

October 3, 2023 - GA State Election Board Meeting Notes

Oct 3 Agenda

Part 1 video: <https://vimeo.com/showcase/8988933?video=853134285>

Part 2 video: <https://vimeo.com/showcase/8988933?video=870747217>

Note, cases were not taken in order of agenda.

Judge Duffy resigned; Matt Mashburn was elected as acting chair.

15 Cases Recommended for Dismissal by SOS Investigator:

Floyd County: Dr Johnston brought this forward. 50% of polls did not open on time. Resulted in court order for extended time. Extensive machine issues, poor training on Emergency Ballots, errors in ballot duplication etc. Investigator said claims were not substantiated. The complaint was removed from the dismissal list and continued for further investigation.

Polk County: Dr Johnston brought this forward. 13 nursing home patients were assisted by a social worker to complete and collect their Absentee ballots. The investigator said that she had proper authorization, however he never talked to patients to confirm they gave the nurse their consent. Dr Johnston motioned to remove from dismissal list and continue with further investigation. Her motion was not seconded so complaint was dismissed.

Chatham County: Jeanne Seaver witnessed containers believed to contain absentee ballots being moved and left unattended/unlocked at the tabulation center. There was video that was lost. Investigator said there was no evidence to prove there were ballots in the containers. The case was moved to violations and continued to the next meeting.

18 Cases Recommended for Letter of Instruction, Technical Violation, or Referral to AG:

Cherokee County: (Video 1 @ 19:27) Mr. Jordan was voting and questioned the QR code on his ballot, no one was able to answer his question, so he was filing a written complaint, police were called. Felony for interfering with Poll Officials (reduced to Civil penalty) and misdemeanors for interference of election duties and use of electronic device to take a picture of his complaint. No other voters were in the poll location at the time. Cherokee County said Mr. Jordan had done this before and Poll workers said they were scared and intimidated. Board member Lindsay made a point of saying that the poll location was the wrong place to argue about the QR code. Seems they are making an example of Jordan as a deterrent to others. Dr Johnston motioned to dismiss with letter of instruction, but she did not get a 2nd. The board referred 2 complaints to AG, and 1 letter of instruction.

Lee County: 3 canvassers from New GA Project illegally registered voters or submitted fake registrations. 2 were referred to AG, 1 was dismissed based on her statement that the voter submitted and signed the fake registration. Canvasser admitted that they had monthly quotas with financial incentives for the # of registrations submitted.

Dekalb County: SEB2020-029 (Video 1 @ 3:29: 48) Election Day Issues: untrained Poll Workers, equipment issues, 7 polls opened late, etc. Board recommended Letter of Instruction and Technical Violation. Referred Election Director Erica Hamilton (no longer with Dekalb) to AG for not responding to investigator.

Dekalb 2020-043: (Video 2 @ 33:00) - 7 complaints related to AB Tabulation. Insufficient evidence on 6 of them due to lack of response from previous election Director Erica Hamilton. Issues included unauthorized scanners, results posted late, 1000s of Abs left unattended, BOE member Tillman endorsed candidate, printing excess blank ballots, poll workers creating new

ABs vs duplication procedures, lost data card. 6 issues continued; Erica Hamilton referred to AG for noncompliance.

Paulding County: Man with Felony voted based on bad advice from DMV and Probation officer. The board exercised mercy and dismissed the case.

Attorney General Report (Video 2 @ 3:01:30)

Chatham 062 - deferred

Chatham 223, 080: cease & desist, public reprimand, \$750 civil penalty.

Talbot 035: cease & desist, public reprimand, and training.

Petitions from Citizens for Good Governance – Marilyn Marks (Video 2 @ 3:42:43)

Ballot Secrecy: Touchscreen BMDs do not provide adequate ballot secrecy per law.

Recommended 30 ft distance behind voter and 8ft between BMDs and use of hand-marked paper ballots stations to accommodate voters. Paper ballots provide more secrecy in a smaller footprint.

Logic and Accuracy Testing: Request for Board to ensure and enforce LAT compliance with meaningful public observation. The current LAT is inadequate and ineffective and does not meet current statute. Meaningful observance needs to be defined e.g. observer can see the screen.

Cyber Security Evaluation: A temporary rule for 2024 elections. Proposal of guidelines for each county that includes using hand-marked paper ballots if they are not able to mitigate the security issues associated with the Dominion machines as outlined in CISA report. County can determine if the use of Dominion machines are “impossible or impracticable” and can use paper ballots as the authorized back-up method for voting. The board expressed concern regarding 2 voting methods, feasibility of managing for example 350 paper ballot types at every Early Voting location, and the security/chain-of-custody of those blank ballots.

Board Response: The board expressed appreciation for the input but voted down all 3 petitions. Interest in continuing discussions and believe there are other options that are being investigated. Only allowed to vote yes or no on rules at this time. Plan to revisit in December meeting. Dr Johnston was the only one who voted yes to any of the rule changes – she agreed with LAT.

Public Comments (Video 2 @ 4:54:40)

Did not start until 6pm

Half of the speakers who signed up had left.

Mic was not turned on for several of the speakers.

General Observations

- The investigations are not extensive or thorough.
- Investigators favor Election Staff over voters or complainant.
- Common theme of Equipment issues which further underscores insufficient LAT
- Very few cases lead to meaningful consequences.
- Cases are not investigated in a timely manner, so information is unavailable, and cases are dismissed due to lack of evidence.
- Seems some County Election officials (e.g. Dekalb, Fulton) simply do not respond or provide information to Investigator.