped by campus police. During the stop, a number of voter registration applications were taken and altered prior to being transmitted to the appropriate elections offices. There were eight individuals from the New Georgia Project that were on the University of West Georgia campus conducting a voter registration drive. No prior permissions or requests were sought from the organization or the individuals to be on campus or to conduct a drive on campus which is against campus policy.

The campus police had received complaints concerning individuals collecting student information. The campus police stopped the individuals, identified them, and checked for outstanding warrants. The campus police requested an investigator due to identifying information on the applications had no prior notification or correspondence from the organization. There were questions concerning the legitimacy of the canvassers gathering complete social security numbers, dates of birth, and addresses of the students. The applications that contained full social security numbers were blacked out to leave only the last four digits of the socials and returned to UWG canvassers for submission. The applications were submitted and processed to the appropriate elections office, and no issues in processing applications were found in relation to the blocking portion of the SSN.

There was insufficient evidence to suggest a violation of Georgia Election code in this case. We recommend a dismissal.

MS. SULLIVAN: Mr. Worley, what is your pleasure?

MR. WORLEY: Well, my issue in this case is, I just don't

think it's appropriate for police officers of the University to be altering valid applications for registration. I just think that is a violation, and I would move that it be bound over the Attorney General's office.

MS. SULLIVAN: I don't disagree that the University police here may have overstepped. My question is, what rule or law is there a violation of that we are binding over?

MR. LEWIS: Well, none of what the University police did prohibited the applications from being processed and these voters being registered.

MR. WORLEY: Isn't there a rule that prohibits changing the applications after they are given to the third-party that is collecting them?

MS. CORRERIA: 21-2-562(a)(2) prevents somebody from material alterations or attachments, destroying any entry that has been lawfully made.

MS. SULLIVAN: Would it be a material alteration if the applications are not able to be processed, I guess is the question?

MR. CORRERIA: And because those first five digits are not required in order to process the application. I mean, that would be questionable, but that's a material change because the registration applications were, I believe, all processed because they can only take the last four digits. I think what they were trying to do is keep the personally identifying information -- they were more concerned about (indiscernible).

MR. WORLEY: I understand what they were trying to do. I don't really think they had any authority to do that, and the other way to look at that is that if you remove more than half of the numbers on a social security number that is a material alteration.

MR. CORRERIA: The voter registration forms at HAVA require only the last four digits to process that.

MR. WORLEY: I understand that, and I understand that they

were processed, but I think it's a slippery slope if we allow anyone, really, to make such a change for their own reasons. So that's why I would bind it over. I am not saying that it absolutely was a violation of the law, but I think it is an open question, and I think it would be useful to have the Attorney General's office look at that.

MS. SULLIVAN: Would you like to make that motion?

MR. WORLEY: That is the motion that I am making.

MS. SULLIVAN: And I will second it. Is there any further discussion?

(No response.)

MS. SULLIVAN: All in favor please say, "aye."

MR. WORLEY: Aye.

MS. SIMPSON: Aye.

MS. SULLIVAN: Any opposed?

MR. HARP: For me it's an aye.

(Whereupon the vote was unanimous.)

MS. SULLIVAN: And that motion passes.

MR. LEWIS: Motion to bind over?

MS. SULLIVAN: Motion to bind over. We have one case left on our reports. 2017-052, City of Temple, Tab 32.

MS. WATSON: In October of 2017 the complainant reported possible qualification procedure error issues concerning the municipal elections held in the City of Temple, November 7th of 2017. We found the city's possible intimidation of two minority candidates, one of whom was running for mayor and the other councilmen. They attempted to conduct background checks on each municipal candidate. Whether this was the proper response, allegations that one or more of the candidates had a felony or criminal record. The expectations placed upon the new city clerk in terms of

conducting qualifications and whether these expectations were proper and in compliance with Georgia Election Code.

The investigation showed barring allegations of intimidation of candidates, Gregory Powell (phonetic) and Avante Copeland (phonetic), refused to offer a statement regarding whether they felt intimidated by officials in the City of Temple. No evidence has been produced that would suggest any type of coercion was utilized to cause the two individuals to withdraw their candidacy. Regarding the candidate background checks, the City of Temple did, in fact, request that each candidate submit to a criminal history check to which three of the candidates submitted and three refused. City clerk, Kristin Ethridge (phonetic) stated that the city attorney Mike McGray (phonetic) informed her that the city would take no action against any candidate who refused nor is there evidence to suggest that any such action was taken.

In regards to the city clerk with no qualifications, city clerk registrar, Kristin Ethridge, stated she did not know she was being coerced into performing any functions outside the scope of her authority as a municipal qualifying officer nor did she do so. Although city officials did plan to conduct an in-house hearing to determine the eligibility of Mr. Powell (phonetic), this hearing took place in Carroll County, the board of election and registration and conducted its own hearing which resulted in Mr. Powell being disqualified as a candidate.

There is insufficient evidence to suggest a violation of Georgia Election Code, and we recommend dismissal.

MS. SULLIVAN: Mr. Worley, you have the floor.

MR. WORLEY: I think it's completely inappropriate for officials who are doing qualifications to take it upon themselves to impose another step of doing criminal background check, and I think that should be referred to the Attorney General's office.

MS. SULLIVAN: Are you aware of what code section that violates? (Indiscernible.)

MR. WORLEY: No. Well, I think that essentially that there is a set list of statutory requirements for qualifying to run for office, and that nowhere among those is to submit yourself to a criminal background check, and I think given

the potential for abuse, this is a case that the Attorney General's office should weigh in on and examine. I think my view would be that effectively the local officials violated the requirements of the statutes that set out the qualifications for public office.

MS. SULLIVAN: Would your motion include all three allegations? It's imitation, coercion to withdraw candidacy. The criminal history check is in Number 2.

MR. WORLEY: No. It would just be Allegation Number 2, the criminal history.

MS. SULLIVAN: Allegation Number 2. You made that motion?

MR. WORLEY: Yes.

MS. SULLIVAN: Mr. Worley has made the motion to bind over Allegation 2 as to the respondents to the Attorney General's office. I will second that. Any further discussion?

(No response.)

MS. SULLIVAN: All in favor please say, "aye."

(Whereupon the vote was unanimous.)

MS. SULLIVAN: That is none opposed, and that motion carries. That concludes the cases listed on our investigation report. Now, we have the Attorney General report.

MR. WORLEY: And Madam Chair, if I could just for the record, thank you for holding those cases until I was able to get here.

MS. SULLIVAN: My pleasure. Ready for the Attorney General report. So we have a number of consent orders placed in the Attorney General report. Unless any of the board members object, I think that we can go ahead and vote on all those consent orders as a block and approve them. Are there any of the cases on the consent order list in the Attorney General report that any of the board members would like to discuss separately?

(No response.)

MS. SULLIVAN: Is there any member of the audience who would like for the board to discuss any of these consent orders separately?

(No response.)

MS. SULLIVAN: I think we can entertain a motion to approve all of the cases listed in our agenda under the Attorney General Report.

MR. HARP: So moved.

MR. WORLEY: Second.

MS. SULLIVAN: That is moved by Senator Harp and seconded by Mr. Worley. Any further discussion?

(No response.)

MS. SULLIVAN: All in favor?

MR. WORLEY: Aye

MS. SULLIVAN: Aye.

MR. CORRERIA: Just to be clear, that is the consent orders and the dismissals?

MS. SULLIVAN: Yes. The consent orders and the dismissals. That is correct. (Indiscernible) the entire report, and Senator Harp was that a yes for you?

MR. HARP: Yes, it is.

MS. SULLIVAN: That is none opposed. So that motion carries, and I believe now that we can entertain a motion for adjournment.

MR. WORLEY: So moved.

MR. HARP: So moved.

MS. SULLIVAN: I don't know if it requires a second but looks like we have one. All in favor please say, "aye."

(Whereupon the vote was unanimous.)

MS. SULLIVAN: None opposed? And the motion carries. Thank you for being here. Senator Harp, you are able to join us at our next meeting and completely healed up. We missed you today. Thank you for joining us.

MR. HARP: I am looking forward to it.

MS. SULLIVAN: Thank you, bye-bye.

(Proceedings concluded at 1:30 p.m.)

CERTIFICATE OF COURT REPORTER

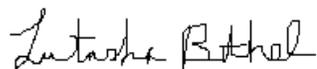
STATE OF GEORGIA

COUNTY OF DEKALB

I hereby certify that the foregoing meeting was reported as stated in the caption and the proceedings were reduced to writing by me; that the foregoing 87 pages represent a true, correct, and complete transcript of the proceedings given on April 13, 2018.

I certify that I am not disqualified for a relationship of interest under O.C.G.A. 9-11-28(c); I am a Georgia Certified Court Reporter here as a representative of Happy Faces Court Reporting Firm; I was contacted by Happy Faces Court Reporting Firm to provide court reporting services for this proceeding; I will not be taking this proceeding under any contract that is prohibited by O.C.G.A. 15-14-37(a) and (b) or Article 7.C. of the Rules and Regulations of the Board; and by the attached disclosure form I confirm that Happy Faces Court Reporting Firm is not a party to a contract prohibited by O.C.G.A. 15-14-37 or Article 7.C of the Rules and Regulations of the Board.

This 20th day of April, 2018,



LaTasha D. Bethel
Certified Court Reporter
Georgia Certificate #2660

STATE ELECTION BOARD MEETING AND HEARINGS

STATE OF GEORGIA

The above-entitled State Election Board meeting was held before Patrick Stephens, Certified Court Reporter, in and for the State of Georgia, commencing at 10:02 a.m. on this, the 11th day of September, 2018, in the State Capitol Building, Room 341, Atlanta, Georgia 30334.

TRANSCRIPT LEGEND

- (Interjection of thought for clarification)
- (Interruption of thought)
- ... (Trailing off or did not complete thought)
- (ph) (Phonetically)
- [sic] (In its original form)

(P R O C E E D I N G S)

9:02 A.M.

1
2 VICE CHAIR SULLIVAN: Good morning. We'll go ahead
3 and call this meeting -- the State Election Board meeting
4 to order. We'll start with the invocation and pledge of
5 allegiance. Judge Simpson's agreed to give the invocation
6 this morning.

7 JUDGE SIMPSON: Let us pray. Lord, we come today
8 remembering the victims and first responders that perished
9 in the attacks on 9/11, 17 years ago. We pray for their --
10 and we pray for their souls and ask continuing comfort and
11 peace to their families.

12 We also thank you for the brave men and women who have
13 stood and defended us from further similar attacks these
14 last 17 years. Continue to bless and protect them and us
15 from further harm. We thank you for the freedoms we enjoy
16 as a result of their sacrifices and protections we've been
17 privileged to have as a result of their service.

18 Soften the hearts of our enemies, guide their thoughts
19 toward reconciliation and peace and away from terror and
20 retaliation. In our work today, keep us devoted to our
21 obligation to strive to ensure open, fair, honest and
22 accurate elections for our citizens and our leaders, and
23 bless our leaders as they lead us in the right.

24 Keep us always mindful of the principles for which the
25 Georgia flag stands -- wisdom, justice and moderation --

1 and let these principles guide us in all of our actions
2 today. In Jesus name, we pray. Amen.

3 AUDIENCE: Amen.

4 JUDGE SIMPSON: Please stand.

5 AUDIENCE: (Complies with request.)

6 JUDGE SIMPSON: (Collective.) I pledge allegiance to
7 the Flag of the United States of America, and to the
8 Republic for which it stands, one nation under God,
9 indivisible, with liberty and justice for all.

10 VICE CHAIR SULLIVAN: The first item on our agenda is
11 the approval of the minutes from the State Election Board
12 meeting of April 3, 2018, and the Special Called State
13 Election Board meeting of August 7, 2018. I believe all of
14 the board members have -- have those minutes. If there are
15 not any suggestive changes to those minutes, I'd entertain
16 a motion to approve them both.

17 MR. WORLEY: I'll make a motion that we approve the
18 minutes of April 3rd and August 7th.

19 SENATOR HARP: And I second that.

20 VICE CHAIR SULLIVAN: Motion and second. Any
21 discussion? All in favor, please vote by saying, Aye.

22 JUDGE SIMPSON: Aye.

23 MR. WORLEY: Aye.

24 VICE CHAIR SULLIVAN: Aye. Any opposed? And that
25 motion carries. The next item on our agenda is public

1 comment unrelated to any of the cases that are listed here.

2 Each person who has signed up to speak will be allowed 2
3 minutes to speak, and we'll go ahead and get started with
4 that. Mr. Raymond Davis, if you would, raise your hand.

5 MR. DAVIS: (Complies with request.)

6 VICE CHAIR SULLIVAN: Someone will bring the mic to
7 you. Thank you.

8 MR. DAVIS: I'm Raymond G. Davis, Jr. I would just
9 like to say --

10 VICE CHAIR SULLIVAN: Okay. If you could go ahead and
11 speak -- and say your name and your address for the record.

12 MR. DAVIS: I'm Raymond G. Davis, Jr, and my address
13 is 1214 Bethany Road, Covington, Georgia. I'm the precinct
14 manager of Downs precinct in Newton County -- it's a very
15 large precinct with well over 6,000 registered voters.

16 My people are most upset about the fact that you-all
17 released what party they voted for in the primary. They
18 feel like, first of all, that's unconstitutional and,
19 secondly, that they (inaudible) -- that you're going to be
20 accused of colluding with the Russians anyway.

21 The second thing is that in the last meeting, when I
22 was here, was where you cut me off. I told you I was
23 hiring students from the high school to work at my
24 precinct. I got them from the AP Government class. I gave
25 you three reasons why I did it.

1 There was a fourth reason, and the fourth reason is
2 that it benefits the students because each one of them
3 receives a letter from the Chairman of the Board of
4 Elections in Newton County, which I encouraged them to keep
5 and, when they apply to college, to include that letter in
6 their -- in their file.

7 The other thing that I want to talk to you about has
8 to do with truth. The Atlanta Journal-Constitution is
9 printing articles almost every day about our voting
10 process. I can tell you, as a precinct manager for many,
11 many years, that the people writing those articles simply
12 have never served in a voting precinct in Georgia in the
13 last 20 years.

14 What they're saying is not true. I would refer you to
15 the August 20th newspaper front page, where it states that
16 we had no paper backups. We've got yards, and yards and
17 yards and -- of paper backups. In addition --

18 (Alarm chiming.)

19 MR. DAVIS: In addition to that --

20 (Alarm chiming.)

21 VICE CHAIR SULLIVAN: You can finish your sentence.

22 MR. DAVIS: In addition to that, we have a signed
23 piece of paper with signatures from every single voter that
24 comes into our precinct and information about them to back
25 that up with paper backups.

1 It's no longer possible for us to be a Oregon, or a
2 Washington, or a Southern California, or Illinois or any of
3 these states where they come up with more voters or more
4 ballots than they have eligible voters in the territory.

5 VICE CHAIR SULLIVAN: Thank you, Mr. Davis, for your
6 comments. The next person who signed up is Mr. Gray. If
7 you would, identify yourself.

8 MR. GRAY: Okay. My name is Karl Gray.

9 VICE CHAIR SULLIVAN: If you could, please state your
10 address for the record.

11 MR. GRAY: Oh. 1656 Harbin, H-A-R-B-I-N, Road, and
12 that's Atlanta 30311. And I do have a case, so I don't
13 think it's proper for me to be speaking at this time. So
14 the case number is 2017-079, so I will reserve my comments
15 until that case comes up.

16 VICE CHAIR SULLIVAN: Thank you. The next person
17 signed up is Ms. Hall from Ware County. She's up here at
18 the front. If you would, just state your name and address
19 for the record.

20 MS. HALL: My name is Virginia Hall, address is 1564
21 King Road, Tifton, Georgia 31793. I actually have a case
22 as well. The case number is 2015-078. I'll hold my
23 comments until then.

24 VICE CHAIR SULLIVAN: Thank you. For those of you who
25 are here to speak on cases, we will take those cases before

1 the other cases that no one is here to speak on in the
2 interest of your time. Mr. Tony Paulk?

3 MR. PAULK: Good morning.

4 VICE CHAIR SULLIVAN: Morning.

5 MR. PAULK: My name is Tony Paulk. That's P-A-U-L-K.
6 I live at 242 Miller Road, Douglas, Georgia 31535, and we
7 also have a case. I was just told to sign up.

8 VICE CHAIR SULLIVAN: Okay. Can you tell me what case
9 number it is?

10 MR. PAULK: Yes, ma'am. It is Case Number 2015-067.

11 VICE CHAIR SULLIVAN: Thank you. I've made a note of
12 that.

13 MR. PAULK: Okay. Thank you.

14 VICE CHAIR SULLIVAN: Ms. Aretha Hills [sic] has
15 signed up. Would you like to speak in public comment or to
16 one of the cases that are on the agenda?

17 MS. HILL: A case on the agenda.

18 VICE CHAIR SULLIVAN: You do want to go ahead and
19 speak in public-comment period or would you wait -- would
20 you like to wait and speak about the cases?

21 MS. HILL: I'll wait until -- I'll wait.

22 VICE CHAIR SULLIVAN: Okay. Is anyone else here who
23 would like to speak during this public-comment period to
24 the Board? Okay. That brings us to the next item on
25 our agenda, which is the July 26, 2018, petition from

1 Ms. Dana Bowers and Ms. Marilyn Marks.

2 Before we get to consider this petition, I would like
3 to point out that the petition does not comply with SEB
4 Rule 183-1-1.01 for submitting a petition. That rule
5 requires the petition be verified under oath and this
6 position -- petition is not.

7 It contains no verified signatures; it doesn't list
8 the post office address of the petitioners; it doesn't list
9 the full text of the rule it's asking to be repealed.
10 Despite the fact that the petition is procedurally
11 insufficient, I think we can and should still hear from the
12 petitioners on their request, so we will do that.

13 The petition asks that we require the use of paper
14 ballots statewide for the upcoming November election. I
15 will note that the same group that submitted the petition
16 is asking for the same relief in an ongoing lawsuit they
17 have filed against this Board.

18 That request for a relief will be heard in court
19 tomorrow and the Board has already set forth its position
20 on that request in our court filings. So I do not expect
21 that you will see any change in our position today, but we
22 will proceed with allowing people who have signed up to
23 speak to the petition, and we'll go ahead and do that now.

24 I have Ms. Bowers signed up to speak. If you would,
25 come up to this front desk here. I'll be able to turn on

1 that microphone. Thank you, and if you'll state your name
2 and address for the record.

