

**VERBATIM MINUTES
STATE ELECTION BOARD MEETING
2 Martin Luther King Jr. Drive SE
Suite 512 West Tower
Atlanta, Georgia 30334
Thursday, February 14, 2008
10:00 a.m.**

(Whereupon, the meeting started at 10:03 a.m.)

Chairperson Handel - "Good morning, everyone. This is the State Election Board Meeting, and we will start with roll call."

Chairperson Handel - "Randy Evans."

Mr. Randy Evans - "Here."

Chairperson Handel - "David Worley."

Mr. David Worley - "Here."

Chairperson Handel - "Of course, I'm here. Tex McIver."

Mr. Tex McIver - "Here."

Chairperson Handel - "Jeff Israel."

Mr. Israel - "Here."

Chairperson Handel - "We do have a full house and a quorum. Jeff, it's been our practice -- if everyone will stand, Jeff will give our invocation, and then we'll do a Pledge of Allegiance."

(Whereupon, the invocation was given by Mr. Jeff Israel, followed by the Pledge of Allegiance)

Chairperson Handel - "Before we get into our Public Comment period, I do want to make just one announcement that the State and Elections Board did have a Special Call Meeting, and to just let the record show that it was purely Executive Session regarding litigation. And I just want to make sure that is made abundantly clear."

Mr. Evans - "Actually, Madam Secretary, I think we came out of Executive Session to take a vote. The vote was to appeal --."

Chairperson Handel - "Yes. And had I been allowed to finish, I would have been able to make that comment so thank you for that. If I could ask everyone if they would like to be recognized, just raise your hand so that I can acknowledge them -- everyone on the floor so we can have a good flow. The next issue before us is the approval of the minutes. They are from the December 10th meeting. Are there any questions or comments to the December 10th

meeting?"

Mr. Evans - "Yes, Madam Secretary, I had a few comments. On the second page where it covers Elbert County, I believe the minutes should reflect, prior to the last sentence it says that the Board granted continuance -- I think the actual -- what happened was that we said pursuant to the Board's standing practice in granting one continuance upon request, the Board granted continuance."

Chairperson Handel - "We can certainly add that additional detail."

Mr. Evans - "Under paragraph 3, Lowndes County, I think right before it says Randy Evans, we actually had a description of the three categories of issues we had to deal with. I think it said Randy Evans noted that there were three categories that must be addressed. Competence, disability, and incapacity. Under paragraph f, for Avondale Political Committee, there was a sentence here which I note -- I feel very confident it is not something that we would have said or the AG's Office would have said because it will be contrary to the AG stated practice. That specifically being, there's a phrase in the fourth line that says, and the opinion given by the AG's office that we should not attempt to enforce this law, Ms. McIntyre has indicated is inappropriate. I think the standing rule from the AG's Office is they never recommend not enforcing the law. And so, I think we need to strike everything that begins with the word that, all the way up to it says Chairperson Handel. So I would put a period after AG's office and delete the rest of that sentence."

Chairperson Handel - "Okay."

Mr. Evans - "Madam Chair, that's all the changes that I have."

Chairperson Handel - "All right. Any other questions or comments, colleagues? All right. Do I have a motion?"

Mr. Worley - "I make a motion that we accept the minutes with Mr. Evans' additions."

Mr. Evans - "Second."

Chairperson Handel - "I've got a motion and a second, all in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? There is none. Also, just so everyone knows, we do have a court reporter for the proceeding so that there are verbatim minutes, as well. All

right. Next item is our Public Comment, and I do have one Public Comment card from Susan -- is it pronounced --."

Ms. Susan Somach (phonetic) - "Somach."

Chairperson Handel - "Somach. Okay. Come on up, and you'll have two minutes to address the group."

Ms. Somach - "Okay. I just wanted to --."

Chairperson Handel - "And if you'll just go ahead and, for the record, state your name and address for us."

Ms. Somach - "Susan Somach, 941 Blue Ridge Avenue, northeast Atlanta, 30306. I'm speaking here as an individual, but I'm a volunteer with Election Protection. I wanted to make a comment here, that I was concerned about the Secretary of State's office, which was widely reported in the media to be incorrect, has stated that Election Protection is illegal and problematic, and that she hadn't been aware of Election Protection existing until a couple of months ago, as well as the fact the statement that Election Protection volunteers presented themselves as State Election attorneys. And I just want to say that's completely false. I've been in front of this group. I would just encourage the Secretary of State's office to please meet with Election Protection Group. The coalition is not the -- five County that we focus on. We've met with them, and discussed the activities of Election Protection. I think they strengthen elections in Georgia to have a group out there trying to help in the same way that the government helps working hand-in-hand to make sure elections are smooth, free, fair and democratic. That being said, there was one issue -- a couple of issues I just want to mention. One is about voter intimidation at Welcome All Polling Station, that I think

really needs to be taken seriously by this body, and that was there was a -- Secretary of State's investigator with a gun in the Welcome All Polling Station who was standing behind the poll booth, and several voters felt very intimidated by this. That information was conveyed to the Secretary of State's office, but is something that I think is very serious and needs to be investigated and handled by this body. It was a majority black district, and the person with the gun and the two badges was white. And I think given the history in Georgia, this is something that needs to be reconsidered so that if something like this ever happens again, if there's a legitimate investigation going on, is it really necessary to have somebody with a gun? Do they have to stand behind the poll book where people are giving their names? Voters thought -- had felt that maybe there was a marshall looking to arrest somebody and identifying names. So it's just something I think should be taken seriously, and on a more positive note, the electronic

poll booth issue that was identified and it's been reported, again, in the media that the Secretary of State's office is going to increase the number of electronic poll books. I heard that to happen in July, not in November, because the lines were very -- were getting very long. Even in my polling station, it seemed that the training could be improved, the speed could be improved, the touch screen, as opposed to typing in names might be something to look at, and if that could be corrected, as well as looking at the distribution of electronic poll booths per number of voters, and looked at how many new voters and things like that. Look at the distribution of that, as well as the voting machine, that would be a very helpful thing. So in conclusion, what I would just request is that if, in fact, these statements are not true about, you know, the Secretary of State's office feeling that Election Protection is illegal, that we can just have that clarified here. You know, it's an illegal operation in the State of Georgia, and then, also just sit down and discuss any concerns that may be very valid, the Secretary of State has regarding what Election Protection is doing, sit down together and work it out. And to talk, and we'd love to share our experience, which I think the Election Protection Committee has already asked and is planning to meet with the County officials, as well as the Secretary of State's office, to share the observations and experiences in the elections."

Chairperson Handel - "Thank you very much."

Ms. Somach - "Thank you."

Chairperson Handel - "All right. That was the only card that I received. All right. The first -- Does anyone else have any cards to speak in Public Comment, because otherwise, this will be our last one and we'll move on to our cases. Thank you. If you'll state your name and address for us."

Mr. Elton Trimble (phonetic) - "My name is Elton Trimble, and my address is 190 Watford Avenue. And I'm here on behalf --."

Chairperson Handel - "All right. Is that Atlanta?"

Mr. Trimble - "Atlanta, Georgia. Yes, ma'am."

Chairperson Handel - "Thank you."

Mr. Trimble - "30306. I'm here on behalf because I'm a voter. I was turned down at the polls at -- location was C.W. Hill Elementary. I do it like this. I tried to vote, as usual. I got rejected, but I tell you this. I won't be disrespected. Not only me, there is many, many more. I represent Christ, I represent the poor. I'm standing in this line -- no it's not about fame. Just take your time,

here it says, I'm ready for a change. America this, America that. Equal opportunity, well about the blacks? I could go on and on, but I leave you with this. I stand up for my people, November we want a miss. Let's not forget about over 60 million blacks died in the slave trade, not to mention the countless black-on-black crimes over the last 40 years. Genesis 5:13 tells us, and he said unto Abram, know of a surety that thy seed shall be a stranger in a land that is not theirs, and they shall afflict them four hundred years. My people, let's not forget about the honorable civil right leader, especially the late-great Dr. Martin Luther King, Jr. Keep the dream alive. Praise towards his -- which is to love God, follow his Commandment, and be the people that Deuteronomy 7:6 has said in six states. For thou art an holy people unto the Lord, thy God. The Lord thy God hath chosen me to be a special people to himself, above all people that are upon the face of the earth. Verse 7 states that the Lord did not set his love upon nor choose you because ye are more in number than any people, for ye are the fewest of all. Let my people go no matter to try, this is my profession, watch in November how we turn out this election. And it's a lot of stuff going on, I mean, as you're saying to the young lady just was speaking on. I'm a witness of that, and it was road blocks being set up in the black neighborhoods. I mean, let's fair us up, fair us up. Fair opportunity. Equal opportunity. Thank you for your time."