3 MS. BOWERS: Thank you. My name is Dana Bowers. I
4 live at 3514 Debbie Court, Duluth, Georgia 30097. I'm a
5 native Georgian, a regular Georgia voter and a very
6 concerned citizen.

7 Just -- just to put on the record, you know, I would
8 like to submit to the Board our petition with our
9 signatures. It is not a state-registered petition, so it
10 is through Change.org, but we have -- we're nearing 5,000
11 signatures on it.

12 So I would also just like to reiterate what the
13 petition says. It says: We, the undersigned, respectfully
14 petition the State Election Board to immediately require
15 the use of hand-marked paper ballots beginning in the
16 November 2018 election.

17 Additionally, we would -- we request that the state
18 board -- the State Election Board immediately conduct an
19 audit of the voter-registration rolls to ensure that all
20 voters are properly assigned to the electoral districts in
21 which they are eligible to vote.

22 We ask that you consider the following points: That
23 you support the requirement of secure paper ballots and
24 accurate voter assignment to electoral districts for all
25 Georgia elections. Please consider that the US national-

1 security agencies, DHS, voting-system experts, cyber-
2 security experts and the US Senate Select Committee on
3 Intelligence agree that paper ballots are required for a
4 secure election.

5 Georgia uses touchscreen voting machines which cannot
6 be audited, nor can the election results be verified.
7 Hand-marked paper ballots are simple for voters to use
8 and can be rapidly counted by optical scanners. Georgia
9 officials use paper ballots and optical scanners for
10 mail-in ballots and can also use them at polling places
11 for paper ballots beginning in November.

12 Hundreds of voters have been disenfranchised because
13 they were assigned to the wrong district -- wrong electoral
14 district. Appropriate ADA-complaint accommodations should
15 be made for voters who are unable to have a hand-marked --
16 to have hand-marked paper ballots.

17 We understand that the State Election Board has been
18 supplied with detailed information supporting the
19 feasibility and the immediate use of hand-marked paper
20 ballots. We respectfully request that your immediate
21 action to stop the use of touchscreen voting machines and
22 protect the future for our elections with hand-marked paper
23 ballots and a thorough audit of the voter electoral-
24 district assignments [sic].

25 VICE CHAIR SULLIVAN: Thank you, Ms. Bowers. Do I

1 have a motion -- you would like to submit this to the
2 Board?

3 MS. BOWERS: I would.

4 VICE CHAIR SULLIVAN: Do I have a motion to accept Ms.
5 Bower's --

6 JUDGE SIMPSON: So move.

7 VICE CHAIR SULLIVAN: -- poll? Motion, second?

8 MR. WORLEY: Second.

9 VICE CHAIR SULLIVAN: Any discussion? All in favor...

10 MR. WORLEY: Aye.

11 VICE CHAIR SULLIVAN: Aye. Any opposed? No? We'll
12 accept that.

13 MS. BOWERS: Thank you very much.

14 VICE CHAIR SULLIVAN: Thank you. I have
15 Ms. Jeanne Dufort signed up to speak. Thank you. If you
16 would, please state your name and address for the record.

17 MS. DUFORT: Good morning. I'm Jeanne Dufort and I --

18 VICE CHAIR SULLIVAN: If you could, pick up the
19 microphone.

20 MS. DUFORT: Okay. Pick this up.

21 VICE CHAIR SULLIVAN: Thank you.

22 MS. DUFORT: Does that work?

23 VICE CHAIR SULLIVAN: Yes.

24 MS. DUFORT: All right. Jeanne Dufort. I am here
25 replacing Marilyn Marks. I live at 1360 Apalachee River

1 Road in beautiful Madison, Georgia 30650.

2 The question we're raising today is one of duty. Will
3 you do your duty and return election integrity to Georgia?

4 Since 2012, citizens have regularly appeared before this
5 board raising questions about the lack of requiring paper
6 trails and then to the DRE devices and, yet, your minutes
7 reflect no public discussion of election security.

8 And does it surprise anyone that we, the people, care
9 about election integrity? The best minds in the country,
10 the National Academy of Science, the -- the Department of
11 Homeland Security and the National Security Agency and
12 more, they're all calling for paper ballots now.

13 The SAFE Commission heard nearly two hours of expert
14 testimony all concluding paper ballots were the safest.
15 When they say, Now, we don't mean in a couple of years when
16 the SAFE Commission finishes its work. We mean now,
17 because the hackers aren't waiting and neither should we.

18 According to the Secretary of State's website, you're
19 charged with promulgating rules and regulations so as to
20 obtain uniformity of practice, but you're also charged with
21 making sure they're consistent with the law. That's Number
22 2 in your duties. And O.C.G.A. 21-2-81 explicitly reserves
23 the option to use paper ballots where voting equipment is
24 impossible or impractical to local election boards, and
25 O.C.G.A. 21-2-366 explicitly gives authority to local

1 governing bodies to authorize and direct the use of optical
2 scanners.

3 Yet, Chris Harvey, on your behalf, has told local
4 authorities that your Rule 183-1-12.01 mandated the use of
5 DRE devices for in-person voting and optical scan for
6 absentee overrides that statute. But don't we all know
7 that agency rules do not trump state statutes?

8 So your mandate is clear: Your rules must comply with
9 state law and, if you don't like the law, talk to the
10 legislature, work with the legislature and change the law.

11 Don't make rules that conflict with it and then
12 aggressively tell local authorities to listen to you and
13 not the statutes.

14 (Alarm chiming.)

15 MS. DUFORT: I'll wrap up. It's rare for experts to
16 agree, but they do in this case: Paper ballots are the
17 only safe way to conduct elections right now. And we're
18 aware Judge Totenberg is going to, you know, have a hearing
19 tomorrow and she might order paper ballots for all
20 Georgians, but aren't you embarrassed that the failure to
21 lead -- heed the calls of citizens who have asked you to
22 secure our elections -- it's the primary duty you have and
23 it's led us to this point.

24 And -- and why wait? You can do your duty; it
25 shouldn't take the power of a federal judge to make this

1 board act. Thank you.

2 VICE CHAIR SULLIVAN: Thank you for your comments. Do
3 any of the board members have any questions for either one
4 of our speakers?

5 MS. DUFORT: Thank you for your time.

6 VICE CHAIR SULLIVAN: Thank you. Is there any
7 discussion among the Board regarding this petition? If
8 not, I think we're ready for a motion.

9 JUDGE SIMPSON: I'd like to make a motion but, before
10 that, I have a few comments that I'd like to make.

11 VICE CHAIR SULLIVAN: Please pull your microphone up.

12 JUDGE SIMPSON: First -- first, I think that it's
13 entirely too close to the election to make a massive
14 change, especially given that we've heard no evidence that
15 any of the things you've described has actually occurred in
16 Georgia. They're either manufactured or imagined, and this
17 Board has put in place numerous regulations that speak to
18 the security of the voting machines in terms of how they're
19 stored and how they're maintained.

20 There are safeguards that are in place to guard
21 against what you say could happen. And I know these
22 processes are constantly being reviewed by the Secretary of
23 State's election division and by the county election
24 officials to add additional safeguards.

25 Also, I think it's important to mention that, at your

1 request, the Secretary of State's Office has reexamined the
2 machines last year, and that reexamination in three
3 different counties, three different days, three different
4 sets of DRE units, 600 randomly-selected votes were cast
5 using the GEMS database and -- as it would be for all
6 elections in Georgia -- and, in all instances, the ballot
7 -- ballot images, tapes and GEMS reports showed all of the
8 votes were cast accurately and they were recorded
9 accurately and preserved on each DRE unit.

10 There's no way to replace our voting machines
11 responsibly, and that is except through a process where all
12 of the stakeholders have input --

13 (Phone ringing.)

14 JUDGE SIMPSON: -- much like the SAFE Commission --
15 pardon me.

16 (Phone ringing.)

17 VICE CHAIR SULLIVAN: Judge Simpson.

18 JUDGE SIMPSON: If I were in court, I would have to
19 pay a fine. When I was on the bench, that cost 50 bucks.

20 VICE CHAIR SULLIVAN: I'll take it.

21 JUDGE SIMPSON: I guess I'll hand it up when we're
22 finished. But we -- we've got the SAFE Commission, which
23 is working to go through to have -- have all of the
24 stakeholders respond to -- to the -- to the request that we
25 review and revamp our voting election system.

1 And -- and it's not like a manufactured or imagined
2 crisis that we're talking about today. It's a -- it's a
3 detailed, lengthy process where everyone's entitled to
4 speak and be heard and so that we can get the best possible
5 method of obtaining accurate elections.

6 And -- and, as I commented in my prayer today, that's
7 what we seek. We seek open, fair, honest and accurate
8 elections, and that's what we strive for on this board.
9 We're doing the very best we possibly can. It is virtually
10 impossible to make a change at this point with the upcoming
11 election. And so, if we did that, we would throw the
12 upcoming election into chaos and -- and that's certainly
13 not what I want; I don't think it's what any of the board
14 members want. So I move that we deny the petition.

15 VICE CHAIR SULLIVAN: Is there a second?

16 SENATOR HARP: (Nonverbal response.)

17 VICE CHAIR SULLIVAN: Senator Harp seconds. Is there
18 any further discussion?

19 MR. DAVIS: I have a point to --

20 VICE CHAIR SULLIVAN: I'm sorry. This is not the
21 proper time for public comment.

22 MR. DAVIS: It's not? I should have been added. I
23 asked to have my name put on both lists and you didn't call
24 on me.

25 VICE CHAIR SULLIVAN: Okay. Mr. Davis, your name was

1 not on the list to speak to the petition, but I will allow
2 you 2 minutes now. We have a motion and a second on the
3 floor to deny the petition. If you can, come up to this
4 microphone here in the front.

5 MR. DAVIS: I cannot do that.

6 VICE CHAIR SULLIVAN: Okay. Could someone bring a
7 wireless microphone --

8 MR. DAVIS: I can -- I'll talk loud if you want me to.

9 VICE CHAIR SULLIVAN: Okay. And I believe you've
10 already said your name and address for the record, but --
11 Raymond Davis, go ahead.

12 MR. DAVIS: All right. Several things: Number 1 is
13 that we have had ballots before and we had people show up
14 on television who had announced that they and their entire
15 staff stayed up until 4 o'clock in the morning to make sure
16 the election came out the right way.

17 We all know, as a precinct manager, in addition to
18 that, we have paper backups that will back up any questions
19 you have. If you want to say, Well, they got into the
20 computers somehow at the state level, we can still back
21 that up with paper because we send the computer cards in in
22 the evening and then we turn right around and -- and count
23 up, on the paper backups, the same votes and send that in
24 by two days later, before you certify.

25 This thing of ballots, let's be serious: This case we

1 have tomorrow is going to be handled by a judge and a bunch
2 of people who all have one thing in common: They've never
3 worked in one of our precincts in the last 20 years.

4 There's one thing that you have to say when people ask you
5 about ballots: How can you stuff a ballot box if you don't
6 have any ballots?

7 VICE CHAIR SULLIVAN: Thank you, Mr. Davis. So we
8 have a motion and a second on the floor. Is there any
9 further discussion among the board members?

10 SENATOR HARP: I'm Seth Harp. I'm one of the board
11 members, but I would like to comment about how we got where
12 we are today. In 2001, I was elected to the state senate
13 and, in 2001, Governor Barnes was the governor of Georgia,
14 Ms. Cox -- Kathy Cox was the sitting -- was the Secretary
15 of State.

16 We were told then that we needed to have this
17 electronic voting method so that we could quickly and
18 accurately tabulate the results of what the elections were
19 doing. These machines were prepared by Diebold and the
20 people that make the vaults (alarm chiming) (inaudible) and
21 they assured us that it was absolutely safe and there would
22 absolutely be no impropriety and no way it can be done.

23 That was what the legislature was told. The
24 legislature then appropriated the money and the money was
25 put in and we purchased the voting machines. Little did we

1 know that the concerns that all of us had heard in the last
2 6 to 8 months would be out there because we hadn't heard
3 about it; nobody made that point.

4 But, quite frankly, the electronic method is extremely
5 accurate and it's extremely fast. The problem is, as I
6 recognize, is when it interfaces with the Internet. And,
7 when it interfaces with the Internet, there is a potential
8 for some of these things, but I think that the state has
9 done everything in its power to prevent that from happening
10 and making certain that it does not happen. The system
11 that's set up is extremely -- has safety features that
12 overlap one another so that we don't have potential for
13 voter fraud or anything such as that.

14 It is fast; it is quick and -- but, as far as
15 accurate, it certainly appears to be accurate in the time
16 that I have been both a senator and the time that I've been
17 a private citizen in Georgia for many, many years.

18 I know there's concern. I know many of you who are
19 here are deeply concerned that whatever we do will not be
20 sufficient but, considering the fact that we have a midterm
21 election in 50-something days, I don't think we do it.

22 First of all, we don't have the money -- the
23 legislature is the source of the money -- and the other
24 aspect of it is that, if we did have the money, we would
25 have to procure it. We would have to set out a method of

1 procurement of those things and all of that is just about
2 physically impossible.

3 Now, I'm a pragmatist. I look at it this way: Well,
4 what do we do? There are potentially... potentially some
5 problems. Everyone seems to think that the election is
6 going to be stolen or something. I don't know what it is,
7 but potential. I don't see it myself, and I realize that
8 many of you are upset that that is the situation, but the
9 other side of the question is: What is the alternative?

10 Do we call off the election? No. That would be a
11 catastrophe. So what can we do? I -- I'd say we're sort
12 of stuck in this thing and there's not any other way out
13 other than to go forward with what we have and, hopefully,
14 the legislature will enact and appropriate funds to give us
15 machines that have a paper trail and they will do this so
16 that we can do it for the 2020 election. But that's --
17 that's the only thing I see that's possible to us to be an
18 alternative.

19 One other comment: I looked carefully at the list of
20 folks that signed the petition. There were people on there
21 that are not Georgians; there are people on that list that
22 are from all over the place. I mean, they listed their
23 home as not even in the United States. And, while I'm
24 sympathetic, I -- I respond to the people of Georgia.

25 I was very amazed that my community, Columbus, only

1 have four or five people who signed the petition and I
2 thought that was very unusual. But how was that -- how was
3 that petition circulated? Was it done at the airport? You
4 know, I -- I'm curious how it happened.

5 But when you come up with a list of names like that,
6 I'm -- there -- there were real interesting gaps in there.

7 But that's my feeling and I will second your motion.

8 VICE CHAIR SULLIVAN: Thank you, Senator Harp. Any
9 further discussions from members of the Board?

10 MR. WORLEY: (Nonverbal response.)

11 VICE CHAIR SULLIVAN: Mr. Worley?

12 MR. WORLEY: Madam Chair, I'd just like to make a
13 couple of comments. First of all, I admitted very clear at
14 every opportunity that I believe we need to return to a
15 system of -- that would be entirely composed of paper
16 ballots. Not a combination of some electronic and paper
17 voting, but a pure paper-ballot system with an optical
18 scanner.

19 I think it's the cheapest, I think it's the easiest to
20 protect and I -- I think that that's the right solution,
21 and I was hoping that the General Assembly would pass
22 legislation to that effect, which was proposed in the
23 spring. That did not happen.

24 So that brings us to the position that we're in today
25 and raises, to me, two issues -- the petition raises two

1 issues: One is whether it's appropriate for a body like
2 ours, the State Election Board, to essentially impose its
3 own policy preferences on the General Assembly and on the
4 state in the absence of action by the General Assembly.

5 I don't think it's appropriate for us to do that. I
6 don't. And I'm speaking as a representative of the party
7 that doesn't control the General Assembly, but I think that
8 it is the General Assembly's job to do that. And this
9 board, to my knowledge, has never imposed its policy
10 preference on the General Assembly in the matter that's
11 been requested.

12 Secondly, one of the speakers asked a question of why
13 wait. My question to those who essentially filed the
14 lawsuit well over a year ago is why have they waited until
15 now to ask the federal court to impose a paper-ballot
16 system on the state? Because now it's not practically
17 possible to do it without mass chaos in the 3,000 precincts
18 that we have in the state.

19 It's just not practically possible to switch right now
20 to a paper-ballot system with 60 days or so before the
21 election. So that -- that issue will be determined by the
22 Court but, in my opinion, it's just not practical.

23 So -- so, while I am very, very sympathetic to the
24 goal of the petition and to the goal of having paper
25 ballots in the state -- and, were I a legislator, I would

1 definitely be supporting that -- I don't think it's
2 appropriate for this board to use its rule-making authority
3 at this point to impose paper ballots on all of the
4 election officials in the state.

5 VICE CHAIR SULLIVAN: Thank you, Mr. Worley. Any
6 further discussion from the board members? We have a
7 motion on the table to deny the petition and a second.
8 With there being no further discussion, all in favor please
9 vote by saying aye.

10 MR. WORLEY: Aye.

11 SENATOR HARP: Aye.

12 VICE CHAIR SULLIVAN: Aye. Any opposed? That's a no
13 and the motion carries.

14 We'll move on now to the investigations report. We
15 have two consent cases on the agenda. Let me first ask if
16 there's anyone here who would like to speak to either SEB
17 Case Number 2017-68, which is the City of Atlanta, Fulton
18 County, Campaign Activity. Is there anyone here to speak
19 to that case?

20 The second case is SEB Case Number 2018-03, Gilmer
21 County, Unqualified Registrant Voter. Is there anyone here
22 to speak to that matter? I understand that Mr. Worley
23 would like to pull off the first case, 2017-68, City of
24 Atlanta, for discussion. At this point, Mr. Lewis, if you
25 could present that case.

1 MR. LEWIS: Yes, ma'am, Madam Chair. Microphone?

2 VICE CHAIR SULLIVAN: It's on.

3 MR. LEWIS: Thank you. In November of 2017, the
4 complainant reported that during municipal elections for
5 the City of Atlanta, Mayor Kasim Reed engaged in campaign
6 activities within the 150-foot limit of the poll station in
7 Fulton County.

8 It was found that, on November 7, 2017, Mayor Reed
9 voted in the Atlanta mayoral election in the Fickett
10 Elementary polling location in Fulton County. With the
11 permission from the polling manager, Mayor Reed was filmed
12 while voting inside of the polling station, made some
13 comments regarding good voter turnout.

14 Outside of the polling location and away from the
15 voter entrance and exit, Mayor Reed and his family were
16 filmed and urging citizens to vote and endorsing candidate
17 Keisha Lance Bottoms.

18 The filming was within approximately 25 feet from the
19 sidewalk of the polling station and appeared to take place
20 away from the hearing of voters who were entering and
21 exiting the polling location. The poll manager stated that
22 no reports were made to him either by voters or his staff
23 that the mayor could be heard by any of the voters who were
24 entering and exiting and any comments that he would've made
25 about Ms. Bottoms.

1 There was insufficient evidence in this case that
2 would suggest a violation of the Georgia election code.
3 Our recommendation is to dismiss the case.

4 VICE CHAIR SULLIVAN: Are there any questions for
5 Mr. Lewis?

6 MR. WORLEY: (Nonverbal response.)

7 VICE CHAIR SULLIVAN: Mr. Worley?

8 MR. WORLEY: I don't have any questions, but I -- but
9 I do have a view of this case that is different from the
10 investigators. The alleged violation of 21-2-414(a), that
11 code section says that no person shall solicit votes in any
12 manner or by any means or method, and then it goes on to
13 state within 150 feet of the outer edge of any building.

14 I think having -- having -- you know, making a video
15 recording endorsing a candidate in the race that's being
16 conducted is, in effect, soliciting votes in some manner or
17 by some means or method. And so, I -- I think that that's
18 a violation of the code and ought to be referred to the
19 Attorney General for that reason.

20 MR. LEWIS: Mr. Worley, I will further point out that
21 further down in the code section -- what we applied to this
22 case was the restriction that did not apply to conduct that
23 was occurring in private offices where the conduct could
24 not be heard by the voters entering and exiting the
25 building. That was our position.

1 MR. WORLEY: Right. I understand that that's your
2 position, but that's not what the statute says. And, to
3 me, this is a very bright-line rule that should be applied
4 all of the time to anybody regardless of whether they're a
5 candidate or not.

6 If you're making a statement right next to a polling
7 place endorsing a candidate then, in fact, you're
8 soliciting votes in any manner or by any means or method.
9 And so, it would be my view that it ought to be referred to
10 the Attorney General and I would make that motion.

11 SENATOR HARP: I second the motion.

12 VICE CHAIR SULLIVAN: We have a motion and a second to
13 refer SEB Case Number 2017-68 to the Attorney General's
14 office. Is there any further discussion among the Board?
15 Hearing none. All in favor of that motion, please vote by
16 saying aye.

17 MR. WORLEY: Aye.

18 SENATOR HARP: Aye.

19 VICE CHAIR SULLIVAN: Any opposed? That's a no, and
20 that motion passes. Would any of the board members like to
21 discuss SEB 2000 -- SEB Case Number 2018-003, Gilmer
22 County? The recommendation in that case is to be
23 dismissed, but we can discuss it if any member would like
24 to. Okay. I'll hear a motion -- entertain a motion to
25 dismiss Case 2018-003.

1 MR. WORLEY: So move.

2 SENATOR HARP: Second.

3 VICE CHAIR SULLIVAN: A motion has been made and
4 seconded. Any further discussion? All in favor, please
5 vote by saying aye.

6 SENATOR HARP: Aye.

7 MR. WORLEY: Aye.

8 VICE CHAIR SULLIVAN: Aye. Any opposed? That motion
9 passes.

10 That moves us onto the letter cases. First, I would
11 like to see if there's anybody in the audience who would
12 like to speak to any of these letter cases. And these are
13 cases in which the recommendation is a letter of
14 instruction. The first case is SEB Case Number 2014-107,
15 Putnam County. Is there anyone here to speak to that?

16 MR. LEWIS: Madam Chair, I'm going to present that
17 case and recommend dismissal.

18 VICE CHAIR SULLIVAN: Okay. SEB Case Number 2016-119,
19 Jefferson County? SEB Case Number 2017-003? SEB Case
20 Number 2017-37? SEB Case Number 2017-66? SEB Case Number
21 2017-71? That's the City of Tucker, DeKalb County.
22 SEB Case Number 2017-78, Fulton County? SEB Case Number
23 2017-79? I believe we have someone here to speak to that.

24 MR. GRAY: Right here.

25 VICE CHAIR SULLIVAN: Okay. And SEB Case Number 2017-

1 80? We'll go ahead and take SEB Case Number 2014-107.

2 Mr. Lewis?

3 MR. LEWIS: Thank you, Madam Chair. This case has
4 to do with a voter ID issue. Putnam County voter,
5 Rachel Covington, presented her Georgia weapons-carry
6 license at a polling precinct when she went to vote in
7 the November 2014 election.

8 Poll workers told the voter that the license is not --
9 was not an acceptable form of identification, but allowed
10 her to cast a provisional ballot. The voter received a
11 letter in the mail after informing her that her -- that the
12 Putnam County Board of Elections had rejected her
13 provisional ballot because she did not provide proper
14 identification in the form of a photo ID.

15 The progression of Georgia weapons-carry license from
16 that of a non-photo license to one that does come with a
17 photograph has created some confusion on the part of the
18 counties as to whether or not it is an acceptable form of
19 ID for voting.

20 Additionally, there's been some discussion as to
21 whether or not a county probate court qualifies as an
22 issuing authority under Georgia's voter ID law. It would
23 be our recommendation at this time to dismiss this case and
24 recommend that the Georgia General Assembly clarify the
25 statutory language if the legislative intent is for a

1 Georgia weapons-carry license to be an acceptable form of
2 ID for voting.

3 JUDGE SIMPSON: My understanding -- excuse me. My
4 understanding is that it should have been accepted as a
5 proper form of identification.

6 MR. LEWIS: Well, that's the question we're asking the
7 legislature to clarify --

8 JUDGE SIMPSON: Well --

9 MR. LEWIS: -- as to that issue. It is not --

10 JUDGE SIMPSON: -- I don't -- I don't think that the
11 statute -- it just says a form of identification. That is
12 a form of identification. It's issued by the governor, so
13 I think that -- my opinion is that we should issue a letter
14 of instruction telling the county boards of election to
15 accept that until there is some change from the
16 legislature.

17 Because -- you know, because the way you read the
18 statute now, it may not be clear but we should interpret
19 the statute in favor of allowing the voter to vote, in my
20 opinion. So I move that we issue a letter of instruction
21 telling the county election boards to accept that form of
22 identification.

23 VICE CHAIR SULLIVAN: Thank you, Judge Simpson. I
24 think this might be an appropriate interval for our counsel
25 to speak regarding the statutory language that forms the

1 basis of Mr. Lewis' recommendation.

2 MS. CORREIA: Yes. It's our position -- (adjusts
3 microphone.) We've looked at this in house at the Attorney
4 General's office and it's our position that the current
5 statute does not allow a Georgia carry -- weapons license
6 to be a proper photo ID, and the -- the reason is that,
7 under 21-2-417(a)(2), it talks about voter identification
8 issued by a state agency or entity and a probate court is
9 not. It is a county --

10 JUDGE SIMPSON: It's a constitutional -- it's a
11 constitutional body of the State of Georgia.

12 MS. CORREIA: It is, but --

13 JUDGE SIMPSON: And so, in that sense, it's a state
14 agency. I certainly don't agree with that interpretation.

15 MS. CORREIA: Well, our review internally is that the
16 probate court is a county court and, therefore, a license
17 issued by that court --

18 JUDGE SIMPSON: Yeah, but it's a constitutional
19 office, isn't it?

20 MS. CORREIA: We -- you know, we can research this
21 further and come back to the Board with a --

22 JUDGE SIMPSON: Isn't it a constitutional office?

23 MS. CORREIA: -- with an official opinion.

24 JUDGE SIMPSON: It's like a superior court; it's like
25 a state court; it's like the sheriffs.

1 MS. CORREIA: It is -- it is a county agency, however.

2 JUDGE SIMPSON: Isn't that a -- isn't that a
3 constitutional --

4 MS. CORREIA: It is.

5 JUDGE SIMPSON: -- established court --

6 MS. CORREIA: It is established by the Constitution.

7 JUDGE SIMPSON: -- by the Constitution of the State of
8 Georgia?

9 MS. CORREIA: Yes.

10 JUDGE SIMPSON: Okay.

11 VICE CHAIR SULLIVAN: I think that it -- I'm sorry.
12 Judge Simpson, would you like to request an official
13 opinion from the AG's office on this matter?

14 JUDGE SIMPSON: Yes. But, in the meantime, I still
15 think we ought to give the benefit of the doubt to the
16 voter so that we make sure that every voter is allowed to
17 vote in Georgia and not prohibit somebody because of some
18 strange reading of the statute.

19 MR. WORLEY: I --

20 VICE CHAIR SULLIVAN: Go ahead.

21 MR. WORLEY: I agree with Judge Simpson, and I would
22 agree to second -- or I'll second that motion for the
23 reasons that he's given.

24 SENATOR HARP: Madam Chair?

25 VICE CHAIR SULLIVAN: Please, go ahead.

1 SENATOR HARP: There's a gentleman that's got his hand
2 up out there. I don't think it's in order, but I think we
3 ought to recognize him.

4 VICE CHAIR SULLIVAN: Sure. Right now we have a
5 motion and a second. Clarify your motion again, Judge
6 Simpson.

7 JUDGE SIMPSON: I move to issue a letter of
8 instruction to the county election boards to allow that
9 identification unless -- until such time as the legislature
10 prohibits it.

11 VICE CHAIR SULLIVAN: Okay. We have a motion and a
12 second to issue a letter of instruction in this case.
13 Mr. Davis, would you like to speak to this?

14 MR. DAVIS: Please. I am the one person that has to
15 deal with this at every election we have. In a big
16 election, I'll have 200 issues involved with whether they
17 have adequate ID or not. I would suggest that you stick
18 with the law exactly as it is, because I have every
19 imaginable kind of things that you could think of.

20 I have people who come in with nothing but a passport
21 from another country who speak no English and they've only
22 been in the United States for a few hours and they want to
23 vote. I had some guy who voted in New York, jumped on a
24 plane, flew to Atlanta, rented a car, drove out to my
25 precinct, came in there and wanted to vote again.

1 I deal with this problem in vast numbers and, if you
2 want to change it, have the General Assembly change it
3 because, if you don't, it'll be a slippery slope and it'll
4 drive all of us on the front line crazy.

5 JUDGE SIMPSON: Well, it would appear to me if
6 somebody showed up with a foreign passport, that would
7 indicate they weren't a citizen of the United States and
8 they wouldn't be entitled to vote, so I don't think that's
9 a comparable --

10 MR. DAVIS: Well --

11 JUDGE SIMPSON: -- situation at all.

12 MR. DAVIS: -- that's just one of hundreds of
13 different ones that I have had.

14 JUDGE SIMPSON: Well, the object is to allow people to
15 vote so we can have a fair and honest election --

16 MR. DAVIS: That's true, but if they don't have --

17 JUDGE SIMPSON: -- and, if they can be identified,
18 they ought to be able to vote.

19 MR. DAVIS: -- adequate ID --

20 JUDGE SIMPSON: And if it's a state agency that issues
21 the identification, that's all you have to -- that's the
22 end of the discussion, that's the end of the inquiry and
23 then you ought to let them vote. That's what we're there
24 for. That's why we're --

25 MR. DAVIS: Then why don't we --

1 (Crosstalk.)

2 VICE CHAIR SULLIVAN: Excuse me. Thank you. Thank
3 you, Mr. Davis, for your comments and your practical
4 experience. I think that this exchange may be getting a
5 little out of control, but we do appreciate your comments.

6 Is there anyone else who would like to speak to this
7 case that's in the audience? Okay. We have a motion to
8 issue a letter of instruction in this case and a second.
9 Is there any further discussion by the board members? All
10 in favor of the motion, please vote by saying aye.

11 MR. WORLEY: Aye.

12 JUDGE SIMPSON: Aye.

13 SENATOR SHARP: Aye.

14 VICE CHAIR SULLIVAN: Any opposed? And that motion
15 carries. The next case we have people here to speak to
16 would be SEB Case Number 2017-79, City of Atlanta. That's
17 Tab Number 13 in your binder. Mr. Lewis, if you would --
18 oh, please go ahead. You're not Mr. Lewis.

19 FRANCES WATSON: Case 2017-79: In November of 2017,
20 Mr. Karl Gray advised that the poll manager and workers had
21 refused to accept his government-issued photo -- picture
22 identification when he went to vote in the November 2017
23 election in the City of Atlanta, Fulton County.

24 Mr. Gray presented a government ID with no address
25 listed on the ID. When presented to vote, the poll worker

1 requested another form of ID with an address and Mr. Gray
2 refused. Mr. Gray was referred to the poll manager that
3 appropriately asked to confirm Mr. Gray's address and he
4 proceeded to vote.

5 The investigator discovered that Fulton County did not
6 give credit to Mr. Gray who voted in the state system
7 within 60 days of the election. We're recommending the
8 Fulton County Board of Elections and Richard Barron,
9 Fulton County election supervisor, be issued letters of
10 instruction for the listed violation, 21-2-215(i), and the
11 Fulton County Board of Elections and Registration and
12 Supervisor Barron failed to give Mr. Karl Gray credit for
13 voting in the state system within 60 days of the November
14 7, 2017, general election.

15 VICE CHAIR SULLIVAN: Thank you. I believe that
16 Mr. Gray would like to speak to this. If you would, please
17 come down to the front.

18 MR. GRAY: (Complies with request.)

19 VICE CHAIR SULLIVAN: This microphone right here is
20 on. Please state your name and address for the record.

21 MR. GRAY: Okay. It's Karl Gray, and my address is
22 1656 Harbin Road, Atlanta, 30311. And what I would like to
23 speak to is the poll workers had made a decision that they
24 want a driver's license, although that is not the only form
25 of identification that you can use.

1 You can use a passport; you can use a government ID.
2 I've been working for the government for 33 years and I
3 presented that government ID in numerous places. I took a
4 trip to Paris, France; I did some money exchanges. Over a
5 certain amount, they require photo IDs and they even said
6 that my government ID is one of the forms of
7 identification.

8 These poll workers, if you don't present a driver's
9 license, they will actually mark an X on this form and say,
10 Well, because you're not giving us a driver's license that
11 has your address on there, we want you to initial here. On
12 the form, it already states that -- under perjury that you
13 are saying that everything is correct and you do actually
14 live at that address.

15 So doing extra marks, they want to bully you because
16 if you don't want to present a driver's license -- and I --
17 I would love to have all of those poll workers line up in
18 here, one by one, and make them aware that the driver's
19 license is not the only acceptable form for identification.

20 And I presented one -- in fact, the government ID is
21 actually on the acceptable form prior to the state-issued
22 driver's license, but they only want the driver's license
23 and, if you don't want to present that, they want to bully
24 you.

25 And other people have been in there; I've seen them go

1 through it and they'll give them -- they'll say, Okay.
2 Well, here's -- here's the driver's license if that's what
3 you want. But in my case -- I can speak directly to my
4 case -- until I went to that poll manager and looked her in
5 the eye and I said, Are you telling me that you're not
6 going to allow me to vote? And now I found out today that
7 my vote didn't count even though I presented an acceptable
8 form of identification -- and I'd like to have a copy of
9 that letter so I can take that with me every time I vote as
10 well. I'd like to have a copy of that.

11 VICE CHAIR SULLIVAN: Thank you, Mr. Gray. The
12 recommendation in this case is to issue a letter of
13 instruction to the Fulton County Board of Elections and
14 Registration, and supervisor as well as the poll manager
15 and poll clerks involved in that case. Thank you for being
16 here.

17 Is there anyone else in the audience who would like to
18 speak to this case? Would any of the board members like to
19 discuss? Any questions? The motion -- the recommendation
20 in this case is to issue a letter of instruction.

21 MR. WORLEY: I move that we issue a letter of
22 instruction to Fulton County in this matter.

23 JUDGE SIMPSON: Second.

24 VICE CHAIR SULLIVAN: A motion has been made and a
25 second. Any further discussion? All in favor, please vote

1 by saying aye.

2 JUDGE SIMPSON: Aye.

3 MR. WORLEY: Aye.

4 SENATOR HARP: Aye.

5 VICE CHAIR SULLIVAN: Aye. Any opposed? None, and
6 that motion carries. Are there any other member -- are
7 there any other letter cases that any of the members of the
8 Board would like to pull off for further discussion?

9 MR. WORLEY: Madam Chair, I would make a motion that
10 we -- that for all of the remaining letter cases on our
11 agenda, that we send a letter of instruction as recommended
12 by the investigators.

13 VICE CHAIR SULLIVAN: I'll second that motion and I'll
14 go ahead and read those case numbers just for the record.
15 It's 2016-119, Jefferson County; 2017-3, Fulton County;
16 2017-37, Fulton County; 2017-66, Clayton County; 2017-71,
17 City of Tucker; 2017-78, Fulton County, and 2017-80, City
18 of Atlanta.

19 This motion's been made and seconded to issue a
20 letter of instruction in those cases. Considering no
21 discussion --

22 SENATOR HARP: Second.

23 VICE CHAIR SULLIVAN: Any further discussion? All in
24 favor, please vote by saying aye.

25 MR. WORLEY: Aye.

1 SENATOR HARP: Aye.

2 VICE CHAIR SULLIVAN: Aye. Any opposed? No, and that
3 motion carries. And that moves us onto the investigations
4 report. I'd first like to go through these cases and see
5 if there's anyone in the audience who is here to speak to
6 any of these matters.

7 2013-38, City of Sparta. Is there anyone here who
8 would like to speak to that case? 2014-09, Hancock County?
9 No. 2015-8, City of De Soto?

10 MR. WORLEY: Madam Chair, just for the record, I will
11 be recusing myself from the City of De Soto case.

12 VICE CHAIR SULLIVAN: It's noted for the record.
13 2015-20, Hancock County?

14 MS. STEPHENS : Madam Chair.

15 VICE CHAIR SULLIVAN: Yes.

16 MS. STEPHENS: I don't think you saw my hand on the
17 first one, 2013-038.

18 VICE CHAIR SULLIVAN: Right. I noted it.

19 MS. STEPHENS: Thank you.

20 VICE CHAIR SULLIVAN: 2015-46, City of Allenhurst?
21 2015-47, City of Damascus?

22 MR. COLEMAN: Madam Chair, I'm here on behalf of the
23 city.

24 VICE CHAIR SULLIVAN: Thank you. 2015-66, City of
25 Baconton?

1 MR. COLEMAN: Also here for that one.

2 VICE CHAIR SULLIVAN: 2015-72, City of Ivey? No one
3 here for that case. 2015-73, City of Sparta? Noted.
4 2015-74, City of Cordele? Thank you. 2015-75, City of
5 Guyton? No one here for that case. 2015-76, City of
6 Commerce? I see you. Thank you. And 2017-86, DeKalb
7 County? Thank you.