Chairperson Handel - "All right. Thank you. All right. Our next item is the Inspector General's report."

Mr. Evans - "Madam Secretary, just since you changed topics, we will need a set of minutes for the Special Call Meeting."

Chairperson Handel - "Yes. They'll be in. Absolutely. All right."

Ms. Shawn LaGrua - "Madam Chair, with permission I'd like to introduce Deputy Chris Harvey from who'll be handling the first matter on the Inspector General's Report for Dade County."

Chairperson Handel - "Okay. All right."

Mr. Chris Harvey - "Good morning. In spring of 2007, a committee in Dade County, Georgia filed a Recall Petition for Commission Chairman Ben Brandon. They alleged that he had not performed a good day's work for a good day's pay, and they sought to seek his recall. The petition was filed properly on May 23rd of 2007, and was determined that they needed 2,570 signatures by June 22nd of 2007 in order for an election. The committee went about gathering signatures. In the course of that -- the subject of the recall, the Chairman, Chairman Brandon issued a complaint to the Secretary of State's office. Among his complaints he

alleged where that the Recall Petitions were being circulated in locations where alcohol was sold, that some of the circulated petitions were not being signed by the circulators, and some of the petitioners were harassing citizens as they tried to obtain signatures, that food and drink were given to potential petition signers, and that there were forged signatures on the petitions. The petitions were circulated until June 22nd, at which time there was a controversy involving the petitions. Charlie Pittman was the Chairman of the Recall Committee, and on the day the Recall Petitions were due he announced to his staff that they had only accumulated 1885 signatures on the petition, which was short of their goal. Some people in the committee were concerned because previously they had estimated that they counted 2,137 signatures had been accumulated. At that time, the group came together and Charlie Pittman stated that, well, we're not going to be able to go forward. When the group raised those questions, Mr. Pittman reported that maybe some petitions had been taken from his vehicle. At that point, they called the Sheriff. The Sheriff came, investigated, brought everybody to his office. They had a stack of petitions -- at that time Mr. Pittman said that approximately 42 pages of the petitions were missing. The Sheriff called the GBI, who responded. They did an initial investigation and didn't find any evidence that his vehicle had been broken into. Mr. Pittman refused to make a police report -- or declined to make a police report saying that the petitions that had been taken from his vehicle. At the same time, a member of the committee -- Recall Committee went home following these events, and found in her mailbox an envelope full of petitions. She brought those to the Sheriff's Department, the Sheriff's Department sorted them out. They found that there were 24 pages of petitions that had not been signed as circulated were not notarized. Those were pulled aside, the remaining signatures were counted, they found out they were short of the goal, and at that point the recall effort was considered done. The Secretary of the Petition Recall Committee took the petitions that had been signed and notarized, and shredded them in the Sheriff's Office paper shredder. The only thing that remained was 24 pages of unsigned petitions -- correction, un-notarized and uncirculated petitions that contained handwriting that was all very similar and included names of deceased people, and several people that positively acknowledged that they did not sign the petitions. The GBI is still committing -- is still -- has an active investigation going on for potential forgeries, but at this time there's no way to determine who circulated these petitions that were not signed and were not properly formed. As far as the allegations, or the complaints made by Chairman Brandon, being that the petitions were circulated, supposedly inside a Ingle's store, the Manager of the Ingle's store said that was not

true, said that some of the petitioners -- some of the circulators were in the store, but they were not circulation petitions in the store. So there's no positive evidence that the petitions were circulated any place where alcohol was sold. As far as petitions not being signed by the circulator, there's 24 cases where petitions were not signed by circulators. There's no solid evidence that any individuals circulated petitions that they did not sign. There's no indication that the petitioners were harassed when they were -- when they were soliciting signatures. There was a single incident where a vehicle was blocked in at the Ingle's store by people circulating petitions. That was accidental, it was corrected, and that was the only reported case of that. As far as food and drinks being given, the Recall Committee did have a tent set up on the Square at Trenton, and they were offering drinks to people that stopped by. There's no indication that said he could (inaudible), there was a -- anybody who refused a drink because they didn't sign, or they were offered a drink in exchange for signing. And again, as far as the forged signatures on the petitions, there are 24 pages that have allegedly forged signatures. There's no way at this time, although the GBI is investigating to figure out who forged those signatures. It's recommended that this case be closed."

Chairperson Handel - "Is there anyone here to speak from the other side on this case? Dade County? Anyone else? All right. So you found no evidence of any violation, although the GBI is investigating the claims of forgery?"

Mr. Harvey - "That's correct."

Chairperson Handel - "Okay. Any questions, colleagues?"

Mr. Evans - "It just seems to me that since our threshold for a violation is lesser than the threshold for the violation of criminal law, it would be premature to close the case prior to the GBI completing its investigation. If the GBI is able to determine who committed the forgeries, that would also constitute a violation of our rules, as well as the State Election Center. So my recommendation would be to defer until the GBI has completed its investigation. If there are forgeries that occurred in connection with the Recall Petitions, that is a violation of our rules."

Chairperson Handel - "Is that a motion?"

Mr. Evans - "It was."

Chairperson Handel - "All right. State your motion again for us."

Mr. Evans - "I think my motion was that I made a motion we defer consideration of this until we -- this matter until the GBI completed its investigation."

Chairperson Handel - "Is there a second?"

Mr. Israel - "Second."

Chairperson Handel - "We have a motion and a second. Any further questions or comments? All right. All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed?"

Mr. Worley - "No."

Chairperson Handel - "Okay. That passes 4-1. Thank you. Next item."

Ms. LaGrua - "The next item, Madam Chair, is Gwinnett County. This is Case 2007-000020. The complainant in this case is Kenneth Spruce. I did speak with Mr. Spruce earlier this week. He is unable to be here. One of the members of the Election Board, but he stands by his original complaint and wants it heard, and wishes he could be here this morning. The allegations in this case, essentially, are that Mr. Spruce believes that Gwinnett County Voter Registration officials had unnecessary steps required to become a Deputy Registrar, and that the reason those steps were in place were to deter minority and low income persons from participating in becoming a Deputy Registrar. As evidence of that he indicates that there were challenges to him after he became a Deputy Registrar. What happened was Mr. Spruce actually went through the training to become a Deputy Registrar. There was a voter registration drive that he was working to set up on April 7th. Due to bad weather on April 7th, that registration drive was shut down early. After that registration drive was shut down early, Gwinnett County officials notified Mr. Spruce that that was a violation, as a Deputy Registrar running that voter registration drive, and warned him at that time that he needed to make sure that he followed the rules in future drives. He was also upset that the certification for being a Deputy Registrar, in his mind, was only for one registration drive. What had happened was Mr. Spruce had an old copy of the Gwinnett County Handbook as it related to Deputy Registrars. He had a 2003 copy versus the 2006 copy. As soon as Ms. Ledford (phonetic) found out that he was working under an old handbook she attempted to notify him on many occasions, was not able to. And we found the same thing when Investigator Dyer began investigating this case. We made numerous attempts to get in touch with Mr. Spruce,

and unfortunately, I'm not sure exactly what Mr. Spruce's job is. He didn't want to discuss that, but he can only call in and when asked for specific times for Investigator Dyer to be able to reach him, he was not able to get any. He just said he would get a hold of her, and in fact, he faxed me the letter indicating he couldn't be here today. There's no evidence, at this point, that Gwinnett County has committed any violations with respect to this complainant, and therefore we're recommending, at this time, that this case be closed."

Chairperson Handel - "All right. Is anyone here from Gwinnett County?"

Ms. LaGrua - "I know that Ms. Ledford had a death in the family. I spoke to Gwinnett County officials yesterday, but they did note they were aware of the meeting today but also had been provided a summary of the case prior to our meeting today. So they were aware of what our findings were."

Chairperson Handel - "Okay. Anyone else here to comment on this case?"

Mr. Evans - "I move we close it."

Chairperson Handel - "All right. I have a move to be closed. We have a motion and a second, any other questions or comments? All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? There is none, that's closed. All right. Next item."