8 All right. The first investigation report case is
9 2013-38, City of Sparta. Mr. Lewis?

10 MR. LEWIS: Thank you, Madam Chair. The investigation
11 division in this case received nine complaints regarding
12 the November 5, 2013, municipal and special election held
13 in the City of Sparta in Hancock County.

14 The complaint alleged -- allegations include the issue
15 of poll location set up, Saturday voting hours, machine
16 storage -- voting-machine storage, not enough poll workers
17 on site and local election board members taking photographs
18 in voting areas.

19 All but one of the allegations in this case were
20 unsubstantiated. The remaining allegation was regarding
21 some of the electors that reside on Glen Ford Road and
22 Central Avenue that were placed inside of the City of
23 Sparta on the voting list when they were actually residents
24 of the county proper.

25 It was determined, in our investigation, that there

1 were 11 electors found to be listed on the municipal voting
2 list for the City of Sparta when they should have been
3 listed as Hancock County residents.

4 We would recommend that the Hancock County Board of
5 Elections and Registration be bound over for the listed
6 violation of 21-2-226(b), duties of the county board in
7 determining eligibility of voters.

8 Former elections supervisor, Aretha Hill, is also
9 listed as a respondent in this violation. We would
10 recommend dismissing the citation against Ms. Hill because
11 the violations are directed at Board responsibilities.

12 VICE CHAIR SULLIVAN: Thank you. I believe we have
13 some members of the public who would like to speak to this
14 case.

15 MS. GRANT: Good morning. My name is --

16 VICE CHAIR SULLIVAN: If you'll pick up the
17 microphone, please.

18 MS. GRANT: My name is Andrea Grant, address is 40
19 Jarrett Manor, Toccoa, Georgia. I'm the attorney for the
20 Hancock County Board of Elections and Registrations.

21 And the -- the request that I have for you-all today
22 -- and I apologize that I didn't get with the investigators
23 prior to this -- is, on this particular case where they
24 state that that they feel that 11 people were not supposed
25 to vote in the municipal elections, if -- if I can refer

1 you to 21-2-217, Subsection B.

2 It's -- the decisions of the registrar to whom such
3 application is made shall be presumptive evidence of the
4 person's residence for voting purposes. And so, at this
5 juncture, I can't see how the county would be -- it would
6 just be deemed that they are not residents without going
7 through the proper procedures under the statutes.

8 There are numerous -- and we've -- Hancock County's
9 recently been involved in a federal lawsuit for removing
10 electors' names from the list and there's a whole procedure
11 in order to do that under 2-2-228, 2-2-229 and -- I mean --
12 and 2-2-230. I may have got those semblance of numbers --
13 I think they're all 21.

14 But the bottom line is you have to give each person
15 notice if they are -- if you -- somebody challenges where
16 they live, then you have to give them certain hearings and
17 a whole sundry of other things.

18 So I would ask one of two things: Of course,
19 obviously, we would want to have this dismissed but,
20 secondly, I would ask for an opportunity to get with the
21 investigators and go over how they determined that these
22 were ineligible based on the statutes that the Board has to
23 go through to remove someone from the rolls.

24 VICE CHAIR SULLIVAN: Mr. Lewis, are these arguments
25 that you were presented with prior to this hearing?

1 MR. LEWIS: Well, the information we received was
2 these 11 electors were actually placed inside of the city
3 and voted in the city election or county elections were
4 ineligible to vote inside of the city. So there was a mix
5 up of the street.

6 And, in our report, Ms. Hill was asked about it by the
7 investigator, who conducted the election. After asking if
8 it was brought to her attention, she stated that she did
9 not know what happened. It wasn't brought to her attention
10 by the board members. There was some change that occurred
11 in the street file and she said, yes, that it was an
12 oversight on their part and the only streets that were
13 involved were the two streets that I mentioned.

14 VICE CHAIR SULLIVAN: Thank you. Ms. Grant's comments
15 do not change your recommendation in this case?

16 MR. LEWIS: (No response.)

17 VICE CHAIR SULLIVAN: Mr. Lewis, the -- Ms. Grant's
18 comments do not change your recommendation in this case?

19 MR. LEWIS: No.

20 VICE CHAIR SULLIVAN: Do any of the board members have
21 any questions for Ms. Grant?

22 JUDGE SIMPSON: What is the recommendation?

23 VICE CHAIR SULLIVAN: The recommendation is to forward
24 to the Attorney General's office.

25 JUDGE SIMPSON: So move.

1 VICE CHAIR SULLIVAN: Okay. We have a motion to refer
2 to the Attorney General's office, but we have several more
3 people who would like to speak regarding this case, so
4 we'll hold that motion. And the next person who would like
5 to speak -- nice to see you again. If you would, state
6 your name and address for the record.

7 MS. STEPHENS: I'm Nancy Stephens, 389 Roy Smith Road
8 in Sparta, Georgia. I'm on the board of elections and
9 registration and have been since it started in 2011. I
10 pointed out numerous times to Ms. Hill that these electors
11 were outside of the county and they were on the city
12 electors' list and she refused to take any action to remove
13 them or take any action to have meetings with them or
14 anything. She just left them alone. So she was aware and
15 had been for quite some time.

16 MR. LEWIS: Madam Chair, I will make one correction.
17 When I said -- I believe I indicated to the Board that the
18 voters did vote in the election. That is incorrect. They
19 did not.

20 VICE CHAIR SULLIVAN: Thank you. Ms. Hill, would you
21 like to speak to this? You're not required to. If you
22 would, please state your name and address for the record.

23 MS. HILL: My name is Aretha Hill, and former election
24 supervisor for Hancock County, and also election supervisor
25 for the City of Sparta in 2013 and 2015.

1 And I would like to say the cause of that -- I'm a
2 former supervisor -- I haven't had time to go in and access
3 the records in the file to clarify the findings right here.

4 And so, I'm going to have to ask the county to grant me a
5 continuance, that I may, you know, get legal counsel for
6 this -- these cases.

7 VICE CHAIR SULLIVAN: I understand. I believe the
8 recommendation is to dismiss the allegations that were made
9 toward you specifically and to refer the Hancock County
10 Board of Elections to the Attorney General's office; is
11 that correct?

12 MR. LEWIS: That is correct.

13 VICE CHAIR SULLIVAN: So that may change your --

14 MS. HILL: Okay.

15 VICE CHAIR SULLIVAN: -- decision.

16 MS. HILL: I had other cases on here, too.

17 VICE CHAIR SULLIVAN: Okay. We'll discuss those when
18 we get to those cases. Thank you.

19 MS. HILL: All right. Thank you.

20 VICE CHAIR SULLIVAN: So we have a --

21 MR. WORLEY: (Indicating.)

22 VICE CHAIR SULLIVAN: Go ahead, Mr. Worley

23 MR. WORLEY: Madam Chair, I have a question. This
24 indicates that the date of the report is November of 2014.

25 MR. LEWIS: Yes, sir.

1 MR. WORLEY: Has this been before the Board before?

2 MR. LEWIS: No, sir.

3 MR. WORLEY: And why is a report that was made in
4 November of 2014 just now getting to the Board?

5 MR. LEWIS: It's just in the cycle. We have a couple
6 of 2013 cases on this agenda and we'll probably have a
7 couple more. But those are the last remaining cases from
8 that cycle.

9 MR. WORLEY: Okay. Thank you.

10 MS. GRANT: May I make one other comment?

11 VICE CHAIR SULLIVAN: Yes, Ms. Grant.

12 MS. GRANT: And you'll see me -- there's a couple of
13 others cases also for Hancock County involving the same
14 employee that was terminated. Once the county found out of
15 the things that were happening, the employees were
16 terminated in April of 2015, so they took remedial action.

17 VICE CHAIR SULLIVAN: Thank you. Is there any other
18 questions by anyone on the Board? We have a motion -- and
19 let me clarify. Judge Simpson, your motion would be to
20 refer the board of elections to the Attorney General's
21 office and to dismiss the allegations against Ms. Hill?

22 JUDGE SIMPSON: That's correct.

23 VICE CHAIR SULLIVAN: There's been a motion. Do we
24 have a second?

25 MR. WORLEY: Second.

1 VICE CHAIR SULLIVAN: The motion's been made and
2 seconded. Any further discussion? All in favor, please
3 vote by saying aye. Aye.

4 SENATOR HARP: Aye.

5 MR. WORLEY: Aye.

6 VICE CHAIR SULLIVAN: Any opposed? None, and that
7 motion carries. Thank you. And the next case is SEB Case
8 Number 2014-009, Hancock County. Mr. Lewis?

9 MR. LEWIS: Thank you, Madam Chair. If you'll bear
10 with me. This is quite a lengthy case. Complainants
11 reported irregularities by the elections officials for the
12 May 20, 2014, primary election and the July 22, 2014,
13 primary in Hancock County.

14 There were a total of 23 reported allegations in this
15 case with nine of those being substantiated, and I'll
16 go over those and the findings as follows:

17 Allegation 1 is that 16 nonpartisan candidates
18 qualified as democratic candidates for the May 20, 2014,
19 primary election. Our investigation verified that 16
20 candidates seeking election in the nonpartisan election for
21 the local race filed their notice of candidacy and paid
22 their qualifying fees with the democratic party for the
23 May 20th primary.

24 The election supervisor accepted the notice of
25 candidacy for the 16 nonpartisan candidates from the

1 democratic party when they should have qualified with the
2 elections superintendent.

3 Allegation Number 3, that the sample ballots that were
4 scripted by the elections office during the May 20, 2014,
5 primary election were the same size as an actual ballot --
6 of an actual ballot printed on white paper. Our
7 investigation revealed that the sample ballots that were
8 scripted by the elections office during the May 20th
9 primary election were the same size as an actual ballot
10 printed on white paper when it should've been of different
11 size and different color.

12 Allegation Number 4, that some application for
13 absentee ballots for the November -- excuse me -- May 20th
14 primary election were not marked by the voter indicating
15 which party ballot they were requesting and the elections
16 office failed to issue them a ballot.

17 The investigation revealed that 33 applications for
18 absentee ballots were not marked by the elector indicating
19 party. They were requested for the election. The
20 investigation also revealed that Deputy Registrar Rhodes
21 processed the applications and sent absentee ballots to
22 the voters.

23 Ms. Rhodes stated that she knew some -- some of the
24 electors and she knew which party they were requesting.
25 She stated the other electors, she would check their

1 history and determine which party ballot to send them.

2 Allegation Number 8, that the election supervisor did
3 not request the printing of precinct cards until April 25th
4 of 2014. In light of this, the electors in Hancock County
5 that had been moved because of the redistricting issue did
6 not receive notification 30 days prior to the election.

7 When some of the electors went to the polls to vote,
8 they learned that they had been moved to another polling
9 precinct. Our investigation verified that the election
10 supervisor sent in a request on April 25, 2014, for the
11 precincts cards to be printed up for Hancock County. The
12 new precinct cards were requested due to boundary lines of
13 some polling precincts being altered. With the late
14 request for printing of new precinct cards, the affected
15 electors did not receive 30 days prior to the election.

16 Allegation 10: The complainant reviewed some of the
17 election material documents for the May primary election
18 and found errors and omission in violation of the code.
19 Our review of the election documents found the following:

20 That seven electors were assisted -- assigned the
21 wrong voting district during the May election; that five
22 electors submitted an application for absentee ballot and
23 the elections office failed to mark either eligible or not
24 eligible on the application; that seven electors listed a
25 different address on their application for official

1 absentee ballots than the address that they were registered
2 under; that, when three electors voted, their status was
3 inactive, that their status was not changed after the
4 election to active; that when two electors voted during
5 advanced voting, the poll officer failed to document what
6 type of identification they were provided.

7 Allegation 17, that an elector named Willie Paul
8 Justice (ph) was still listed on the voter's list as active
9 even though he had passed away on December 31, 2013. Our
10 investigation revealed that elector -- Mr. Justice did pass
11 away on December of 2013; his name was still on the list as
12 active over in Hancock County.

13 Allegation 19, that on July 17, 2014, the complainant
14 found the door open to the storage room where the DREs were
15 stored and she found the key in -- in the door lock. Our
16 investigation found that on July 17, 2014, the election
17 supervisor did leave the door open to the storage room
18 where the DREs were kept and, thus, failing to properly
19 secure elections equipment.

20 Allegation 22: The editor of the Sparta Ishmaelite
21 newspaper was told he could not stay inside of the room
22 where they were scanning absentee ballots through the
23 optical scan at the primary election. Our investigation
24 revealed that editor, Chuck Knowles, (ph) was told he could
25 not stay in the room while they're scanning the absentee

1 ballots through the optical scan and he should have been
2 allowed to do so.

3 Allegation Number 23, that the vote review panel was
4 not composed of one person appointed by the county
5 executive committee of each political party. Our
6 investigation confirmed that during the May 20, 2014,
7 election, the vote review panel was not appropriately
8 appointed by the code. The investigation revealed that
9 election supervisor, Aretha Hill, chose who was going to be
10 on the panel.

11 In addition to the original allegation and those
12 findings in the matter, there were additional investigative
13 findings per our report, and I'll just go over what those
14 issues were.

15 Our investigation revealed issues with the improper
16 rejection of Henry Ingram's absentee ballot, that
17 Barbara Lawrence received the incorrect ballot style, the
18 cancellation of electors Tommy Evans, Torez Evans and
19 Connie Evans' original absentee ballots without an
20 affidavit, failure to tabulate the absentee ballots of
21 Priscilla and Katie Chatman, the lack of poll-worker
22 signatures on DRE tapes; they failed to certify the
23 absentee ballots of Ms. Chatman and Ms. Priscilla Chatman,
24 Katie Chapman, Rosa Walls and Janita Jackson (ph) and
25 prepared 20 duplicate ballots and failed to mark them as

1 duplicate and the improper documentation on absentee
2 ballots -- the application for absentee ballots as they
3 failed to mark the reason why a third party was requesting
4 them.

5 We would recommend the Hancock County Board of
6 Elections and Registration, Aretha Hill, former election
7 supervisor, and Robin Rhodes, deputy registrar, be bound
8 over to the AG's office for the listed violations under
9 each of their names in the lengthy report.

10 We would also recommend -- we would also recommend
11 that the citations listed for Azzalee Askew be dismissed.
12 O.C.G.A. 21-2-409 is not applicable in this situation due
13 to the Attorney General -- due to the Attorney General
14 opinion of 21-2-574, we do not cite electors who assist in
15 mailing paper absentee ballots.

16 Additionally, former election supervisor, Aretha Hill,
17 is listed as a respondent in the investigative report
18 regarding O.C.G.A. 21-2-226(b), duties of the county board
19 in determining eligibility of voters. We would also
20 recommend dismissal of this particular citation against
21 Ms. Hill because the violation is directed at Board
22 responsibilities.

23 VICE CHAIR SULLIVAN: Are you finished?

24 MR. LEWIS: I hope so.

25 VICE CHAIR SULLIVAN: I'm sure we have members of the

1 public who would like to speak to this. Please go ahead,
2 Ms. Grant.

3 MS. GRANT: As to this particular Hancock County case,
4 I would just like to remind the Board that these three
5 cases -- you'll have -- you're going to hear one more --
6 2013, 2014, 2015 were while Aretha Hill was employed by the
7 Board of Elections and Registration and the board takes --
8 is very, very serious and understands that it ultimately
9 supervises its staff and needs to make sure that they're
10 following the right rules and regulations.

11 But sometimes, unless everybody stays in the office at
12 -- at one time, the duties delegated to the supervisor --
13 sometimes, in many of these situations, the supervisor
14 acted outside of her authority, her scope, that was granted
15 by the board or by the statutes.

16 And, therefore, we would request that you-all take
17 that into consideration and, secondly, not to dismiss
18 Ms. Hill from it because we believe that she acted
19 arduously despite being informed about the things that
20 she was doing that she continued to do.

21 VICE CHAIR SULLIVAN: Do any board members have any
22 questions for Ms. Grant? Would anyone else like to speak
23 to this case? Ladies first. Please state your name and
24 address for the record.

25 MS. ASKEW: I'm Azzalee Askew, and my address is 277

1 Springfield Road, Sparta, Georgia. And he did say that he
2 would dismiss one of my cases, so I thank you and
3 appreciate that.

4 VICE CHAIR SULLIVAN: Thank you. We have one more.
5 Okay.

6 MS. LEWIS: Madam Chair, let me clarify, in response
7 to the attorney's question, Ms. Hill would be dismissed on
8 that one citation for 21-2-226(b) only, not the other
9 citations that are applicable on the case.

10 JUDGE SIMPSON: I'd --

11 VICE CHAIR SULLIVAN: Does the judge make a motion in
12 this particular case?

13 JUDGE SIMPSON: I'd like to make a motion that we
14 accept the recommendation of the investigator with regard
15 to this. And I'd like to recommend that we refer to the
16 Attorney General those -- those cases that there is
17 evidence to support the allegations and that the ones that
18 there's not, they be dismissed.

19 Some impression has to be made on Hancock County that
20 they have to begin following the rules. This is a
21 continuing problem that's continued for a long time. We've
22 got three cases today that are outrageous. I think the
23 election board, regardless of the fact where they've
24 contracted with someone else to do their elections, they
25 have the responsibility and they're the ones who make sure

1 that the elections in Hancock County are fair and conducted
2 properly.

3 And I think that these cases definitely need to be
4 referred to the Attorney General and, hopefully, he will
5 follow up with them so that we can make some impression on
6 Hancock County and the City of Sparta.

7 VICE CHAIR SULLIVAN: Thank you, Judge Simpson. Judge
8 Simpson has made a motion to accept the recommendation of
9 the investigator. Senator Harp, would you like to speak?

10 SENATOR HARP: (Nonverbal response.)

11 VICE CHAIR SULLIVAN: Ms. Hill, would you like to
12 speak to this case?

13 MS. HILL: Yes. Again, my name is Aretha Hill; 377
14 Hancock Street, Sparta, Georgia. I'm Aretha Hill. As the
15 former supervisor of Hancock County as well as supervisor
16 for the City of Sparta, 2013 and 2015.