Mr. Harvey - "Next item is the case of Jasmine Tate's, SEB Case 2007-000024. The Secretary of State's office notified me in August -- correction, October, 2007, by the divorcing husband of Ms. Tate that she was not a U.S. citizen, and she was registered to vote in Fulton County. He sent us a copy of her voter registration card and claimed that she was registered illegally. The investigation revealed that Ms. Tate is not a U.S. citizen, she is a permanent legal resident of the United States, however, she said that she has never registered to vote. Her actual voter registration took place, coincidentally, four years ago, today, on February 14th of 2004. She renewed her driver's license at the Shannon Mall Georgia State Patrol location. She says that she indicated that she did not want to vote, and did not want to be an organ donor, however, when her paperwork went through she was registered to vote, but she was not listed as an organ donor. I went through and tracked down the actual documents that were filled out when she completed her driver's license registration, in which case I also spoke to the two women who filled out her forms, and they

agreed that the way the forms were filled out, this woman indicated that she did not want to register to vote and it was apparently a keyboard error that caused her to be registered to vote. The fact is, that she's seems to be registered in 2004. She has never voted, she has never amended or changed her voter's status with Fulton County while she's moved, and also, for what it's worth, she's informed that she and her then husband were going through a custody and divorce proceeding, and he was the Complainant in this case. There's no evidence that she ever held herself out as a U.S. citizen or specifically requested to vote, and it's recommended that she be removed from the eligible list of voters in Fulton County."

Chairperson Handel - "Okay. Is anyone here from Department of Driver's Services. Richard Dozier, did you want to comment around anything?"

Mr. Richard Dozier - "Yes, ma'am."

Chairperson Handel - "Please come forward."

Mr. Dozier - "Okay. Yes, ma'am. I just wanted to comment on the changes to new voters, as far as the process goes with the agency. Since 2004, when Ms. Tate came through our process and erroneously was registered to vote via that process, we've had two major changes, a few others, but a few major changes that would not allow that process to happen again, as far as if it was a keyboard error that took place. The process is the first half in July, 2006, Georgia changed its law to where a Georgia license has to be expired on the same day as a -- as the valid documents a person uses as far as to show proof of residence, i.e. a I94. Whatever the expiration date of that I94 has to be the expiration date of the license. And the programming of how our examiners do that process, it was the first time that we started collecting whether you were a citizen or not in our database. Once the examiner clicks that they're not a citizen, the motor voter is then grade out and not allowed to happen by keyboard accident. The second thing that took place happened just January of this year. Senate Bill 5 of last year went into place, and that is the requirement that this agency, DES, go through the Safe System. That is the Systematic Alien Verification and Entitlement Program. And basically what happens is, not only are we requiring legal documentation for those that are here legally, but we're also required to submit to an electronic verification through the Department of Homeland Security prior to giving a license. That also, when you go in to do that verification, will not allow through the keyboard stroke to register through motor voters. So I believe are two substantial changes to the process that hopefully will not allow, today, the same situation that happened to Ms. Tate,

to take place."

Chairperson Handel - "Thank you."

Mr. McIver - "Madam Chair, before Mr. Dozier leaves, if I might. I'd like to commend his agency for all the support that they've extended to the State Election Board, at least since I've been a member. They are all absolutely, terrifically, extremely valuable and always have been cooperative in that regard. And I want the Board to, of course, appreciate that, and commend his agency and his staff."

Chairperson Handel - "Thank you, Mr. McIver. And I want to echo on those comments because whether it has been working with us through these types of issues since we've been on board, or working with us on doing matches for Photo ID, whatever we had asked of DES, Commissioner Dozier and his team have been right there at the table to help us work forward through anything. So I appreciate it. These are definitely very good steps forward, and I know we will continue the dialogue as we go through the year to see if there are even additional steps that we might be able to do."

Mr. Dozier - "Thank you."

Chairperson Handel - "Mr. Evans."

Mr. Evans - "I have a couple of questions. So, apparently, she received a -- Ms. Tate received a voter registration card from Fulton County?"

Mr. Dozier - "She received a precinct card. Her voter registration card was sent directly to Fulton County from the Department of Driver Services. Her precinct card came in the mail, which is what her husband forwarded to our office."

Mr. Evans - "Okay. And when she got the precinct card reflecting that she had registered to vote, recognizing that she was not a U.S. citizen, did she alert or tell anyone, hey, I'm not a registered -- I'm not a U.S. citizen, I shouldn't be on here?"

Mr. Dozier - "She didn't actually receive the card. She had moved out, being separated, it came to her residence -- her former residence. She had moved to another location. So it came directly from Fulton County to Mr. Tate, to our office. When I actually interviewed her she -- her first response is I'm not registered to vote. She didn't indicate any knowledge that she was, in fact, registered to vote."

Mr. Evans - "So, because that's an pretty important fact, when we deal with these kind of matters, the scienter, or the mental knowledge, of the person is critical because had she received the registration card and was actually aware she had been registered, that in and of itself, constitutes a violation of the way our Code is written. So in your report, when we deal with these issues, if we could just add the facts that relate to the knowledge of the person who is allegedly registered, and possibly voting. That would be very helpful."

Mr. Dozier - "Yes, sir."

Chairperson Handel - "Anything else, colleagues?"

Mr. Worley - "Madam Secretary, I'd just like to add a follow-up comment to what Mr. Evans just said. It is our practice to consider it scienter when someone who has never made any attempt to register to vote, then gets an official document from a county saying that they're sending them a precinct card, if that's scienter, frankly, I just think that's ridiculous given the bureaucracy and the problems that we have in various counties. And to assume that someone who, on all the facts, never made any attempt to register to vote but gets a document telling them that they're a registered voter, that that somehow constitutes some scienter to violate the law, because I think a position that could never be supported by any Court on Appeal from this body."

Mr. Evans - "That's because you and I have very different thresholds about the acceptability of a non-citizen voting."

Mr. Worley - "No. We do not. We have absolutely --."

Chairperson Handel - "Colleagues. As the Chair of this body, first of all, Mr. Evans, again, I will ask you -- and I will ask the same of Mr. Worley. If you would like to have the floor then raise your hand and I will acknowledge you to have the floor. We are not going to have this jumping in and interrupting back and forth, back and forth. Thank you. Mr. Worley, you still have the floor."

Mr. Worley - "Thank you, Madam Secretary. No, Mr. Evans, we do not have any different view of the propriety of non-citizen voting, and I thank you not to -- not to, you know, attempt to characterize my views in any particular way. My only point is it is not going to be scienter by any court that ever looked at this for someone who has made no conscious effort to register to vote, or to vote, and to merely receive a document from a government agency."

Mr. Evans - "Then you need to do the research."

Chairperson Handel - "Mr. Evans --."

Mr. Evans - "I'm not in -- Madam Secretary, I'm --."

Chairperson Handel - "I will be more than happy to recognize you --."

Mr. Evans - "I'm not in school."

Chairperson Handel - "We need to, colleagues, I am really going to respectfully ask that we follow a procedure. We are all professionals here, and there is no need to get into this kind of back and forth amongst one another. Certainly, there is different legal opinions, et cetera, and those can be debated in another form on everyone's own time, versus on the State time. With that, Mr. McIver, would you like to add a comment that would be germane to the case?"

Mr. McIver - "No, ma'am. I'd like to move to accept the report as offered by the Attorney General."

Chairperson Handel - "Thank you. Do I have a second?"

Mr. Worley - "I'll second it."

Chairperson Handel - "I have a motion and a second, any other comment? All in favor, please say aye."

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? There is none. Next item, please."

Mr. Harvey - "SEB Case 2007-000026. Hancock County. In this case, elector Nancy Stephens became aware that Sparta City Councilman Frank Evans had received a check for \$25 for what she believed participating as a poll worker in an election in 2006. The investigation revealed that Mr. Edwards did not work as a poll worker in 2006. He did, however, attend a poll worker training class on June 22nd, 2006, which was the date the check was issued. And the check stub indicated 06-22-2006 poll worker, which corresponds to the day that the training attended. Mr. Edwards, who is a city councilman, would be ineligible to work as a poll worker, however, there's no evidence to show that he ever did, he denies it. And the rosters from people who worked at the polls failed to indicate that he did. There's also no independent evidence or allegation that he actually worked, it was simply the existence of the check."

Chairperson Handel - "All right. Thank you. Is there anyone here to speak on this case, Hancock County? Yes,

sir. Come on forward. And if you'll state your name and address for us."