17 Now, because of that, I'm asking that the panel would
18 grant me a continuance because I haven't had time to access
19 files or records to these findings -- to clarify these
20 findings. So if the panel would grant me a continuance so
21 that I can have legal counseling, I would appreciate that.

22 VICE CHAIR SULLIVAN: Thank you. Ms. Hill, this
23 Board, we refer cases to the Attorney General. There would
24 be an opportunity, if that recommendation -- that motion
25 passes, for your counsel to speak with the Attorney

1 General's office in resolution of the matter. So I did
2 want to let you know that there would be an opportunity for
3 that if the recommendation is accepted.

4 MS. HILL: All right. Thank you.

5 VICE CHAIR SULLIVAN: Is there anyone else that would
6 like to speak to this particular case? I think we have a
7 motion to accept the recommendation. Do we have a second?

8 MR. WORLEY: I second.

9 VICE CHAIR SULLIVAN: Any further discussion among the
10 Board? All in favor, please vote by saying aye.

11 SENATOR HARP: Aye.

12 JUDGE SIMPSON: Aye.

13 VICE CHAIR SULLIVAN: Aye. Any opposed? None, and
14 that motion carries. And we have another Hancock County
15 case, SEB Case Number 2015-20.

16 MR. LEWIS: Thank you, Madam Chair. There were two
17 complaints filed in this complaint. The first complaint
18 alleged that former Hancock County election supervisor,
19 Aretha Hill, and her staff counted absentee ballots for
20 individuals who did not have a signature card on file and
21 that they counted ballots for individuals whose absentee
22 ballots came back after the office -- came back to the
23 office after the deadline.

24 The second complaint in this case had to do with
25 Hancock County improperly challenging the residency of some

1 Hancock County voters. Hancock County's office certified
2 and counted 284 mail-in ballots for the 2014 election. The
3 investigation determined that there were not signature
4 cards on file for 16 of those certified ballots for the
5 March 31, 2016, election.

6 And, also, the investigator discovered that four of
7 the voters were not credited for voting in that election.
8 That had to do with the first complaint. In regards to the
9 second complaint, there was nothing to suggest that the
10 Hancock County Board of Elections and Registration failed
11 to follow proper guidelines when they held hearings to
12 challenge some of the voters' residency qualifications.

13 We would recommend dismissal of the listed violations
14 for verifying signature marks on the absentee-ballot
15 envelopes with that of the voter-registration cards due to
16 the fact that these cards were destroyed in a fire at the
17 Hancock County Courthouse and have not been reestablished
18 by the electors.

19 We would dismiss those two cites, 21-2-381 and 21-2-
20 386. For the remaining citation, we would recommend that
21 Aretha Hill, former election supervisor for the Hancock
22 County Board of Elections and Registration be issued a
23 letter of instruction for violation of O.C.G.A. 21-2-215
24 for not giving proper credit for electors in the city.

25 VICE CHAIR SULLIVAN: Ms. Stephens, would you like to

1 speak to this case?

2 MS. STEPHENS: Thanks. Ms. Stephens, 389 Roy Smith
3 Road, Sparta, Georgia. The courthouse burned and it burned
4 everything. I took a copy of our electors' list. I worked
5 with Lynn Ford; she sent me blank voter-registration cards.

6 Jim Elmonds, who was on our board, drew up a list of
7 addresses of voters who were registered to vote in the
8 county and I personally mailed everybody a blank voter-
9 registration card and asked them to please fill it out,
10 put a cover letter with it, tell them the courthouse had
11 burned. Even though they were still registered to vote,
12 we did need their -- a copy of their signature on the
13 voter-registration card and asked them to return them
14 either to the Secretary of State's office or to our office.

15 So every -- everything that I knew to do was done to
16 try to get our signatures back. So I didn't know what else
17 to do.

18 VICE CHAIR SULLIVAN: Thank you. Mr. Worley has a
19 question for you.

20 MR. WORLEY: Ms. Stephens, do you have any idea how
21 many of those cards were returned or what percentage of the
22 people responded to you?

23 MS. STEPHENS: I know we moved -- we mailed out about
24 5600 and 702 were returned undeliverable. And I did have a
25 count, and I usually have them returned -- any

1 undeliverable mail, I put my return address on the envelope
2 so I know what was undelivered. I do not know how many
3 went to the office and to the Secretary of State's office,
4 but I know 702 were returned undelivered. But there was
5 one mailed out to the address on the voter-registration --
6 or the electors' list to every voter in Hancock County.

7 MR. WORLEY: But you don't have any reason to dispute
8 that there were some missing signatures --

9 MS. STEPHENS: Oh, no, sir. I'm sure there were.

10 MR. WORLEY: Okay.

11 MS. STEPHENS: I'm sure there were.

12 MR. WORLEY: Thanks.

13 VICE CHAIR SULLIVAN: Ms. Grant?

14 MS. GRANT: Thank you. The Board of Elections and
15 Registration do not disagree with the recommendations.
16 However, based on your comments regarding that, certainly,
17 Hancock County needs to wake up and smell the coffee, they
18 did that in 2015, and they regrouped their staff and hired
19 -- they hired -- they hired me after that and we have taken
20 great strides in trying to clean up the errors that were
21 made and learned from the past mistakes.

22 And they do take it -- the board does take it very
23 seriously and we're working diligently to make sure the T's
24 get crossed and the I's get dotted.

25 VICE CHAIR SULLIVAN: Is there anyone else who would

1 like to speak to this case? Okay. So the recommendation
2 is to dismiss the first two allegations and issue a letter
3 of instruction --

4 MR. LEWIS: Yes, ma'am.

5 VICE CHAIR SULLIVAN: -- in the third.

6 MR. LEWIS: Yes, ma'am, that is correct.

7 JUDGE SIMPSON: So move.

8 SENATOR HARP: Second.

9 VICE CHAIR SULLIVAN: The recommendation has been --
10 the motion's been made to accept the recommendation and
11 seconded. Any further discussion? All in favor, please
12 vote by saying aye.

13 JUDGE SIMPSON: Aye.

14 SENATOR HARP: Aye.

15 VICE CHAIR SULLIVAN: Aye. Any opposed? There are
16 none, and that motion carries. Thank you-all for being
17 here. The next case we have to consider is 2015-47, the
18 City of Damascus, and that is Tab Number 22 in your binder.

19 MR. LEWIS: Thank you, Madam Chair. It was reported
20 by the City of Damascus it was advertising the wrong
21 qualifying dates for one of the at-large city council
22 positions for an upcoming election in November of 2015.

23 The City of Damascus listed the qualifying dates from
24 8:30 on Monday, August the 24th, and closing qualifying at
25 4:30 on Friday, August 28th. The correct dates and times

1 should have been from 8:30 on August 31st, the last Monday
2 in August immediately preceding the general election, and
3 ending no later than 4:30 on September 4, 2015.

4 While conducting this investigation, it was discovered
5 that the city clerk, Denise Williams, had not completed her
6 election-certification training. Ms. Williams was placed
7 in her position in May of 2015 and had not completed her
8 training until August of 2017.

9 It would be our recommendation that the City of
10 Damascus and Denise Williams, city clerk, be bound over to
11 the Attorney General's office for the listed violations.

12 VICE CHAIR SULLIVAN: Is there anyone here who would
13 like to speak to this?

14 MR. COLEMAN: Yes, Madam Chair.

15 VICE CHAIR SULLIVAN: Thank you. Please state your
16 name and address for the record.

17 MR. COLEMAN: Sure. I'm Franklin Coleman. My address
18 is 212 North Westover Boulevard, Albany, Georgia 31707.
19 And my law firm represents the City of Damascus as well as
20 the City of Baconton, who both happen to be on your -- on
21 your agenda today.

22 But I'll -- as to the allegations, my understanding is
23 that there is -- essentially, what Mr. Lewis said is
24 correct, as I understand it. They issued -- I mean they
25 published the wrong qualifying dates. We don't know of

1 anybody that has claimed that they were unable to qualify
2 or run for that particular post because of the incorrect
3 date. I think they -- I'm not 100 percent sure of this,
4 but I think they republished it correctly after they --
5 after the fact.

6 And so, what we request is a letter of instruction or
7 something to that effect, and I'll -- if you don't mind,
8 I'll just stay here.

9 VICE CHAIR SULLIVAN: Do any of the board members have
10 any questions for Mr. Coleman?

11 MR. WORLEY: I had a question for Mr. Coleman.

12 MR. COLEMAN: Yes, sir.

13 MR. WORLEY: Do you know whether Ms. Williams
14 completed her training?

15 MR. LEWIS: She did, sir, in August of 2017.

16 MR. WORLEY: All right.

17 MR. LEWIS: I'm sorry.

18 MR. WORLEY: And what training was she missing at the
19 time of the violation?

20 MR. LEWIS: Her election-certification training.

21 MR. WORLEY: All of it or just part of it?

22 MR. LEWIS: All of it.

23 MR. COLEMAN: All of it. She had just been appointed
24 that -- like that same year just before the election. It's
25 a very, very small city.

1 MR. LEWIS: She was appointed in May of 2015 and did
2 not complete her training until August of 2017.

3 MR. COLEMAN: Correct.

4 MR. LEWIS: The code now states that has to be done
5 within six months. At that time, it was by the end of the
6 year, which would've been basically the same thing.

7 VICE CHAIR SULLIVAN: The recommendation is to bind
8 over the City of Damascus and the city clerk, Denise
9 Williams, to the Attorney General's office; is that
10 correct?

11 JUDGE SIMPSON: I would move that we issue a letter of
12 instruction.

13 MR. WORLEY: I would second that, and -- and just
14 state that I'm seconding it because this -- this is more
15 typical of the kinds of things that we issue letters of
16 instruction for, one-time clerical or other deficiencies
17 that have been corrected at the time of the case reaching
18 us.

19 VICE CHAIR SULLIVAN: We have a motion and a second to
20 issue a letter of instruction in this case. Is there any
21 further discussion? All in favor, please vote by saying
22 aye.

23 MR. WORLEY: Aye.

24 JUDGE SIMPSON: Aye.

25 VICE CHAIR SULLIVAN: Any opposed? Nay. Motion

1 carries. That moves us on to SEB Case Number 2015-66, the
2 City of Baconton.

3 MS. WATSON: The City of Baconton notified our office
4 that they had improperly printed paper absentee ballots for
5 the November 3, 2015, municipal election. The ballot in
6 question contained candidates for both District 2 and
7 District 4 city council seats. Only voters who resided in
8 District 2 or District 4 could vote for their district
9 seats, not both.

10 The error was discovered on October 13, 2015, during
11 the second day of early voting. The City of Baconton had
12 contracted with Mark Shiver to help with the municipal
13 election in 2015 just prior to early advanced voting. The
14 ballots had already been ordered by the City of Baconton;
15 Mr. Shiver found two days into early advanced voting that
16 the ballots for District 2 and District 4 council seats
17 were on one ballot and should've been separated out.

18 Mr. Shiver consulted with the city attorney and
19 suspended early voting and reprinted the ballots then
20 resumed early advanced voting on October 16, 2015. A copy
21 of the superior court petition filed in Mitchell County was
22 provided. The order authorized three ballots completed
23 prior to the correction being made to be canceled and the
24 electors were provided with the correct ballot.

25 We're recommending the City of Baconton, Annette

1 Morman, mayor of the City of Baconton, Sue Pate, city
2 clerk, and Deloris Daniels, election supervisor, be bound
3 over for 21-2-283.

4 VICE CHAIR SULLIVAN: Mr. Coleman?

5 MR. COLEMAN: Thank you, Madam Chair. On this matter,
6 what I understood was that we had seven ballots that were
7 voted in the early voting prior to the discovery of this
8 mistake.

9 What it was that she -- the facts that she recited are
10 almost exactly as I understand them but, once those seven
11 ballots -- once that mistake was discovered, they attempted
12 to -- they determined that only three of those ballots were
13 relevant to District 2 and 4, and what the problem was, if
14 -- if you didn't understand exactly, is that they have
15 residents in District 2 and residents in District 4 who
16 received a ballot that had both of the -- had candidates
17 for both of those on it and they -- they're not supposed
18 to, obviously, vote in the wrong district.

19 And so, it was a self-reported thing; the city called
20 -- I believe the Secretary of State, who may have -- I
21 believe they spoke with Mr. Harvey and he had kind of -- I
22 don't want to say instructed them as to what to do, but
23 sort of consulted with the city as to how to handle it.

24 I don't know that there is a statutory procedure, but
25 they did what they -- I guess what they all kind of -- the

1 consensus was that they had to file some kind of motion in
2 court to have the ballots invalidated. She mentioned that
3 -- I believe y'all have been provided with a copy of that
4 and then they reissued the ballots.

5 We don't have any indication that anybody -- I don't
6 -- I don't know what exactly -- right at the moment what
7 happened with the three ballots that resided in District 2
8 or 4 that were affected, whether they re-voted or not after
9 having been -- after having been sent a new absentee
10 ballot.

11 But we don't have any complaints that -- you know,
12 that the election results were tainted and I don't believe
13 that the three -- that three votes would have called the
14 result into question as -- as this was just a simple
15 mistake. The -- I'm not even 100 percent certain as to who
16 ordered the ballots but, as soon as it was discovered, it
17 was self-reported and corrected. And we'd request also on
18 this case a letter of instruction.

19 VICE CHAIR SULLIVAN: Do any of the board members have
20 any questions for Mr. Coleman? Is there anyone else in the
21 audience that would like to speak to this case? Any
22 discussion among the board members?

23 MR. WORLEY: I would move for a letter of instruction.
24 This is somewhat more serious than the case we just
25 discussed because it does involve the casting of ballots,

1 but I also think that we should encourage election
2 officials to self-report when they make a mistake and I
3 think, in this case, they did exactly what should have been
4 done.

5 They recognized the mistake, they went through court
6 to have it fixed and there's no indication that anyone was
7 denied casting a ballot. So, for those reasons, I would
8 move for a letter of instruction.

9 VICE CHAIR SULLIVAN: We have a motion that a letter
10 of instruction be issued in this case. Is there a second?

11 JUDGE SIMPSON: Second.

12 VICE CHAIR SULLIVAN: Motion's been made and seconded.
13 Any further discussion? All in favor, please vote by
14 saying aye.

15 MR. WORLEY: Aye.

16 JUDGE SIMPSON: Aye.

17 VICE CHAIR SULLIVAN: Aye. Any opposed? No, and that
18 motion carries. Thank you, Mr. Coleman, for being here.

19 MR. COLEMAN: Thank you, Madam Chair.

20 VICE CHAIR SULLIVAN: Next we have SEB Case Number
21 2015-67, Coffee County.

22 MS. WATSON: On October 15, 2015, we received a
23 complaint from Coffee County election supervisor, Misty
24 Hayes. Misty Hayes had alleged the following things
25 occurred during advanced voting for the City of Douglas'

1 general and municipal election: that several individuals
2 whose uncle was a mayoral candidate assisted voters and
3 those assisted did not fall into the rule or the category
4 provided by 21-2-409.

5 The investigation found that mayoral candidate,
6 Tony Paulk, was the uncle of a Vann Bailey, Greta Grady and
7 Jennifer Brockington. It was determined that Vann Bailey
8 had assisted Loride Jackson, Greta Grady assisted Evelyn
9 Graham, and Jennifer Brockington assisted Cathy Daniel,
10 Cathy Anderson and Katrina Stevenson.

11 It was verified that those assisted do not fall into
12 the listed relatives that can be assisted in 21-2-409. We
13 would recommend that Vann Bailey, Greta Grady and Jennifer
14 Brockington be bound over to the AG's office for the listed
15 violation.

16 VICE CHAIR SULLIVAN: Do you have any -- please come
17 forward. Would you like to speak regarding this case? Is
18 anyone here who would like to speak? Please come to the
19 front.

20 MR. PAULK: (Complies with request.)

21 VICE CHAIR SULLIVAN: Yes. There's a microphone right
22 there. If you would, just state your name and your address
23 for the record.

24 MR. PAULK: Good morning.

25 VICE CHAIR SULLIVAN: Morning.

1 MR. PAULK: Y'all have to forgive me for a second.

2 I've spent my --

3 VICE CHAIR SULLIVAN: If you can, pick up the

4 microphone --

5 MR. PAULK: Oh, I'm sorry.

6 VICE CHAIR SULLIVAN: -- and state your name and

7 address for the record.

8 MR. PAULK: My name is Tony Lamar Paulk. I live at
9 242 Miller Road, Douglas, Georgia 31535. Ma'am and Board,
10 y'all have to forgive me. I've spent my entire life trying
11 not to put myself in these positions, so I actually tried
12 to scribble down some stuff.

13 Good morning to the Board, chair and members. I thank
14 y'all for allowing me to be before you. I have not
15 actually talked -- I have not actually met Chief
16 Investigator Russell. I would like to thank him for
17 returning my call.

18 I was not going to appear before this council and
19 explain our position but, after talking to Chief
20 Investigator Russell Lewis -- Chief Lewis said the Board
21 should hear your side and just talk to the Board. So I
22 thank Chief Investigator Lewis for doing his job in a
23 professional manner and giving me the confidence to come up
24 here.

25 I find myself in front of this council to explain our

1 position. First, I'm unfamiliar with being before any such
2 council to explain my actions simply because I'm a rule
3 follower. I retired from the military; I'm a disabled vet.
4 Following the rules is just what I do.

5 I follow the rules of marriage: my wife is always
6 right; I followed the city's charter; I followed the rule
7 of law. But, today, I'm here asking you for mercy because
8 I did not do due diligence when I was a candidate.

9 I had communications from the election office during
10 early voting: Please tell your supporters not to wear
11 their campaign shirts into the polling place because it's
12 against the rules. I apologized and we started making our
13 supporters button up, or zip up jackets or just cover up
14 their campaign shirts.

15 I had another communications [sic] with the election's
16 office also during early voting. I think it was Misty that
17 said, Tony, your supporters must take their signs off
18 before they come vote. The signs were on their car. I
19 immediately jumped in my car and I drove down there. I was
20 going to have a conversation with Misty, we talked often,
21 but there was a big sign right there that said, No
22 campaigning within like a -- so many feet, so there was no
23 need to even have a consultation with her.

24 I went back and I talked with all of my supporters; I
25 immediately informed them to remove all campaign material

1 from their vehicles simply because I'm a rule follower. I
2 just like good order and discipline.