Mr. Frank Edwards - "Good morning. My name is Frank Edwards, 58 Jones Street Extension, Sparta, Georgia 31087. I would just like to comment on the remarks that was just made. That was correct, it was just for a training. When I talked with the investigator, he asked me about the \$25, and he indicated that he thought it was for managing a poll. And I explained to him, then, that if it was for managing a poll, my compensation would be more than \$25. So that is correct, what the gentleman is stating that the \$25 was for a training back in 2006."

Chairperson Handel - "All right. Thank you. All right. Anyone else? Any questions or comments, colleagues? All right. Do we have a motion?"

Mr. Worley - "I make a motion to close this case."

Chairperson Handel - "Is there a second?"

Mr. Israel - "Second."

Chairperson Handel - "Motion and a second. All in favor, please say aye."

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed?"

Mr. Evans - "No."

Chairman Eaves - "One no, let the record show. Next item, please."

Ms. LaGrua - "The next case is City of Doraville. Case 2007-000033. The complainant in this case is John Garse (phonetic), an elector. The alleged Respondent was Margaret Maloney, an elector. Essentially, it was alleged that Ms. Maloney registered to vote under false pretenses, and that she was using an invalid address which happened to be Bob Roach's address which was a candidate for election. As it turns out, Ms. Maloney was residing with Mr. Roach during this time, however, what our investigation showed was that when actually moved out of her residence, sold her residence, notified UPS, registered in DeKalb County to vote, and went through every step that was needed for her to be appropriately registered to vote. She subsequently moved from that location. We actually checked the real estate records from the sale of her house, as well as when she moved in -- when she changed her address with the postal service, as well as when she registered to vote. And

there's absolutely no evidence that she was not living at Mr. Roach's residence during the time that she voted. This appeared to be -- it came out of a fairly hard-fought campaign, and it was an allegation by a supporter of one candidate against the supporter of the other candidate. At this point we recommend that this case be closed."

Chairperson Handel - "All right. Is there anyone here to speak on this case? Anyone here to here to speak on this case? Okay. Colleagues, any questions on this one? All right. Is there a motion?"

Mr. Worley - "I make a motion to close the case."

Chairperson Handel - "Is there a second?"

Mr. Israel - "Second."

Chairperson Handel - "I have a motion and a second. Any other questions? All in favor, please say aye."

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All right. Next item."

Ms. LaGrua - "The next item is Case No. 2007-000035. The City of Lavonia. The complainant was Angela Morris, an elector to Respondent Muriel Miller (phonetic), the poll manager. There were two allegations here. The first being that voters were required to vote on numbered ballots with pencils, and the voter was alleging that the numbers on the ballots were actually on the ballot, which would identify the voter of the ballot going forward, and that she was required to use a pencil. The second allegation was that there was campaigning within 150 feet outside of the location because there were cars with magnetic signs on them. What we found, and Investigator Dyer actually went through all of the ballots in this case, and the paper ballots had two detachable stubs with printed instructions on them that were removed before placing the ballot in the ballot box. She reviewed every single ballot. There were no identifying markings on any of the ballots, and in fact, many of the ballots were filled out with ink. In terms of the signs, there was no complaint ever made to the poll manager regarding any campaigning or voter signs outside, and in fact, the election superintendent reported that the cars were parked across the street with magnetic signs, outside of the 150-foot mark. So again, in this instance, it's recommended that this case be closed."

Chairperson Handel - "All right. Is there anyone here to speak on this case? Anyone here to speak on this matter? All right. Come on forward, ma'am. And if you all can help

me, if a case comes up that you do want to speak on, if you could maybe make your way over here, that way I won't miss people who want to be confronted. Come on forward, tell us your name and address."

Ms. Angela Greer - "I'm Angela Greer. I live at 23 King Street, Lavonia, Georgia. I'm the Election Superintendent in Lavonia. Investigator Dyer contacted me on January the 7th to notify me of the complaint that was made. That was the first that we were ever notified of it. I had not talked with Ms. Morris, she did not talk with our Poll Manager on this complaint, so Investigator Dyer came and looked at all the ballots, and she couldn't find anything. We were not made aware of the situation, so we couldn't --."

Chairperson Handel - "Okay. At the time of. Thank you. Is there anyone else? Ma'am, did you want to speak on this one?"

Ms. Gloria Morris - "I'm sorry. I apologize, but I would just like to ask a question. We were notified of a hearing in the City of Greenville. It's going to be here for the hearing, and we have several people to represent Greenville, but we don't see Greenville -- well, we see it on one Agenda --."

Chairperson Handel - "Yeah. Because that was in litigation, it was removed, and I know everyone was notified. Did you notify everyone?"

Ms. LaGrua - "Yes. Mr. Brown notified everyone that had previously been notified. I don't know if members of the community, obviously, that heard about were not specifically notified, but Mr. Brown notified all the respondents and interested parties and complainants."

Mr. Evans - "Ma'am, what's your name?"

Ms. Morris - "My name is Gloria Morris, and Ms. Ester Johnston received a letter, and the only thing she could say was that someone named Chris called, but she didn't get the message because Ms. Johnston is here with us. And after we looked at our Agenda with the City of Greenville on here, and the name wasn't called --."

Chairperson Handel - "If we could -- if we could -- let us finish up with this case, and then that would be helpful."

Ms. Morris - "Okay."

Chairperson Handel - "And then that would be helpful."

Ms. Morris - "Thank you."

Chairperson Handel - "You're welcome. Is anyone else here for the City of Lavonia? Okay. Any questions on the City of Lavonia, colleagues? All right. Do we have a motion?"

Mr. Evans - "So move. Move to close."

Chairperson Handel - "Second?"

Mr. McIver - "Second."

Chairperson Handel - "Motion and a second, all in favor?"

(whereupon, there was a chorus of ayes)_

Chairperson Handel - "Any opposed? All right. If these -- would you just explain the situation with the City of Greenville, and --."

Ms. LaGrua - "Yes, ma'am. I spoke with one of the attorneys -- yes?"

Mr. McIver - "Do you have the case number?"

Ms. LaGrua - "Yes. It's 2007-000028. This was the City of Greenville. It was originally on the calendar, however, I learned that the appellate courts had granted a expedited appeal in matters coming out at the same issues that we did the investigation on. And after speaking with the Attorney General's office, as well as our office, it was understood that the practice has, then, pending litigation about the actual underlying issues that we would wait until those issues were resolved. I do understand that the court has granted an expedited appeal, and I anticipate that that should come well before the next SEB Meeting, at which time we will be ready to proceed, as well as give this -- members of this Board what that decision is and how the Board's resolved those issues. And we did notify everybody that was --."

Mr. Evans - "Was the appeal --."

Chairperson Handel - "Mr. Evans."

Mr. Evans - "Was the appeal pending at the time you put on the Agenda?"

Ms. LaGrua - "We -- I did not realize that the appeal -- that it was pending at the time it was put on the Agenda. I spoke with one of the attorneys, we got in -- without going too far into this case, we got in a lot of correspondence, and going through some of the additional correspondence that we received, I spoke with one of the attorneys. We had no

decision. We knew a challenge had been -- we knew the status of the original challenge, and that a challenge had been -- in fact, it's just this week that they've actually filed the briefs in the expedited appeal that was just granted in January."

Mr. Evans - "I'm just trying to understand the way that the, you know, the way the process works is you have a ruling, then the losing party can appeal. They can then ask for an expedited appeal. So if our policy is that we are not going to hear case here until the final adjudication, until the case is completely over, then I guess it probably should have never been on the calendar because this has been in continuous litigation from the beginning. And so, all I want to do is to apologize to all of you who came. It doesn't matter how or why, it's just -- the fact is that you made the trip. We appreciate that. We want people to feel like they can come to our Board and tell us what happened and tell their feelings, but we try to be very careful that we don't interfere with sister proceedings. This is proper of the Court of Appeals, and it appears some part of this is there. And so, we appreciate the fact that you came. We're sorry that we won't be able to hear it today, and that there was a miscommunication about that. So once it's -- once we get a final decision, then you'll get notice and hopefully, we'll be able to have an opportunity to be heard. But I did want to thank you for making the trip and apologize to you for any inconvenience of coming today."

Ms. Morris - "May I say something?"

Chairperson Handel - "Thank you. Actually, ma'am, if I might as Chairman of the SEB. I, again, and on behalf of all of us, we're terribly sorry for your inconvenience. We really, unfortunately, can't go forward with the case because the parties on both side were notified not to be here. And to go forward and let one side speak without the other side, obviously, would put your case, frankly, in a detriment, and we wouldn't want that to happen. So we're going to not be able to hear that one today, and certainly, we do apologize. And I'll make sure that Inspector LaGrua will follow us up with you directly. And what will be helpful for us as this case comes forward, since there are a number of you, as citizens, who might not be on our notification list, would you be so kind as to leave us names, and phone numbers, and addresses so as this moves forward we can personally call you and let you know when it's going to be on the next Agenda so this doesn't happen again?"