3 My final communication with the election office is in
4 reference to why we're here today. I had communications
5 with the election office informing me that no family member
6 is allowed to assist in voting. I immediately called all
7 of my volunteers and informed them of the rule and we
8 stopped because I'm a rule follower. It's just what I do.

9 I was told, on numerous occasions, to call the state
10 for an opinion. My response was always the same: I do not
11 have to call the state for an opinion. We'll make the
12 adjustments. Misty was in charge of the elections, she
13 said we couldn't do it and we stopped. That was just the
14 bottom line. There was -- there was nothing else to say.
15 She was in charge; she was my platoon sergeant. If she
16 said do it, we did it; if she said we could not do it, we
17 stopped.

18 My only thing that I say, I do apologize for taking up
19 your time. I just should've done due diligence. That's
20 all there is to this. There was no ill intent or anything
21 like that. We were working hard and Ms. Misty was very
22 respectful and if she said, Tony, you can't do this, we
23 stopped; Tony, you can't do this, we stopped.

24 In closing, you know, I've tried to be a role model
25 for my family. Today I failed them because I did not do my

1 due diligence. It is difficult trying to be a role model
2 and having to come here and admit that I did not do due
3 diligence and the only thing that I ask is that you show me
4 some mercy on behalf of my relatives.

5 If you can do that, I assure you this will not happen
6 again. I walked in here with my integrity. I intend on
7 leaving with my integrity. They told me to seek some type
8 of legal counsel. That's not relevant when you have
9 integrity. She didn't -- she didn't lie. We just stopped.

10 Thank you, Madam.

11 VICE CHAIR SULLIVAN: Mr. Paulk, I know I speak on
12 behalf of all of the members of the Board that we very much
13 appreciate you being here today and your comments regarding
14 this case.

15 MR. PAULK: Thank you.

16 VICE CHAIR SULLIVAN: Does anyone have any questions
17 for Mr. Paulk?

18 MR. PAULK: Oh, I'm sorry. I'm sorry.

19 VICE CHAIR SULLIVAN: There are no questions. You're
20 fine.

21 MR. PAULK: Thank you.

22 SENATOR HARP: Did he win the election?

23 VICE CHAIR SULLIVAN: Did you win the election?

24 MR. PAULK: Yes, ma'am.

25 VICE CHAIR SULLIVAN: Oh, okay. Mayor Paulk then.

1 MR. PAULK: Yes. We won, but it doesn't feel like it
2 today. It just doesn't feel like it today. And I'm sorry.
3 I really am. Thank you.

4 VICE CHAIR SULLIVAN: Thank you. We appreciate it.
5 Motion is that -- the motion is to bind over the three
6 respondents, Ms. Bailey, Ms. Grady and Ms. Brockington, to
7 the Attorney General's office?

8 MS. WATSON: That's correct.

9 VICE CHAIR SULLIVAN: I'd like to make a motion that
10 we issue a letter of instruction in this case.

11 JUDGE SIMPSON: Second.

12 VICE CHAIR SULLIVAN: Motion's been made and seconded.
13 Is there any further discussion? All in favor, please
14 vote by saying aye.

15 JUDGE SIMPSON: Aye.

16 VICE CHAIR SULLIVAN: Aye.

17 SENATOR HARP: Aye.

18 VICE CHAIR SULLIVAN: Any opposed? And that motion
19 carries. Mayor Paulk, just a letter of instruction will be
20 issued in this case.

21 MR. PAULK: Thank you.

22 VICE CHAIR SULLIVAN: Moving on to SEB Case Number
23 2015-73, City of Sparta.

24 MS. WATSON: Yes. In October and November of 2015, we
25 were notified of several concerns involving the November 3,

1 2015, City of Sparta election. The complainant requested
2 access to view advanced and absentee applications and other
3 Sparta November 3, 2015, municipal-election documents.

4 On a number of occasions, the complainant alleged she
5 was told she could not look at the documents. The
6 complainant alleged she was told by City of Sparta election
7 supervisor, Aretha Hill, to file an open-records request at
8 least four times from September to November of 2015 before
9 she was granted access to the documents. The complainant
10 also alleged that a number of the election documents were
11 not completed correctly.

12 Two additional complaints were received by E-mail to
13 the Secretary of State's Stop Voter Fraud website on
14 November 1, 2015, alleging that advanced voting was held
15 on Saturday, October 31, 2015, which was in violation of
16 21-2-385(d)(1). The violation occurred because advanced
17 voting was supposed to end on Friday, October the 30th.

18 The investigation shows there was no evidence to
19 support a violation of the election code regarding access
20 to election documents, as access was granted during the
21 times they were available.

22 Regarding advanced early voting: On Saturday, October
23 31, 2015, it was confirmed that voting was held on that
24 date. It was Aretha Hill that stated that the Pine Tree
25 Festival was taking place and would be a good opportunity

1 for voter turnout.

2 During the investigation, it was discovered that 80
3 absentee-ballot envelopes and 45 absentee-ballot
4 applications were not certified with an initial or a
5 signature by the absentee-ballot clerk or the registrar
6 from the Sparta November 3, 2015, municipal election.

7 We recommend Aretha Hill, election supervisor for
8 the City of Sparta, be bound over to the AG's office for
9 21-2-381(b)(2) [sic], 45 counts, and 21-2-385(d)(1), one
10 count, and then 21-2-386(a)(1)(b), 80 counts.

11 VICE CHAIR SULLIVAN: Is there anyone here who would
12 like to speak regarding this case? It's the City of
13 Sparta, Hancock County, 2013 -- 2015-73.

14 MS. WATSON: There was a letter that was sent from
15 their attorney that I believe was passed to the board
16 members from Hitchcock and Hitchcock.

17 VICE CHAIR SULLIVAN: Thank you. That was provided to
18 the members this morning, I believe.

19 JUDGE SIMPSON: I move that we accept the letter.

20 VICE CHAIR SULLIVAN: Okay. We've got a motion to
21 accept the letter from Hitchcock and Hitchcock. Do we have
22 a second to that? I'll second that. All in favor, please
23 vote by saying aye.

24 JUDGE SIMPSON: Aye.

25 SENATOR HARP: Aye.

1 VICE CHAIR SULLIVAN: Aye. None opposed, motion
2 carries.

3 JUDGE SIMPSON: I move that we bind this case over to
4 the Attorney General.

5 VICE CHAIR SULLIVAN: Judge Simpson has made a motion
6 that we bind this case over to the Attorney General.
7 Ms. Hill, would you like to -- do you have any comments
8 regarding this case? Would you like to speak to it?

9 MS. HILL: No. I prefer just to get legal counsel.

10 VICE CHAIR SULLIVAN: Understood. We've got a motion
11 to bind this case over to the Attorney General's office.
12 I'll second that. Is there any discussion? All in favor,
13 please vote by saying aye.

14 MR. WORLEY: Aye.

15 JUDGE SIMPSON: Aye.

16 VICE CHAIR SULLIVAN: Aye. Any opposed? No, and the
17 motion carries. Let's move on to SEB Case Number 2015-74,
18 the City of Cordele.

19 MS. WATSON: The complaint was filed with the
20 Secretary of State's office regarding two voters who were
21 listed in the wrong voting district. The two voters had
22 cast ballots in the wrong district. Crisp County elections
23 office then instructed them to cast a second provisional
24 ballot for the district in which they lived.

25 The investigation found that 74 Cordele residents who

1 lived on Rainbow Drive and West 17th Avenue were placed in
2 the incorrect voting wards. Becky Perkins advised she
3 assumed the county election supervisor duties just prior to
4 the November 2015 election and was not aware of the change
5 in the district models and annexation.

6 Research into the change of the district lines show it
7 was done in 2011. There's only theories and speculation on
8 how the district lines did not get updated. However,
9 Ms. Perkins readily accepts that her office should have
10 caught the error and has taken steps to prevent the problem
11 in the future.

12 The council member in the affected ward was unopposed
13 until the 2015 election and no notice of error. The two
14 voters that had cast an incorrect ballot during early
15 advanced voting were then given a provisional ballot for
16 the correct ward for the City of Cordele's general and
17 municipal election. With the provisional ballot, they only
18 received credit from the city election and were rewarded
19 one vote.

20 Crisp County corrected the error prior to the November
21 3, 2015, election, placing all of the effected residents in
22 the correct ward and mailed the letters to each of those
23 electors.

24 We recommend the City of Cordele and the Crisp County
25 Board of Elections and Registration's office be bound over

1 for 21-2-226 and we're recommending to dismiss against
2 Becky Perkins for 21-2-226.

3 VICE CHAIR SULLIVAN: Is there anyone from the City of
4 Cordele who would like to speak to this case?

5 MS. PERKINS: Hi, I'm Becky Perkins.

6 VICE CHAIR SULLIVAN: Please come to the front.

7 MS. WATSON: There was also a second rule violation
8 that we're recommending.

9 VICE CHAIR SULLIVAN: Sorry.

10 MS. WATSON: That's okay.

11 VICE CHAIR SULLIVAN: You paused too long.

12 MS. WATSON: It's all right.

13 VICE CHAIR SULLIVAN: If you would like to go ahead
14 and continue your report.

15 MS. WATSON: Yes. The second violation was for Becky
16 Perkins and Crisp County Board of Elections and
17 Registration for Board Rule 183-1-12.02, in they allowed
18 two voters to cast another ballot after the voters had
19 already cast one ballot.

20 VICE CHAIR SULLIVAN: Ms. Perkins, would you mind
21 coming up? Please state your name and your address for the
22 record.

23 MS. PERKINS: I'm Becky Perkins. My address is 174
24 South Dorrough Road, Cordele, Georgia 31015. As to the
25 district and the boundaries for having the folks in the

1 wrong district, the people who set that up initially
2 reinvestigated and found out -- they weren't aware that our
3 city is split in half and, when you cross to the west side,
4 the addresses invert from even to odd on opposite sides of
5 the street. They don't go the same all the way across, and
6 the people who set that up in eNet didn't know.

7 So the man was unopposed the whole time it had been
8 set up. That's why nobody had voted in that race to know
9 that that boundary street was incorrectly set up. The city
10 annexation practices, that's why we didn't know that the
11 other two voters were never annexed into the city. We've
12 corrected all of that since then. We corrected that
13 immediately.

14 I notified the Secretary of State that was happening;
15 we notified the county attorney. He is who instructed us
16 to get in touch with that voter -- one voter left. The
17 next voter that came in, we were already in the process of
18 correcting this. She lived in one of those annexed areas
19 that we didn't know was annexed into the city.

20 She came out after voting and made us aware she should
21 have gotten -- the only thing on the ballot was the SPLOST
22 if you weren't in the city, and that's why our county
23 attorney instructed us to let them vote a second time.

24 And we instructed them to be honorable and not vote
25 twice for the SPLOST, to give them that provisional ballot

1 so they would get a chance to vote in their correct
2 district. That's really all I know.

3 VICE CHAIR SULLIVAN: Anyone have any -- any board
4 members have any questions for Ms. Perkins?

5 MR. WORLEY: So it was actually just one person who
6 was allowed to vote twice?

7 MS. PERKINS: It was two people. The one -- the first
8 person that came in lived on that border street that we
9 were not aware and had been put in eNet, you know, on the
10 opposite side of the street, so it was a different
11 district.

12 I contacted -- he came out to vote and said, I don't
13 see anything on the ballot for me. I looked him up
14 immediately and said, Well, you're not in that district,
15 and he smiled and walked out and I knew he was not
16 finished. And so, I immediately called to find out if
17 there was something I wasn't seeing. I called some people
18 I knew; we investigated and found -- that's when we found
19 the error.

20 VICE CHAIR SULLIVAN: So the only thing on the ballot
21 was the SPLOST?

22 MS. PERKINS: Yes. But -- but he didn't live in the
23 city. The only thing on the ballot was the SPLOST.

24 VICE CHAIR SULLIVAN: So --

25 MS. PERKINS: And that one race.

1 VICE CHAIR SULLIVAN: So were there any people here
2 that had the opportunity to vote for the SPLOST twice?

3 MS. PERKINS: No, just those two voters.

4 VICE CHAIR SULLIVAN: And they couldn't have voted --

5 MS. PERKINS: They -- they -- when they came in to
6 vote initially, the only thing on their ballot was the
7 SPLOST.

8 VICE CHAIR SULLIVAN: Uh-huh.

9 MS. PERKINS: So, when we gave them their provisional
10 ballots, they could have voted for that SPLOST twice but we
11 asked them, Please don't, since you already did vote for
12 that. Just vote for the race -- the commissioner race that
13 we were asking for.

14 VICE CHAIR SULLIVAN: Okay. Response?

15 JUDGE SIMPSON: That we issue a letter of instruction.

16 VICE CHAIR SULLIVAN: Judge Simpson's made a motion
17 that we issue a letter of instruction. Is there a second?

18 SENATOR HARP: Second.

19 VICE CHAIR SULLIVAN: We've got a motion and a second
20 to issue a letter of instruction in this case. Is there
21 any further discussion? All in favor, please vote by
22 saying aye.

23 SENATOR HARP: Aye.

24 VICE CHAIR SULLIVAN: Any opposed, vote by saying no.

25 MR. WORLEY: No.

1 VICE CHAIR SULLIVAN: And I vote no as well. We have
2 a tie. Counsel? She will consider what we do in the case
3 of a tie when we have an even number on the Board.

4 MS. CORREIA: Both motions fail and we could --

5 VICE CHAIR SULLIVAN: Okay.

6 MS. CORREIA: -- bring that back up at the next
7 meeting if there's another voter.

8 VICE CHAIR SULLIVAN: Okay. So both motions fail in
9 the case of a tie. So this case will be brought before the
10 Board at a future meeting. It's the first case I think
11 I've been to where we had a tie. I'm sorry this matter is
12 not resolved, but I expect that it will be brought to the
13 next meeting when we -- the next board meeting when we
14 consider cases. Thank you.

15 MS. PERKINS: I appreciate it.

16 VICE CHAIR SULLIVAN: I think this would be a good
17 time to take a break for lunch. It's also necessary for
18 the Board to go into executive session to discuss pending
19 litigation. So if I can have a motion from the Board to go
20 into executive session.

21 MR. WORLEY: So move.

22 VICE CHAIR SULLIVAN: A second?

23 JUDGE SIMPSON: Second.

24 VICE CHAIR SULLIVAN: All in favor, say aye.

25 JUDGE SIMPSON: Aye.

1 MR. WORLEY: Aye.

2 SENATOR HARP: Aye.

3 VICE CHAIR SULLIVAN: Aye. None opposed. We will
4 convene back here at 1 o'clock. Thank you all.

5 (A recess was taken from 12:05 p.m. to 1:01 p.m.)

6 VICE CHAIR SULLIVAN: Okay. We're going to call this
7 meeting back to order. It looks like we've lost our -- a
8 lot of our audience. The first thing we need to do is a
9 motion exiting executive session. Do I have a motion?

10 JUDGE SIMPSON: So move.

11 VICE CHAIR SULLIVAN: Second?

12 MR. WORLEY: Second.

13 VICE CHAIR SULLIVAN: All in favor, aye.

14 MR. WORLEY: Aye.

15 VICE CHAIR SULLIVAN: Unopposed, and we are out of
16 executive session. Ms. Aretha Hill left before -- right
17 after we adjourned for lunch and she asked that the Board
18 accept her request for a continuance in the cases that
19 she's involved in. I'll make a motion that we accept these
20 for the record.

21 MR. WORLEY: Second.

22 VICE CHAIR SULLIVAN: All in favor, aye. Not opposed.

23 Okay. And we're back to the investigations report. We
24 are now on SEB Case Number 2015-76, City of Commerce.

25 MS. WATSON: In October --

1 VICE CHAIR SULLIVAN: (Enables microphone.) Go ahead.

2 MS. WATSON: In October of 2015, Mr. Robert Waters and
3 his wife reported that he was not able to vote for his
4 board's councilman during the municipal election to be held
5 on November 3, 2015.

6 Jackson County election supervisor told Mr. Waters
7 that he and his wife were put in the wrong district in
8 combination. Robert and Deborah Waters (ph) voted in the
9 Commerce municipal election during early voting. Both
10 electors noticed that they did not have the option on their
11 ballot to vote for their board's councilman nor for the
12 school-board race.

13 Both cast their ballot prior to bringing the issue to
14 the attention of the poll workers. Mr. Waters contacted
15 the Jackson County Elections office and spoke with Lori
16 Wurtz. He was advised that he and his wife were placed in
17 the incorrect district code 336-42 instead of 337-43.

18 Lori Wurtz made the corrections in the system; the
19 area of Shankle Road was also checked for any other voters
20 that may have been listed in the incorrect district. There
21 were five others also incorrectly placed in the wrong
22 district and those were corrected in the system also. The
23 other five did not cast a ballot in the November 3, 2015,
24 election.

25 We recommend that the Jackson County Board of

1 Elections and Registration be bound over to the AG's office
2 for 21-2-226(b) and dismiss 21-2-226 against Lori Wurtz.

3 VICE CHAIR SULLIVAN: Is there anyone here who would
4 like to speak to this case?

5 MS. LOGAN: (Indicating.)

6 VICE CHAIR SULLIVAN: Please come to the front. If
7 you could, just state your name and address for the record.

8 MS. LOGAN: Jennifer Logan; 289 Delia Drive, Commerce,
9 Georgia. I just wanted to bring to the Board's attention
10 that Lori Wurtz is no longer employed at Jackson County and
11 the county has purchased new Pictometry to help us in our
12 districting efforts and we're working with the GIS
13 department to make sure that errors like this do not happen
14 or are very minimal.

15 VICE CHAIR SULLIVAN: Thank you, Ms. Logan. Do you
16 hold a position within Jackson County?

17 MS. LOGAN: Yes. I'm the supervisor.

18 VICE CHAIR SULLIVAN: Does anyone have any questions
19 for Ms. Logan? Does anyone have any motions for
20 Ms. Watson? Okay. The recommendation in this case is to
21 bind over Ms. Wurtz and the Jackson County Board of
22 Elections to the Attorney General's office for the
23 violations listed.

24 MS. WATSON: It's only the board.

25 VICE CHAIR SULLIVAN: I'm sorry, only the board.

1 MS. WATSON: That's correct.

2 VICE CHAIR SULLIVAN: I'll make that motion. Is there
3 a second?

4 JUDGE SIMPSON: Second.

5 VICE CHAIR SULLIVAN: Okay. We've got a motion and a
6 second. Is there any discussion regarding this?

7 MR. WORLEY: I wonder if this is a case that's
8 appropriate for a letter of instruction. Since the person
9 who made the errors is not a respondent but is no longer at
10 the board -- or the election and registration office and
11 that they appear to have corrected the situation.