Ms. LaGrua - "Mr. Brown (phonetic) will step outside with them and get that information."

Chairperson Handel - "That would be great."

Ms. Morris - "We wanted to talk about the election, itself. What this litigation is about is about the candidates."

Chairperson Handel - "Ma'am, I understand, but that's not before us. If there's something you want to file as a complaint about the election, itself, then that has a process, and Mr. Brown will be happy to work with you on that. Okay? Thank you."

Ms. Morris - "Okay. Thank you."

Ms. LaGrua - "Thank you, Madam Chair. The next case is Fulton County. That is 2007-000041. Madam Chair, this is - - this is a fairly narrow issue in the Fulton County ongoing investigation. This case particularly deals with a specific audit that investigators from the Secretary of State conducted. On November 7th of 2007, which was an agreed to date with counsel for Fulton County, we provided Fulton County Board of Registrations and Elections with the names of 1,038 randomly selected voters from Fulton County, and asked them -- asked the Board Elections and Registrations to provide for us the original registration card and any scanned image of the registration card that they had. On November 9th, two days later, we -- the Secretary of State's investigators, Investigator Marlow (phonetic) and Investigator McBrayer, started going through the documents provided by Fulton County. Essentially, the bottom line of this -- well, let me back up just a minute. We were also provided by Fulton County, previous to this, what they had done, what they're calling a reconciliation of all of their voters and their documents identifying for every voter in Fulton County what documents they had for that voter, whether it was an original voter registration card, a scanned voter registration card, a signature card, et cetera. What we did, is after we got the documents from Fulton County in relation to that 1,038 randomly selected voters, is we compared the documents that they were able to provide to us with their reconciliation, which is what they said they should have for those 1,038 voters. What we found was, in our audit for the 1,038 voters, Fulton County was able to provide 704 original voter registration cards. So they were 234 original voter registration cards short of that 1,038. They were able provide scanned images for 940 of the 1,038 randomly selected voters. They were not able to use anything at all for 45 of the 1,038 voters in what they actually provided to us. In comparing what they were able to provide to us with their reconciliation, what they said they had available, they claim that for those 1,038 they had 960 original voter registration cards, when in fact, they were only able to us provide us 704. They also noted on their reconciliation that they should have had

scanned images for 1,024 of the 1,038 voters, but in fact, were only able to provide 940. Their reconciliation in their records show that they should have only had 14 voters, which out of the 1,038 which they had nothing for, when in fact there were 45 that they were not able to provide us any documentation for. For the reconciliation they did have the following data of note. They had 543 thousand 904 voters. Their original reconciliation indicated that they had no registration cards for a little over 75 thousand. Now a number of those cards they indicated were in the batch that we found and at that time, had in our possession. Those cards that we recovered, that you heard previously and I don't want to go back to the old case, but just for context here, those cards that we recovered down at Atlanta Tech were turned back over to Fulton County in the last 30 days. And I was actually there when we made arrangements to turn those back over. And through stipulation with the AG's office, we've dealt with the legal end of that. But the bottom line is even on their reconciliation, putting aside the cards that we had in our possession as a part of that 75 thousand, their reconciliation indicates they have nothing at all for 12 thousand 655 voters. And that -- that's the extent of this particular case that's in front of the Board at this time. Obviously, the State's -- sorry -- back to -- our recommendation from the Inspector General's Division is this case be referred to the Attorney General's office for appropriate sanctions and fines. And in light of what else has gone on, I'm not going to make specific recommendations in that regard, in terms of fines and sanctions. I believe Mr. Atkins, representing Fulton County, is here."

Chairperson Handel - "Is there anyone here from Fulton?"

Mr. Evans - "Well I have a few questions for Ms. LaGrua before we --."

Ms. LaGrua - "Yes, sir."

Mr. Evans - "I just want to make sure I understand the procedurally where we are. We have already heard one piece of the Fulton case, and we accepted stipulations mentioned in the violations?"

Chairperson Handel - "No. No. That's not correct."

Ms. LaGrua - "I believe that we presented some evidence. Probable cause was found in some, and there were some stipulations by Mr. Atkins at that time. That case has -- was previously bound over to the Attorney General's office. And actually, there were two prior cases that have been bound over to the Attorney General's office that Mr. Ritter has, currently."

Mr. Evans - "All right. So what we have of our -- my recollection is, and the reason I brought this up is so that (inaudible) doesn't play memory games. What my recollection was that we took these two piecemeals based on admitted violations, both which were dealing with retrospective conduct without regard to prospective corrections. We referred those to the Attorney General's office for their consideration, and that we retained jurisdiction over a third component part, which was prospective, and that we retained jurisdiction over the issue of missing original signature cards, whether by scan or by document. Is that right?"

Ms. LaGrua - "Mr. Evans, I am not positive on the last component. I know that we had a lengthy discussion about keeping the discovery of the cards in that part of the investigation where we actually recovered the cards backwards, separate from looking at what the problem was going forward. At least that was my understanding of the discussions, that we wanted to sort of draw a line from what we found in that issue, and dealing with that versus what we would find going forward."

Chairperson Handel - "Mr. Ritter, that's my understanding of what was referred over to you, today --."

Mr. Evans - "Well --."

Chairperson Handel - "If I might, Mr. Evans. Mr. Ritter, that is what's been referred over to you today, and we have been attempting to negotiate out stipulations with fact, as well as a full Consent Order. Is that where things are?"

Mr. Ritter - "That's correct."

Chairperson Handel - "Okay. Thank you."

Mr. Evans - "Well, I don't know about --."

Chairperson Handel - "Mr. Evans."

Mr. Evans - "Well I don't know about the rest of you, but for me, rather than have to test the boundaries of a free agent memory, it would be easier if when we got a file like this where there are multiple pieces that we, in fact, either have the minutes, or we have the admitted violation in front of us because, admittedly, we are getting to a point where there appears to be some overlap, because the overlap here is that we are talking here, today, about the impact of the missing original signatures, whether by scan or by document. And what -- what happened, and what are the remedies, and what we should do with it and I don't know if we clearly have that before us. I don't know that I clearly

understand exactly, narrowly, what is here, because I do have in my notes that we considered, specifically 21-2 -- or 215h before, and the 215h violations. And so, I'm trying to figure out what we have. Now we do have a related matter where in Executive Session we decided to have a meeting and, in fact, it was put on the minutes we would have a meeting, and then the Secretary refused to call a meeting. And so, we didn't have a meeting in December. And so the question is -- I'm trying to understand exactly what matter we now have to address, as it relates to this very narrow issue of the missing original voter registration cards. A question is what is the impact of not having the cards. Does that have any antecedent impact on the Presidential Preference Primary, given that what you're telling me is that four percent of the votes that were cast in Fulton County in the Presidential Preference Primary, there were no signatures to back up. And given that we have a July primary coming forward. So if you would crystallize for me, what it is that's before us."

Ms. LaGrua - "Yes, sir. My understanding of the direction I was to take from this Board, and if I misunderstand I would apologize, however, my understanding in the 215 violation referred to, as I understood it, was the fact that these original voter registration cards that we had in our possession was a violation because they illegally disposed of and got rid of that 80-plus thousand voter registration cards. The only reason I even referenced that old case is for some numbers that Fulton County provided, but my understanding of this particular case, sort of, in some respect, has nothing to do with the disposed voter registration cards. At the point when we to Fulton County in November, some eight-plus months after that incident, they were unable to provide us with the voter registration cards of the random audit, and in fact, their reconciliation post the 215 violation of disposing the cards indicated that with our audit that they cannot identify any documentation at all for a certain number of voters in Fulton County. That is above and beyond the cards that we had in our position -- possession, which was my understanding, a sword of the line of demarcation is. The violation for disposing of the cards, that's the case, as I understand it, that's gone to the Attorney General's Office. This is, sort of, while it's Fulton County, and one can argue that they are related issues, is a separate case of them now not being able, even with the return of some 60 thousand voter registration cards, they are unable to identify any documentation for a certain number of voters in Fulton County."

Mr. Evans - "But the predicate conduct, I'm just unclear here. Is there new conduct that occurred after that you want to consider after the disposal of the original cards?"

Ms. LaGrua - "Yes, they provided a reconciliation to us."

Mr. Evans - "So the -- So the conduct that is before us is the conduct of a party, or a respondent, in submitting truthful, accurate, and reliable information?"

Ms. LaGrua - "That, as well as, I suppose, in some ways is an ongoing offense being unable to provide any documentation for a certain percentage of voters in Fulton County. There is clearly inaccurate information that has been provided to us because through our audit, when we got the information back from Fulton County, we got different information on voters than what they say they had. They indicated they had original voter registration cards and scanned signatures for voters on their reconciliation that they could not provide to us when we requested it."

Mr. Evans - "But what I -- what I'm missing is in this list of potential violations. There is no potential violation for submitting to the Board, or submitting to you, or to submitting to the Secretary of State's office, inaccurate, unreliable, false and misleading information."

Ms. LaGrua - "No. I think that the violation is the failure to maintain."

Mr. Evans - "Just want to make clear. So we're not being asked to consider any charges or any investigation based on the Board's submission -- based on Fulton County's submission to us of inaccurate information."

Ms. LaGrua - "I think that would be a decision for the Board to make, but --."

Mr. Evans - "But you didn't list it as a potential violation."

Ms. LaGrua - "That would be correct. My concern in this case --."

Mr. Evans - "It would --."

Chairperson Handel - "Excuse me. Mr. Evans, if -- if I might, please -- I have really, I think, exercised extraordinary patience with your demeanor and your behavior on this body. You are belligerent, and you are interrupting her. Let her finish and when she's finished, then you are more than welcome to answer another question. But you do not have to browbeat someone who is trying to do her level best to answer your questions, and I'm simply not going to continue to tolerate it."

Mr. Evans - "Madam Secretary, with all --."

Chairperson Handel - "Ms. LaGrua. You do not have the floor, Mr. Evans. Ms. LaGrua, would you finish answering the question, and then at that point we will move on, and I will get some clarity to this matter."

Ms. LaGrua - "I'm sure there would be criminal violations of false statements in a government entity, however, in light of this case and in light of the GBI investigation, and in light of moving forward, it seemed appropriate to me, to bring to you the specific elections violations as they relate to the custody of the control of the original voter registration cards in the hopes that we can get this resolved and make sure that the public has confidence in the election, and the documentation as we go forward."

Mr. Evans - "Well, I'll say, Madam Secretary, that if these questions were asked before we got to the meeting, and they were reflected in the materials that we got for the meeting, that the extent of questioning wouldn't probably be so necessary. And so, I think Ms. LaGrua does an outstanding job. The question is -- we have a job to do. And I don't know how many congressional hearings or appellate court hearings, or other hearings that you have participated in, but more often than not, I will tell you that the grilling that say, a supreme court nominee, or a court of appeals, or even district court nominee, or a witness from the Secretary of State's office, or Condoleeza Rice get from the Senate Panel, nothing compels in comparison to the questions that get asked here, which is simply no more than trying to get the job done. Now I recognize that's a different league, but be that as it may, I think we do have to try to play at that league and get the answers. Now playing in that league --."

Chairperson Handel - "Mr. Evans, could you please simply stick to the germaneness of the issue before us. Here again, colleagues, I would hope I would have support here with the demeaning nature of the comments coming from Mr. Evans. With all due respect, you are not a U.S. Supreme Court Justice, and you are not a United States Senator."

Mr. Evans - "No, I'm not. I'm a member of the State Election Board, and a I have a job to do."

Chairperson Handel - "Exactly. Everyone is doing their level best to get through this case, so I'm going to get us back on track. What we have before us, colleagues, as you will recall, when the original situation occurred with the ballots -- with the voter registration card in the -- dumpster, it raised the question around the integrity of the entire group of voter registration cards at Fulton County."

And so, at that point it was determined that we would ask Fulton County to do, quote, provide us a report back. When we got the report back, it was also decided that it would be prudent, given the severity and seriousness of the issue, for Ms. LaGrua and her team to go in and validate the report. A pretty simple step in measures that I think anyone would agree with. In the course of working to validate the report that was submitted by Fulton County, and I am not in a position to suggest that anything was filed on purpose in any way, erroneous, and I don't know the answer to that. And I think that we would be engaging a gross disservice if we suggested otherwise. All that we know, is that in conducting the review of the report that was submitted, that it was discovered there were any number of errors in the report that led to the knowledge being that there were additional violations around missing voter registration cards. It is those violations that are before the SEB today. Now you will all recall that we did have a case last year that was referred to the Attorney General's office, and before we get an update on that, because I think all of this does flow together, I think in the interest of do process, that this would be a good time to allow Fulton County to have its 15 minutes, and then, we as a body, can come back and have questions and discuss how we would like to move forward with this case, and get an update from the Attorney General's office around the status of where they are on the previous case. Is Fulton County here to make a comment? Please come forward, you will have 15 minutes. And if you'll state your name and address for me, that would be great."

Mr. Lee Parks - "Madam Chair, my name is Lee Parks, Parks, Chesin and Walbert Law Firm on 14th Street, I live in DeKalb County. We received a two-page summary of this investigation which we have been working with your office and Mr. Ritter's office on for some time. This is nothing more than a reiteration of the original. That's all it is. We did not have the cards. I'm not going to place any blame, but after we resolved with the stipulation that the CD electronic parts would be evidence in any proceeding, it took us almost six-months to get our cards back. To conduct an audit two months before you gave our cards back was a waste of time. Waste of time for everyone. But yet, be it as it may, we used the CD, which we could not search electronically, but had to search statically, 1,024 of these either electronic and/or hard form shelled out, and we're talking here -- we're wasting this Board's time about 12 cards who could be dead, moved, or whatever. And we can do that, but my suggestion is, and I think I have the support of Mr. Ritter on this, is that we handle this in the totality of a Consent Order. We have forwarded a proposal to Mr. Ritter. We have not gotten his comments back, we expect those shortly and we will take this into

consideration. But try to morph this into some separate independent reason to take up this Board's time, I think merely adds to the bureaucracy of resolution. And we would ask that we at least be given the opportunity -- we have a different view in the number, we have a different view of the impact of holding my documents without explanation for six months longer than you should have, but why become adversarial about that? I think working with Mr. Ritter, we will come up with a solution. And when I say solution, I won't -- I won't split -- I think Mr. Ritter and I will be able to come up with a solution as to exactly what the facts are. We may, or may not, come up with what exactly should be the solution of the consequences, but I think the Board has reserved out the right to come back with a clear set of facts, not the mumbo-jumbo that we have right now, that through dialogue, and if not through this dialogue, through an administrative law judge we'll come to the answer. I think that's a principle -- apparent way to deal with what, I think we all agree, is a difficult problem. Remember, the Fulton County Board of Registration and Elections is your sister board. We look to you for support and guidance, not threats and admonitions. We are not out there trying to do --."

Mr. Evans - "With the -- with the recommendation --."

Chairperson Handel - "Mr. Evans. Mr. Evans. Mr. Evans, please allow him to finish."

Mr. Evans - "With all due respect, Madam Chair, I am entitled to ask questions."

Chairperson Handel - "Thank you. Mr. Evans."

Mr. Evans - "Now this is an important procedural point. It is long been the practice of this Board, before you came on the Board, to permit the Board to ask questions of people making presentations. There's been no rule, there's been no motion to change that practice. If you want to change that practice, make a motion. We will see if there's a second, we'll see if it stops it, but until it's changed, it is not the prerogative or the rule of the Chair to change the rule."

Chairperson Handel - "Mr. Evans, it is the prerogative of the Chair to maintain order in a State Elections Board Meeting. It is a prerogative of the Chair to allow for a professional demeanor, and this gentleman was in the middle of a sentence, and he was interrupted. And I would ask again of everyone that we simply adhere to a level of professionalism. There is no need to interrupt, and everyone will have ample opportunity to ask their question. Mr. Parks, were you finished with that sentence?"

Mr. Parks - "Madam Chair, I'd be happy to defer to --."

Chairperson Handel - "Mr. Evans, please feel free to ask your question."

Mr. Evans - "I would, and I would recommend to the Chair that she watch some hearings to see if witnesses are interrupted mid-sentence. Mr. Parks, would your recommendation be that we simply refer all of these over to Mr. Ritter to the Attorney General's office so they can be dealt with in a consistent concrete manner?"