12 VICE CHAIR SULLIVAN: Okay. Well, I think we have a
13 motion and a second on the table to bind it over. You can
14 vote against my motion and then entertain a new motion.

15 MR. WORLEY: Okay.

16 VICE CHAIR SULLIVAN: So we have a motion and a
17 second. Mr. Worley has recommended a letter of instruction
18 be issued in this case, but the motion on the table is to
19 bind it over. So all in favor of that motion, please say
20 aye.

21 JUDGE SIMPSON: Which motion?

22 VICE CHAIR SULLIVAN: Aye. The first motion, which is
23 to bind over. All in favor, aye. Any opposed? No?

24 JUDGE SIMPSON: Nay.

25 VICE CHAIR SULLIVAN: Okay. So that motion fails.

1 Mr. Worley, would you like to make a motion?

2 MR. WORLEY: I'd make a motion that we send a letter
3 of instruction to the Jackson County Election and
4 Registration office.

5 JUDGE SIMPSON: Second.

6 VICE CHAIR SULLIVAN: We've got a motion and a second
7 that a letter of instruction be issued in this case. All
8 in favor, vote by saying aye.

9 MR. WORLEY: Aye.

10 VICE CHAIR SULLIVAN: Aye. Any opposed? And that
11 motion carries.

12 MS. LOGAN: Thank you.

13 VICE CHAIR SULLIVAN: Thank you for being here. The
14 next case is SEB Case Number 2015-78, City of Waycross.

15 MS. WATSON: Yes. In October of 2015, candidate,
16 Alvin Nelson, reported concerns regarding the municipal
17 election in the City of Waycross on November 3, 2015.
18 Alvin Nelson reported electors Albert and Alice Boyd (ph)
19 were in his district. When they went to vote, their
20 ballots did not have a District 5 city commissioner's race
21 on it.

22 Alvin Nelson states the Boyds were, at first, told
23 they were not in District 5 and then they were told they
24 were in District 5. He states they were given incorrect
25 ballots and he felt there was a systemic problem.

1 In November of 2015, Jimmie Burke reported on election
2 day voters who had previously voted at the city auditorium
3 were being turned away and told to vote at other precincts.

4 Jimmie Burke states the voters were not told of the
5 changes.

6 The investigation revealed that Albert and Alice Boyd
7 voted on October 21, 2015; they were issued a ballot for
8 the District 1 city commissioner's race. The Boyds did
9 cast their -- did not cast their ballot but advised poll
10 workers that they were in District 5.

11 Poll workers checked the map and verified that they
12 showed the Boyds in District 1. The Boyds continued to
13 object and stated that they were in District 5. Attempts
14 were made to verify the correct district. No one was
15 reached and Betty Gillis made the decision to issue the
16 Boyds a District 5 ballot. It was later verified that the
17 Boyds were re-districted in 2012 to District 1.

18 As to the allegations of voters being turned away from
19 the polls, it was determined that, after redistricting,
20 voters were notified of the change in precincts. However,
21 some voters still went to their previous poll locations and
22 were instructed on the location of their correct precinct.

23 It was also verified that elector, Yvette Inman, was
24 placed in the incorrect municipal voting district when she
25 was placed in District 1 and should have been in District

1 5. This was discovered after Yvette Inman had already cast
2 her ballot on October 13, 2015.

3 We recommend the Ware County Board of Elections and
4 Registration and Betty Gillis, election supervisor, be
5 bound over for State Election Board Rule 183-1-12.06(4),
6 provisional ballots, and Ware County Board of Election and
7 Registration for 21-2-226(b) and dismiss 21-2-226(b)
8 against Betty Gillis.

9 VICE CHAIR SULLIVAN: Is anyone here to speak to this
10 case?

11 MS. HALL: (Indicating.)

12 VICE CHAIR SULLIVAN: Thank you. And if you would
13 please state your name and address for the record.

14 MS. HALL: Yes. My name is Virginia Hall. My address
15 is 4195 Quail Run Circle, Valdosta, Georgia 31601. I'm
16 with the law firm of Hall, Booth, Smith, and we represent
17 Ware County. I am here on behalf of Ware County as well as
18 Betty Gillis. Unfortunately, they are not able to be here
19 today.

20 As was stated by the investigator -- pretty much all
21 of the information she stated is correct. The Boyds did
22 appear to vote; they've had concerns that they were not in
23 District 1, that they were in District 5. Betty Gills was
24 not there at the time -- they were building a new election
25 office -- so she came back to the early-voting building.

1 She tried to get in touch with 911, the tax
2 commissioner, to confirm whether they were in District 1,
3 which were the records that we had, or if they were in
4 District 5 as was alleged by the Boyds. She was not able
5 to reach anyone, so a District 5 ballot was prepared for
6 the Boyds.

7 Ms. Gillis understands that she should have prepared a
8 provisional ballot, so that it was simply a mistake on her
9 behalf. She apologizes for that. She, you know, just said
10 that she had a lot going on with the new building that
11 was being built and she should have waited and gotten
12 confirmation and should've prepared a provisional ballot.

13 With regard to Miss -- oh, before I go on to
14 Ms. Inman, the Boyds were able to vote so it -- there --
15 and, even if there was a problem with their votes, there
16 were only two votes and that wouldn't have had any effect
17 on the outcome of the election.

18 With regard to Ms. Inman, it was a similar situation
19 where she is actually in District 1 for the county, but in
20 Municipal District 5 for the city, so there was some
21 confusion about that. And, initially, she was given the
22 incorrect ballot, but it was brought to the election's
23 attention [sic] that it was the incorrect ballot and she
24 was given the correct ballot and was able to vote.

25 Once again, Ms. Gillis indicates that, you know, it

1 was a mistake on their path, they apologize for that
2 mistake but she was given the correct ballot and was able
3 to vote. So, therefore, we're requesting a letter of
4 instruction to be sent.

5 VICE CHAIR SULLIVAN: Thank you. Does anybody --
6 either of the fellow board members have any questions for
7 Ms. Hall?

8 MR. WORLEY: I don't have a question, but I would make
9 a motion.

10 VICE CHAIR SULLIVAN: Go ahead.

11 MR. WORLEY: I -- as with others, I appreciate your
12 being here and making it clear that it was a mistake that
13 will not be repeated, so I would move that we issue a
14 letter of instruction.

15 JUDGE SIMPSON: Second.

16 VICE CHAIR SULLIVAN: We've got a motion and a second
17 that a letter of instruction be issued. And that's on all
18 of the violations?

19 MR. WORLEY: Yes.

20 VICE CHAIR SULLIVAN: Is there any further discussion?
21 All in favor, please vote by saying aye.

22 MR. WORLEY: Aye.

23 VICE CHAIR SULLIVAN: Aye. Any opposed? No, and that
24 motion carries. Thank you for being here.

25 MS. HALL: Thank you.

1 VICE CHAIR SULLIVAN: SEB Case Number 2017-86, DeKalb
2 County. Ms. Watson?

3 MS. WATSON: In December of 2017, DeKalb County
4 election supervisor, Erica Hamilton, self-reported that
5 during the December 5, 2017, general election, a DeKalb
6 County poll manager instructed three voters to write their
7 names on the reverse side of their original ballots, this
8 due to the fact that the polling station had run out of
9 provisional-ballot envelopes.

10 The investigation revealed Shadonna Greer, poll
11 manager, stated that at approximately 7:30 to 7:40 p.m.
12 during the extended hours of voting she discovered that,
13 although she had been provided with approximately 100
14 provisional ballots, she had only been issued 12
15 provisional-ballot envelopes.

16 She stated that three voters were attempting to cast
17 provisional ballots for which she had no envelopes.
18 Ms. Greer stated she called the area manager and requested
19 more envelopes, but that the area manager informed her she
20 had exhausted her supply at other polling stations.

21 Ms. Greer stated that she then called the elections
22 office and informed them of the situation, requested that
23 the supply team bring some more envelopes to her station.
24 Ms. Greer stated, however, that she was unable to receive
25 any more envelopes before the close of polls.

1 Ms. Greer stated she made a decision to have the
2 voters write their names on the reverse side of the ballots
3 and to fold the ballots in half in an attempt to protect
4 the voters' anonymity. Ms. Greer stated that she did not
5 want to disenfranchise any of the voters and that she felt
6 that this was her best course of action.

7 Erica Hamilton, election supervisor, stated that she
8 was advised of Ms. Greer's situation after it had occurred.

9 Ms. Hamilton advised that when the ballots were received
10 that they were duplicated in order to preserve the
11 anonymity of the electors.

12 We recommend DeKalb County Board of Registration and
13 Elections and Erica Hamilton, DeKalb County election
14 supervisor, Shadonna Greer, poll manager, be bound over to
15 the AG's office for the listed violations.

16 VICE CHAIR SULLIVAN: Thank you. We have someone here
17 on behalf of DeKalb County. Please state your name and
18 your address for the record.

19 MR. BRYAN: Madam Chair and Board, my name is Bennett
20 Bryan. I'm a senior assistant county attorney with DeKalb
21 County, 1300 Commerce Drive, Decatur, Georgia.

22 Generally, I agree with the facts as stated by the
23 investigator and I'd like to focus a little bit less on
24 that and a little bit more on what the county has done
25 since then to make sure that this doesn't happen again.

1 But, briefly, I will say that the poll manager in
2 question, she did have a duty under -- as a poll manager in
3 the poll manager's instructions, in her employee manuals --
4 she did have a duty to inform the -- you know, inform the
5 elections department if she was missing any ballots, any
6 envelopes or any other important voting equipment. She,
7 unfortunately, did not do that until pretty much the very,
8 very end of the day.

9 At that point, while it was -- or while the elections
10 department was trying to figure out a way to get the extra
11 envelopes to the polling location, the poll manager made a
12 decision to accept the ballots in the manner described.

13 Now, I will say that Ms. Hamilton and some of her
14 staff are here and Mr. Tillman, the chairman of the DeKalb
15 Board of Elections -- of Registrations and Elections is
16 also here. And, since then, the elections department has
17 taken several steps to ensure that this never happens
18 again.

19 I'll also note that, to my knowledge and to my
20 client's knowledge, this has never actually happened
21 before either. However, since then, what we've -- what the
22 department has done is created a couple of extra forms to
23 require poll managers to not just inform the elections
24 department, not just inform their supervisors, if they
25 don't have the equipment.

1 They actually have to affirmatively verify the day
2 before the election that they do have everything and they
3 actually have to list the number of ballots that they have,
4 the number of envelopes that they have and some other --
5 and other important equipment. And so, this will be
6 received before election day and I believe that will --
7 that alone will probably eliminate this problem from
8 happening again.

9 But also the warehouse manager has also created a form
10 for his -- for his staff in where they will, in every --
11 for every precinct, state the number of ballots that
12 they've put in -- they've put in the package for each
13 particular precinct and then initial and sign off on it.

14 One -- one last thing I'd like to say is that, again,
15 the fact that this poll manager, who also no longer works
16 for the DeKalb County elections department, she says that
17 there were only 12 envelopes except that the envelopes come
18 in packages of 25. And so, it just seems unlikely that she
19 actually only had 12 but, even if so, she should have
20 discovered that and mentioned it long before 7:40 p.m.

21 But, again, we -- the DeKalb board and the DeKalb
22 elections department have taken steps to make sure this
23 would never -- that this won't happen again and we would
24 request that you just issue a letter of instruction. I'm
25 happy to answer any questions.

1 VICE CHAIR SULLIVAN: Thank you, Mr. Bryan, for being
2 here. Thank you for sharing with us the remedial efforts
3 that DeKalb County has made. Does anyone have any
4 questions for Mr. Bryan?

5 JUDGE SIMPSON: I move that we issue a letter of
6 instruction.

7 MR. WORLEY: I would second that and I would actually
8 complement DeKalb County on coming up with those procedures
9 to ensure that it won't happen again. But, obviously,
10 they've put some thought into that and I would also just
11 note for the record that it -- while Ms. Hamilton was named
12 as a respondent, it strikes me from the description of the
13 facts that she -- she really did everything that she could
14 to correct this after the fact and preserve the anonymity
15 of the voters, so I -- I would complement her on that as
16 well.

17 VICE CHAIR SULLIVAN: I also would applaud all of the
18 efforts that have been taken in this case but I think, you
19 know, that the seriousness of them -- of the -- you know,
20 the preserving the anonymity of the voters to me is
21 significant in this matter. So I am going to vote against
22 it, but I do very much appreciate you being here and
23 sharing all of these measures that you've taken to correct
24 the problem.

25 So we have a motion and a second on the table to issue

1 a letter of instruction in this case. Is there any further
2 discussion? All in favor, please vote by saying aye.

3 MR. WORLEY: Aye.

4 JUDGE SIMPSON: Aye.

5 VICE CHAIR SULLIVAN: Any opposed? Nay. The motion
6 carried. Thank you so much.

7 MR. BRYAN: Thank you.

8 VICE CHAIR SULLIVAN: Okay. We're jumping back to --

9 MS. CORREIA: Excuse me. Madam Chair, that motion
10 doesn't carry if we don't have a quorum.

11 MR. WORLEY: We have a quorum.

12 VICE CHAIR SULLIVAN: We have a quorum.

13 MS. CORREIA: (Nonverbal response.)

14 VICE CHAIR SULLIVAN: We don't have a quorum in the
15 matter?

16 JUDGE SIMPSON: We have a quorum.

17 MS. CORREIA: That's why, in the other case, where
18 there were two votes for each motion -- oh, because it was
19 tied. I'm sorry.

20 VICE CHAIR SULLIVAN: Yes.

21 MS. CORREIA: I'm wrong.

22 VICE CHAIR SULLIVAN: Okay. Thank you. That jumps us
23 back to the top of the case -- the top of the page to City
24 of Desoto. We do not have a quorum in that case because
25 Mr. Worley has stated that he will be recusing himself from

1 that case, so that case will be continued until the next
2 meeting.

3 JUDGE SIMPSON: Which one is that?

4 VICE CHAIR SULLIVAN: That is 2015-008, the City of
5 Desoto, Number 18. So that'll be continued. I forgot to
6 state for the record when we returned from lunch that
7 Senator Harp had to leave and will not be with us for this
8 afternoon, so he was no longer present when we returned
9 from lunch.

10 The next case is SEB Case Number 2015-46, which is the
11 City of Allenhurst, Tab Number 21 in your binder.

12 MR. LEWIS: Thank you, Madam Chair. On August 31,
13 2015, Mayor Hines, City of Allenhurst -- for the City of
14 Allenhurst contacted his liaison, the Secretary of State's
15 office, with a report that his city was not prepared to
16 hold qualifying for the upcoming election because they did
17 not have anyone who was certified of the qualified
18 candidates.

19 Mayor Hines indicated that Liberty County normally
20 handles their elections and qualifying but, at the last
21 minute, the county said they would not be doing qualifying
22 for the November 2015 election. Liberty County election
23 supervisor advised they had notified all municipalities
24 within the county in September of 2011, that the county
25 would not be responsible for qualifying candidates in

1 municipal elections.

2 While Mayor Hines advised that he was not aware of the
3 letter from 2011 and since he was familiar with the
4 qualifying paperwork, he decided to handle the
5 qualifications for the November 2015 election himself.

6 Tina O'Connor, who is the city clerk hired in August
7 -- on August 31, 2015, had until December 31, 2015, to
8 complete her elections training but had not done so at the
9 time of this report and is still not certified at this
10 time.

11 Our recommendation would be that the City of
12 Allenhurst and Mayor Thomas Hines be bound over to the
13 Attorney General's office for the listed violation of
14 21-2-76, eligibility of a person who served as a county
15 election superintendent, and that the City of Allenhurst
16 and Tina O'Connor, city clerk, be issued a letter of
17 instruction for the certification program. I would say
18 that the City of Allenhurst currently has no certification
19 at all as of August of this year.

20 JUDGE SIMPSON: Move to bind the case over.

21 MR. WORLEY: Second.

22 VICE CHAIR SULLIVAN: We've got a motion and a second
23 to bind over the City of Allenhurst case. Let me verify
24 that there's no one here who wants to speak on behalf of
25 this motion. Okay. Any further discussion? All in favor

1 of the motion, please vote by saying aye.

2 JUDGE SIMPSON: Aye.

3 MR. WORLEY: Aye.

4 VICE CHAIR SULLIVAN: Aye. Any opposed? No, and that
5 motion carries. SEB Case Number 2015-72, the City of Ivey.

6 MS. WATSON: In October of 2015, Kevin Sturgeon
7 reported that the City of Ivey was open only one day
8 during qualifying period for the 2015 municipal election.
9 The posted qualifying period for the 2015 City of Ivey
10 municipal election was set for Monday, August 31, 2015,
11 through September 4, 2015.

12 The City of Ivey city clerk, Bonnie Sturgeon, was not
13 in the office Monday, August 31st, through Thursday,
14 September 3, 2015. Arrangements were made for those
15 wishing to qualify during those days to go to the McIntyre
16 City Hall.

17 The recommendation was for the City of Ivey and Bonnie
18 Sturgeon, city clerk, be bound over to the AG's office for
19 violation of 21-2-132(d)(3).

20 VICE CHAIR SULLIVAN: Let me verify there's no one
21 from the City of Ivey here. Okay.

22 MR. WORLEY: I'd move to bind over this case --

23 JUDGE SIMPSON: Second.

24 MR. WORLEY: -- to the Attorney General's office.

25 VICE CHAIR SULLIVAN: We've got a motion and a second

1 to bind the City of Ivey over and accept the
2 recommendation. Is there any further discussion? All in
3 favor, say aye.

4 JUDGE SIMPSON: Aye.

5 VICE CHAIR SULLIVAN: Aye. Any opposed? No. The
6 motion carries. And I believe that puts us at SEB Case
7 Number 2015-75, City of Guyton.

8 MS. WATSON: We received several complaints regarding
9 the November 3, 2015, election in the City of Guyton such
10 as poll workers not having proper training prior to the
11 election; that, during early voting, a male subject was
12 loitering outside of the polling location at city hall;
13 that Mr. Andrew Harville stated when he went to the booth,
14 one of the poll workers had placed a checkmark by his name
15 as if he had already voted; the city hall was closed and no
16 one was there to give directions about where to go vote;
17 the polling location had the right address but the wrong
18 building name; that the city manager, Robert Black, had
19 access to the ballot box while it was in his office.