Mr. Parks - "Well the correct to the question is, yes. The slightly long range of the question is that we're already working on it with Mr. Ritter."

Mr. Evans - "No. And I agree. I don't want to step on your -- the position you may have, which I probably would have if I were you, which is this matter is already before the Attorney General's office. But in order to eliminate any confusion on it in terms of procedural confusion, except there is a suggestion that we have reserved -- a way to clear out that reservation would be to refer it over to the Attorney General's Office."

Mr. Parks - "That would be my request."

Mr. McIver - "Madam Chair."

Chairperson Handel - "Mr. McIver."

Mr. McIver - "Mr. Parks, thank you for coming today."

Mr. Parks - "Thank you, sir."

Mr. McIver - "I appreciate somebody of your stature being involved in this case. I know we'll get to the answer more quickly."

Mr. Parks - "Flattery will get you everywhere."

Mr. McIver - "Well let's see if that works. At parts of your remarks, I assume that you are suggesting to us that all these cases be referred, regardless of what we may have done here before. But wherever they are, and whatever they are, that we give them consolidated, combined -- whatever verb you choose to you, and that you and the Law Department work this out. That's what you're conveying to us."

Mr. Parks - "Well, when you say all of these cases it gives me a little bit of -- I know of two. But let me -- let me just be at large. If there are -- how ever you all count

cases, if the case emanates from the original problem, the loss of these cards and the fact that we have not had them, we are now integrating them back into our system. If there had been interim questions, interim audits that deal with the lost cards, that's something that Mr. Ritter and I are working on, and are hopeful of resolution. If there's some other case that's divorced from our ability, which is the only charge here and it's the same charge I started with respect to the initial 75 thousand charge, which is the -- it's the 21-2-215 charge, failure to maintain and secure completed voter registration cards doesn't accuse anybody of criminal activity, it doesn't accuse anybody of intentionally trying to do anything. It's a warehouse guy who didn't know the rules, and we're dealing with it. And so to the extent that it involves that question, we would request that you permit Mr. Ritter and I a fair opportunity to deal with those in a wholistic way, because otherwise, I think when we get to the remedial components of it we're going to be in across purposes. We're going to be really punishing the conduct multiple times, or attempting to, which will result in us be unwilling to go forward with Consent Order and push us someplace where I don't think we need to be. That's what I'm asking."

Mr. McIver - "You are not addressing or recommending --"

Mr. Parks - "Not at all."

Mr. McIver - "You're not addressing, what seems to me, is the more fundamental concern that this Board would have, and that is that you have registered voters where whom there's not proper support to go with registration."

Mr. Parks - "Well at this point --."

Mr. McIver - "These cards are -- are scanned. I see that to be the more fundamental and potential violation of the Election Code."

Mr. Parks - "Two answers to that. One is, you'll note from the reporting investigation, is that we had to rely upon, this is the fourth paragraph down. The CD, okay. And after Agents McBrayer and Melissa came over and went through the CD, we got that down to 14 cards. We've done further explanation of that. Remember, what we're doing here right now is completely revamping all of this. It was kept in long, like the old-timey way. File drawers, and things like that. We're engaged with that. This County spent over \$400 thousand reinventing that system. We are -- we are on it, and we are not sitting around waiting for guidance or for a Consent Order, or for some direction to fix that problem. But having represented more than just this election superintendent, if you believe that out there -- because

what we have in Georgia, and I don't mean to get too far field, but let me just touch on this because you are the people that can fix this. We have one foot in the 21st Century with electronic voting machines and paperless elections, and one foot in the 18th Century where it requires every single voter registration application, no matter what, to be kept on file in hard copy. Now, certainly, you can see that at some point and time, counties with 500, 600, 700 thousand are never allowed to dispose of them, no matter what the situation, moved, dead, gone, it becomes a logistical challenge. Are you going to have somewhere statistically less than one percent of your cards not readily available within 48 hours of an investigator's request? Yes. Is that going to happen in every county in Georgia? Yes. You're proving that at some point and time, the document retention system is going to have to catch up with the way we do elections. Right now we're in the horse and buggy era. We understand that, and we're creating a document retention system which will be 100 percent accurate. And part of our response in that Consent Order is putting forth a remedial plan that gives you a real sense of confidence that we have in place. But the fact that we hit it within 14 using a static CD is pretty good evidence of --
."

Mr. McIver - "So your position is that whatever these issues are, the ones that simply espoused, and the ones you've spoken to, will be addressed between Mr. Ritter and you. And that's your position, is to consolidate all of these...."

Mr. Parks - "Yes."

Mr. McIver - "...and address them, probably through a Consent Order."

Mr. Parks - "Because -- leaving aside the sanctions issues, which continue to be mainly -- giving me some -- the real remedy is, did the problem get fixed and are you going forward with a functioning document retention system that enables you to produce, both an original and a scanned image whenever the need rises. Absentee ballots, and the various times when you have to call on those documents to secure or ensure the fact that a voter is who he or she says she is. That's what we're doing with Mr. Ritter, and I believe, at some point, after we say we've done it you're going to come back and do another one of these things to make sure we've handled it."

Mr. McIver - "Of course we will."

Mr. Parks - "We've got to talk --."

Mr. McIver - "You can rely on that."

Mr. Parks - "And so we have -- when we make that representation -- at the point and time we make that representation, we better be ready for it."

Mr. McIver - "Thank you, Madam Chair."

Chairperson Handel - "Mr. Israel, do you have any questions? Okay. Mr. Worley, any questions? Maybe before we do a motion, maybe we could get an update from Mr. Ritter exactly where we are with the other two cases. I guess what I am, frankly, extraordinarily concerned about is since we don't have before us, Mr. Parks, a Consent Order on the previous cases in order to entertain, I, frankly, am not -- am very concerned about continuing to set a time negotiating consent orders, et cetera, and not moving this ball forward with some concrete dealing with everything. So Mr. Ritter, are we close on something with these other two?"

Mr. Ritter - "We are. We've been discussing it. Now we've got some issues, and I think the retention issue is probably our greatest difference, and I don't want to get into details of the Consent Order until we try to negotiate it. I think that the maps of the underlying has been relatively well laid out. It's true that both the prior cases, and what we've got now, have violated the 215h. There are a lot of other violations that are involved as well, but the predicate facts leading to those 215h violations are different. The predicate facts of the first one arose from discovery of the discarded ballots -- excuse me, voter registration cards. The predicate facts of the second one arise from the results of the audit. I haven't investigated the results of the audit. I don't know how close we are going to be able to agree on the results of the audit. I do think, though, we can move -- if theirs is bound over expeditiously to get to a consent order on this. I am confident that Mr. Parks and I, and Mr. Atkins and I, can work well together. I'm certainly hopeful that we'll be able to stipulate the facts. It may be that the sanctions aspect is something that this Court or this body is going to have to separately consider, but I would encourage you to bind the whole thing over."

Chairperson Handel - "Okay. All right. With that, is there a motion?"

Mr. Evans - "So move."

Mr. McIver - "Second."

Chairperson Handel - "Motion and a second. All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All right. Thank you."

Mr. Parks - "Thank you. Happy Valentine's Day."

Chairperson Handel - "Thank you. Next item."

Ms. LaGrua - "The next item is Case No. 2007-00046. City of Braswell. The Complainant in this case is Marvin Howard who's an elector. The Respondents are Helen Waters, the Braswell City Clerk, Frances Peyton, the Fulton County Chief Registration -- the Polk County Chief Registrar, and Jennifer Johnson, the Polk County Election Supervisor. The allegations here are that Mr. Howard allege that he and his wife were turned away from the municipal elections for mayor in his City of Braswell. The City of Braswell is contained, partially within Paulding County, and partially within Polk County. Polk County was the County that was actually involved in this. Essentially what happened was, Mr. Howard went to the municipal election in the City of Braswell and was told they did not have him in the city precinct, when in fact, you could see his residence from the -- from the polling place, literally. What we found out was, essentially, that the City of Braswell never provided to Polk County the city maps for them to assign the precincts for the City voting, even after that was requested. And in fact, the city conceded that they had not provided the map. They were not allowed to vote provisionally, even though they weren't on the list because Ms. Johnson, who is the Polk County Elections Supervisor, admitted to our investigator that she trained the poll workers that if the name did not appear on the voter list, they could not vote, even a provisional ballot. Bottom line is, Mr. Howard and his wife were not allowed to vote in this election."

Chairperson Handel - "Is there anyone here to speak on behalf of this? Are you Mr. and Mrs. Howard?"