20 During the investigation, there were no violations
21 substantiated in Allegations 1 through 5 and the
22 complainant retracted Complaint Number 6. However, during
23 the investigation, it was found that the city clerk and
24 election superintendent, Lauree Morris, had not completed
25 the certification program nor completed the paper-ballot

1 class for December elections at Kennesaw State University.

2 We're recommending the City of Guyton and Lauree
3 Morris, city clerk and election superintendent, be bound
4 over to the AG's office for 21-2-101.

5 VICE CHAIR SULLIVAN: Is there anyone here from the
6 City of Guyton? No.

7 JUDGE SIMPSON: Has she received certification or do
8 they have a certified officer now?

9 MS. WATSON: The certification was completed on March
10 23, 2016, and she was terminated in June of 2017.

11 JUDGE SIMPSON: What about currently? Do they have a
12 certified --

13 MS. WATSON: Alison Bruton, the current city clerk and
14 election supervisor, was certified on July 31, 2017.

15 JUDGE SIMPSON: I move to issue a letter of
16 instruction since the problem seems to have been
17 alleviated. Although I think it's a serious violation, I
18 think that time has -- too much time has passed and it's
19 been corrected, so that's why I would make that
20 recommendation and the motion.

21 MR. WORLEY: I would ordinarily support that, but it
22 concerns me that the city made no effort to come here today
23 and explain what had happened and how they have corrected
24 it, so I would not support the motion.

25 VICE CHAIR SULLIVAN: So Judge Simpson's motion is

1 going to fail for lack of a second. Mr. Worley, would you
2 like to make another motion?

3 MR. WORLEY: Yes. I would move to bind this case over
4 to the Attorney General's office.

5 VICE CHAIR SULLIVAN: And I would second that. Any
6 further discussion? All in favor, please vote by saying
7 aye.

8 MR. WORLEY: Aye.

9 VICE CHAIR SULLIVAN: Aye. Any opposed? No, and the
10 motion carries. Ms. Watson, does that complete the
11 investigations report?

12 MS. WATSON: It does.

13 VICE CHAIR SULLIVAN: Thank you. Next we have the
14 Attorney General's report. They are -- normally we take
15 these as a bulk unless anyone in the audience or any member
16 would like to discuss any of them individually. Is there
17 anybody in the audience that would like to discuss any of
18 these individually?

19 MR. WORLEY: (Indicating.)

20 VICE CHAIR SULLIVAN: Mr. Worley?

21 MR. WORLEY: I would like to discuss the following
22 cases before the Board: SEB Case Number 2014-079, Thomas
23 County; the Case Number 2014-111, Thomas County, and SEB
24 Case Number 2015-002, Cobb County, also the case SEB Case
25 Number 2012-109, Clay County, under consent and dismissals.

1 VICE CHAIR SULLIVAN: Judge Simpson, do you want to
2 pull any additional ones off to discuss?

3 JUDGE SIMPSON: I'm sorry.

4 VICE CHAIR SULLIVAN: Do you want to pull any
5 additional cases off to discuss?

6 JUDGE SIMPSON: No.

7 VICE CHAIR SULLIVAN: So I will go ahead and entertain
8 a motion to accept the consent orders in SEB Case Number
9 2011-88, 2012-31, 2012-172, 2013-26, 2013-63, and 2014-51
10 and 2015-14.

11 MR. WORLEY: So move.

12 JUDGE SIMPSON: Second.

13 VICE CHAIR SULLIVAN: The motion's been made and
14 seconded. Any further discussion? All in favor, say aye.

15 MR. WORLEY: Aye.

16 JUDGE SIMPSON: Aye.

17 VICE CHAIR SULLIVAN: Aye. Any opposed? And that
18 motion carries. Ms. Correia, would you like to discuss
19 Case Number 2014-79, Thomas County?

20 MS. CORREIA: Yes. This is a case where a former
21 election official voted -- fraudulently voted for his
22 mother. He was an election official at the time. The fine
23 for this consent order is \$1,000, and that's largely
24 because the individual is unemployed and we were doing an
25 installment plan. But that -- that is the rationale for

1 the \$1,000 fine. Are there specific questions about that
2 consent order?

3 MR. WORLEY: I don't -- I don't have a specific
4 question, but it's just my view that given that this was an
5 election supervisor who committed election fraud by
6 essentially forging an absentee ballot that was supposed to
7 be for his mother so that he could vote for her after he
8 had already voted on his own behalf, I think this is a
9 very, very serious violation.

10 I appreciate the fact that the Attorney General's
11 office understands that Mr. Mays (ph), you know, is not in
12 a position to pay a larger fine but, regardless of whether
13 he can pay it -- and I'm really not that interested in
14 whether he pays it or not, but I think we need to
15 establish, as a Board, that an offense of this nature is
16 more serious than what we traditionally fine someone \$1,000
17 for. So I would -- I would not vote for this consent order
18 unless the fine were at least \$2500.

19 JUDGE SIMPSON: Who specified the amount? Was it the
20 state Attorney General that offered that amount or the
21 respondent said he could not pay more?

22 MS. CORREIA: Actually --

23 VICE CHAIR SULLIVAN: If you'll speak into the
24 microphone, Judge Simpson.

25 MS. CORREIA: Actually, it's assistant Attorney

1 General, Susan Haynes, actually handled this one so I'm
2 going to let her talk about the negotiations.

3 MS. HAYNES: He did not specify the amount; it was the
4 amount that we suggested.

5 JUDGE SIMPSON: Well, then I'd -- I'd agree with
6 Mr. Worley. I vote we do not approve the consent order.

7 MR. WORLEY: Right. I move that we not approve the
8 consent order and recommend that the Attorney General
9 negotiate a consent order with a \$2500 fine.

10 VICE CHAIR SULLIVAN: We've got a motion and a second.
11 Any further discussion? All in favor, please vote by
12 saying aye.

13 JUDGE SIMPSON: Aye.

14 MR. WORLEY: Aye.

15 VICE CHAIR SULLIVAN: Aye. Any opposed? None, and
16 that motion carries. SEB Case Number 2014-111, also Thomas
17 County.

18 MS. HAYNES: This is a case with -- that was against
19 the City of Meigs and Metcalf. We recommended a consent
20 order in this case where the City of Meigs consented to
21 violations of multiple sections of the election code
22 including failure to hold a special election to fill a
23 city council vacancy that was created, failure to hold a
24 qualifying period for candidates to fill the vacancy
25 created, failure to give public notice of the qualifying

1 period and a failure to timely publish the call of an
2 election.

3 We also recommended -- and, as to the City of Meigs,
4 the consent order calls for a \$500 civil penalty, a cease
5 and desist and a public reprimand. As to respondent,
6 Vickie Metcalf, who was the city clerk in this case, we
7 recommended dismissal because the statutes do not assign
8 responsibility for any of the violations to her.

9 JUDGE SIMPSON: Why was it fined so lightly?

10 MS. HAYNES: In this case --

11 JUDGE SIMPSON: There's multiple violations.

12 MS. HAYNES: Yes.

13 JUDGE SIMPSON: That's almost barely \$100 per
14 violation.

15 MS. HAYNES: In this case, Judge Simpson, we
16 considered the size of the city -- this is a city of
17 approximately 1,000 people -- in determining the fine.

18 JUDGE SIMPSON: It seems like they're only a dollar a
19 piece per violation. I think that's entirely too light.

20 MS. HAYNES: Okay.

21 JUDGE SIMPSON: I think -- we're trying everything we
22 can do to make sure that the election officials comply with
23 the code and to make sure that we have fair and honest
24 elections, and we can't slap them on the wrist and expect
25 compliance because, if we're going to do a consent order, I

1 think it needs to be more than a slap on the wrist. I
2 don't think that's adequate.

3 MR. WORLEY: I would agree with Judge Simpson. That's
4 why I wanted to discuss the case. Does the judge have some
5 idea of what an appropriate fine would be?

6 JUDGE SIMPSON: How many violations were reported?

7 MS. HAYNES: Four, Your Honor.

8 JUDGE SIMPSON: Four?

9 MS. HAYNES: Yes.

10 JUDGE SIMPSON: I suggest a minimum of \$2,000.

11 MR. WORLEY: I would be in agreement with that, so I
12 would make a motion that we reject this consent order and
13 ask that the Attorney General negotiate a settlement of
14 \$2,000 with the city.

15 JUDGE SIMPSON: Second.

16 VICE CHAIR SULLIVAN: We've got a motion and a second.
17 Any further discussion? All in favor, vote by saying aye.

18 JUDGE SIMPSON: Aye.

19 MR. WORLEY: Aye.

20 VICE CHAIR SULLIVAN: Aye. Any opposed? No, and that
21 motion carries. SEB Case Number -- SEB Case Number 2015-2,
22 Cobb County.

23 MS. HAYNES: This is a case against three respondents,
24 the Cobb County Board of Elections and Registrations,
25 Janine Eveler, who is election supervisor, and Beth Kish,

1 the former chief registrar.

2 In this case, there were -- the complainant was given
3 a -- sorry -- has said that they submitted an address
4 change, was given and cast a provisional ballot. Later,
5 they learned that this person was informed that her vote
6 was rejected because she voted at the wrong poll. Voting
7 in the wrong poll is not a reason to reject a provisional
8 ballot. And so, therefore, there was a violation of the
9 state code and also of the rules.

10 During the investigation, it was determined that
11 approximately 340 provisional ballots were rejected for
12 voters voting in the wrong poll. Of those ballots, we
13 do not know how many of those electors were otherwise
14 qualified to vote.

15 JUDGE SIMPSON: What was the fine?

16 MS. HAYNES: 15 --

17 VICE CHAIR SULLIVAN: Judge, if you would, speak into
18 your microphone.

19 JUDGE SIMPSON: I'm sorry.

20 VICE CHAIR SULLIVAN: I think our court reporter's
21 having a hard time hearing you.

22 JUDGE SIMPSON: I'm sorry. What --

23 MS. HAYNES: \$1500.

24 JUDGE SIMPSON: What?

25 MS. HAYNES: \$1500.

1 JUDGE SIMPSON: Well, I -- I just believe that we've
2 got to make a better statement than that. I mean, we have
3 spent a good bit of time today dealing with Hancock County
4 who, apparently, has just never gotten it because they have
5 not taken the decisions of the Board or the Attorney
6 General seriously and I think that in order for our
7 election process to be run properly by the counties that
8 we've got to make a stronger statement and I just -- I'm
9 just not sure that's adequate when we have that many
10 provisional ballots.

11 And I know that there's a problem with election
12 officials accepting provisional ballots. I've personally
13 experienced that myself. I hope it doesn't prejudice me,
14 but I was refused one in Bibb County. And so, I believe
15 that we need to educate the people about the use of
16 provisional ballots, and the way you do that is with a
17 stronger consent order.

18 MR. WORLEY: If I might ask -- the reason I was
19 interested in this case was not necessarily because of the
20 size of the fine but because I think that this is a very
21 important issue to impress upon election officials that
22 the provisional ballot cannot be refused under these
23 circumstances.

24 Do you know of any action that the Attorney General's
25 office has taken or that the Secretary of State's office

1 has taken to inform election officials of this ruling, this
2 decision?

3 MS. HAYNES: My understanding from the county's
4 attorney was that they had taken steps to educate their
5 staff -- elections staff regarding this after in preventing
6 this -- is that what you're asking?

7 MR. WORLEY: No, that's not what I'm asking. What I'm
8 asking is what the Attorney General's office might have
9 done or the -- and maybe it's -- maybe they were going to
10 do it after this decision.

11 But what I wanted to know was what the Attorney
12 General's office might have done or the Secretary of
13 State's office might have done up to now to publicize that
14 this is the view of the Attorney General on the law on this
15 matter to make sure that local election officials are aware
16 of this.

17 MS. CORREIA: I believe the Secretary of State's
18 office -- I believe Mr. Harvey has sent out a bulletin to
19 the counties about the use of provisional ballots, but do
20 you --

21 VICE CHAIR SULLIVAN: If the Secretary of State's
22 office could check on that. I think Mr. Worley makes a
23 good point that we need to make sure that county election
24 officials and poll workers are aware of the acceptable uses
25 of provisional ballots. Thank you.

1 MS. BROCE: Would you like us to speak to that or
2 would you like us just to follow up?

3 VICE CHAIR SULLIVAN: If you have -- would like to
4 speak to it, that's fine.

5 MS. BROCE: Sorry. I'm Candice Broce from the
6 Secretary of State's office. So we put out extensive
7 guidance on the use of provisional ballots and it is part
8 of the annual training that we provide each year to
9 conferences for elections officials and registrars. We
10 also have information readily available online that
11 provides guidance on demand whenever it's needed, and I
12 know that our elections staff tries to be as helpful as
13 possible in this area.

14 So I would just say, from our perspective, we do
15 provide pretty clear guidelines on that. And, again, it's
16 all available on demand and we solicit questions from
17 people at conferences where we provide training and this is
18 regularly a topic that comes up and we always provide
19 guidance.

20 VICE CHAIR SULLIVAN: Thank you.

21 MR. WORLEY: All right. Well, what I would be
22 interested in doing is -- I don't have a problem accepting
23 this consent order, but I would like an understanding that
24 perhaps this particular order be publicized by the
25 Secretary of State's office to the local election officials

1 so that they know this is a very serious matter and it will
2 result in fines if they continue to fail to comply.

3 JUDGE SIMPSON: Well, the reason I feel so strongly
4 about this is because this is an area that is ripe for
5 fraud. If we give one person the ability to not count
6 these provisional ballots properly and handle them
7 properly, then we can have a lot of incorrect results or
8 potentially incorrect results if these ballots are
9 rejected, improper. And if we allow one person to do it,
10 like this supervisor did or these people did, then that
11 creates an environment which is ripe for fraud and I think
12 we ought to do everything we can to prevent that.

13 And so, therefore, I -- I still am of the opinion that
14 this message needs to be loud in terms of amount and -- and
15 clear to all of the election superintendents and boards
16 that you can't -- that you've got to strictly provide
17 provisional ballots and then you've got to count them
18 properly.

19 VICE CHAIR SULLIVAN: Would you like to make a motion?

20 JUDGE SIMPSON: No. I just wanted to make that clear.
21 That's -- that's my opinion.

22 VICE CHAIR SULLIVAN: Okay. Would you like to make a
23 motion, Mr. Worley?

24 MR. WORLEY: I'd make a motion that we accept this
25 consent order and would recommend that both the Attorney

1 General and the Secretary of State make every attempt to
2 publicize this decision to the local election officials.

3 VICE CHAIR SULLIVAN: I will second. Okay. Any
4 further discussion? We have a motion and a second. All in
5 favor, say aye.

6 MR. WORLEY: Aye.

7 VICE CHAIR SULLIVAN: And none opposed, and that
8 motion carries. That moves us to the dismissals portion.
9 Would any of our members like to pull off any of these
10 cases to discuss individually?

11 MR. WORLEY: Yes. I'd like to discuss SEB Case Number
12 2012-109, Clay County.

13 MS. CORREIA: This is a dismissal for a number of
14 voters for primarily possession of absentee ballots of
15 other electors, and this is pursuant to the Attorney
16 General opinion from 2016 where we stated that the
17 possession of another voter's absentee ballot was not
18 covered by 21-2-574.

19 MR. WORLEY: Okay. And could you just, for the
20 audience and for the public, just elaborate a little bit
21 more on that Attorney General's opinion and why you arrived
22 at it?

23 MS. CORREIA: The Attorney General's opinion from 2016
24 held that the provisions in 21-2-574 said you cannot
25 possess somebody else's ballot because they -- because the

1 statute itself refers to the polling location -- it cannot
2 leave the polling location -- and because it was a statute
3 that had -- that referred to an official ballot, not an
4 official absentee ballot, we held that that that was not --
5 it doesn't -- it is not against the law and it's not a
6 violation of the election code for voters to assist another
7 voter with an absentee ballots and to possess it. Now, if
8 you assist the voter in marking the ballot, you do have to
9 sign as assisting.

10 But most of these charges were for things like
11 walking -- taking them to the mailbox and mailing them --
12 collecting them and mailing them on behalf of other voters
13 and we felt that that is not a violation of the election
14 code.

15 Obviously, if you were doing something fraudulently or
16 if you are, you know, marking it for the voter and not
17 signing as assisting, that is a violation but that is not
18 what these folks were charged with doing. It was strictly
19 possession or assisting with the envelope, which is --
20 which we've also said is not a violation of the election
21 code because it's not part of the ballot.

22 MR. WORLEY: I just thought it was important to
23 clarify and explain that to the public. And so, I would --
24 I would move to dismiss Case Number 2012-109 as recommended
25 by the Attorney General and also to dismiss Case Number

1 2015-061, Cobb County, as recommended by the Attorney
2 General.

3 VICE CHAIR SULLIVAN: Second to that motion?

4 JUDGE SIMPSON: Second.

5 VICE CHAIR SULLIVAN: We've got a motion and a second.
6 Any further discussion? All in favor, please vote by
7 saying aye.

8 MR. WORLEY: Aye.

9 VICE CHAIR SULLIVAN: Aye. Any opposed? No, and that
10 motion to dismiss carries -- both of the last two dismissal
11 cases. At this time, I will entertain a motion to adjourn
12 this board meeting.

13 MR. WORLEY: I move that we adjourn.

14 VICE CHAIR SULLIVAN: All in favor, aye.

15 JUDGE SIMPSON: Aye.

16 MR. WORLEY: Aye.

17 VICE CHAIR SULLIVAN: None opposed, and we are now
18 adjourned. Thank you all for being here.

19
20
21
22
23
24 (Whereupon, the proceedings were concluded at 1:49 p.m.)
25

C E R T I F I C A T E

STATE OF GEORGIA

COUNTY OF GWINNETT

I, Patrick Stephens, hereby certify that the foregoing record taken down by me, as a certified court reporter, is a true, correct and complete record of the above-entitled State Election Board meeting.

This certification is expressly withdrawn and denied upon the disassembly or photocopying of the foregoing proceedings, unless said disassembly is done by the undersigning certified court reporter and original signature and raised seal is attached thereto.

This the 5th day of _ _ October __ __, 2018.

Patrick Stephens

PATRICK A. STEPHENS, CCR, CVR

CERTIFICATE NO. 4672-1141-4562-4064

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