Mr. Marvin Howard - "Yes, ma'am. We are."

Chairperson Handel - "Okay. You can speak from right there."

Mr. Howard - "May I have permission to stay seated?"

Chairperson Handel - "Absolutely."

Mr. Howard - "Thank you, Madam Secretary. My name is Marvin Howard. My wife Johnna is with me. We live at 3533 American Avenue in Braswell, two houses from the polling place. We have lived in this house, now, for three-and-a-half years. We moved in, we changed our voter registration

immediately because there was an election coming up, and we were given precinct cards that listed Hogue (phonetic) Avenue, Rockmart, as our polling place for County and higher elections, and Braswell City Hall for municipal. We voted in that election, everything was fine. We never changed a thing. Next election comes along and we go to Hogue Avenue and we're not allowed to vote. So we find out what congressional districts changed. You have been moved to Aragon for County and above, Braswell for municipal. You never voted in Hogue Avenue, even though I voted at Hogue Avenue. Then, I wait more time. Municipal election comes along, but three months after -- I'm sorry, I'm getting a little bit confused."

Chairperson Handel - "Take your time. No. Take your time."

Mr. Howard - "Three months after we voted at Aragon, it took that long of going back and forth to Cedar Town to get a new precinct card. The new precinct card I had showed Aragon for County and above, Braswell for municipal. Braswell Municipal Election comes along and they said that had never sent me that said Braswell, even though I had had two that said Braswell. And like I say, I'm 500 feet from the polling place. I'm in the middle of town. And it wasn't just me, there were 17 voters turned away from those polls that all wanted to vote one way."

Chairperson Handel - "Okay. All right."

Mr. Howard - "And the margin of victory was seven, the other way."

Chairperson Handel - "Well this is particularly egregious, as we have heard from the Inspector General. So thank you for taking time to be here. Is anyone from City of -- I'm sorry. Mr. Evans."

Mr. Evans - "What was the reason you were given?"

Mr. Howard - "We were told that we were registered to vote in the Aragon Municipal Election, some eight, nine miles away in another city, even though we had never been registered in Aragon, never got a precinct card to say we had to the Aragon Municipal."

Mr. Evans - "Was that true?"

Ms. LaGrua - "Yes, sir. The City of Braswell never provided a list or map for anyone to assign the part -- the voters to the precinct in Braswell, is what our investigator found."

Mr. Howard - "Madam Secretary, if I may. The former City Manager is my landlord, his son is our mayor, and so I know

them. Forty years ago, roughly, they say they provided addresses to the County and nothing changed. So they felt they didn't need to update something that hadn't changed."

Chairperson Handel - "All right. Mr. Evans, any other questions?"

Mr. Evans - "I'm just trying to make sure I understand what happened. So what's happened is we got a list that was in accurate, and then as a result of an inaccurate list, he was denied to vote in the Braswell election."

Mr. Howard - "The list was changed."

Ms. LaGrua - "He was never on -- He was never on the City of Braswell list, and in fact, the City of Braswell Clerk admits that she did not provide to Polk County, the city map for them to use. So you have a twofold -- a little bit of a twofold issue. First you have the City not doing what they're supposed to do, and then you have the County training its workers not to let someone vote a provisional ballot, even if there's an issue -- completely."

Mr. Evans - "I'm interested because there would be two potential kinds of violations, and would have very different ramifications. One kind of violation is a systemic violation. Systemic violation is that the list didn't get accurately prepared, summated, and used. And that's one kind of problem that we have to address. And the other one is a targeted violation. Target violation says that there's a group of voters who we know how they're going to vote, and we are going to keep them, as a target matter, not as a systemic matter, from voting. And I'm just trying to determine whether we have one or both of those kind of situations because, obviously, a systemic problem means that we need to make sure that they close all the packages and procedures are in place that the accurate list is maintained and distributed, and used by the County election officials if they're going to conduct a municipal election. If we have a targeted violation, which is if they were, in fact, singling out folks based on their content of their vote -- we can have the best systems in the world and it won't make a difference. I'm just trying to figure if we have both, one or both, or the other."

Ms. LaGrua - "I'll answer that as best as I can. I don't know if we saw any systemic or targeted practice. Part of the problem, here, was that the City of Braswell has not had any contested elections in -- in a very long period of time so this is sort of a new necessity in a new situation that came up. If -- if, Mr. Evans, if you and any of the Board is concerned that this is bigger than the issue we've identified, i.e. the map not being provided, I'm happy for

us to go back and look further, though, at the title. I don't believe we were able to identify, specifically, other voters, and we had no other complaints of voters being turned away. I don't doubt, for a minute, Mr. Howard's assertion that there were others, and in fact, we were aware of that. We received no other complaints, so we can farther if you think it's appropriate, but I didn't see any evidence of a targeted --."

Mr. Evans - "The question I would have is -- the question I would have is did they have a list, and did they apply the list they did have, albeit a long list. Or, which is much more worrisome in which this Board has had to deal with before, there was no list and they said, you know what, we're -- we kind of know who the list will say and we're going to decide who gets to vote."

Ms. LaGrua - "There was a list --."

Mr. Evans - "And they followed that list?"

Ms. LaGrua - "And they followed that list. The problem was that they did not allow anybody not on that list, even to vote provisionally. And people were left off that list because of the fact that the City didn't provide the appropriate documentation to the County. Now if there's a County problem we should have notified someone that they had this ongoing problem, because when they try and get in touch with the City officials, oftentimes they had to leave messages at a local tavern to get in touch with the City officials because no one was answering the --."

Mr. Howard - "Madam Secretary, if I may. The former City Manager owned that tavern, and that's why. But all of the residents that were turned away were in Polk County. All the residents who were turned away were, in fact, tenants of the current City Manager."

Chairperson Handel - "Okay."

Mr. Howard - "So we were on the list, and then all of a sudden we weren't on the list, and they say we were never on the list."

Chairperson Handel - "Okay. Is there anyone here to speak for either City of Braswell or Polk County?"

Ms. Jennifer Johnson - "Polk County."

Chairperson Handel - "Come on up, and then, the City of Braswell, if you'll make your way up as well."

Ms. Johnson - "I'm Jennifer Johnson, Elections Manager, Polk

County. 409B North College Street, Cedartown, Georgia. And what I wanted to say was that I was misquoted on what I said. I have never said that you could not vote -- you could not vote provisional if your name is not on a list. That's the only way you do vote provisional, if your name is not a list. And I just wanted to clarify that. So that was not said."

Chairperson Handel - "Okay."

Mr. Evans - "Do you know why he wasn't allowed to vote?"

Ms. Johnson - "Ms. Peyton can tell you."

Mr. Evans - "Okay. Great. Thank you."

Chairperson Handel - "Ms. Peyton, are you with City of Braswell, or --."

Ms. Frances Peyton - "No. I'm with Polk County."

Chairperson Handel - "We'll stay with Polk County before we come to City of Braswell. Come on up."

Ms. Peyton - "My name is Frances Peyton. I live 209 West Gerrard, Cedartown, Georgia. I'm with the Polk County Board of Elections and Registration."

Chairperson Handel - "Okay."

Ms. Peyton - "Mr. Howard came and we had him coded to them, that he lived in Braswell, but the map that they gave me, which was hand drawn, it showed that the city -- the street he lived on, half of it was in Polk County, the other half was in Paulding County, and his house number showed that he was not eligible to vote in the City election. So I told him that's living in Aragon, and he would go to the Aragon municipality to vote. That's all I can tell y'all. I did the best could. I had the map that the -- the -- Ms. Camp, the wife of the City clerk, a long time ago, drew for me. And I'm sorry."

Mr. Evans - "So how does it work now?"

Ms. Peyton - "It works the same way. I mean, I haven't done anything. I did not do anything because we had the investigator come down, and we talked with Mrs. Conway, and then another one calls me, and so I haven't done anything during that time."

Mr. Evans - "So if the election were held again, it would be exactly the same result?"

Ms. Peyton - "Yes, sir. Because, I mean, until I called --"

I would call y'all, of course, if there was another election held. I would call and say, look, we've got this problem. But I still do not have a map of any kind. So anything that says that this is the way it should be, and I would greatly appreciate one if I could get it."

Chairperson Handel - "All right. Any other questions?"

Mr. Evans - "Ms. LaGrua, how do they normally get the map -- do most cities get the map?"

Ms. LaGrua - "It's my understanding the City Clerk is supposed to provide to the County the map of the city precincts. And in fact, as I understand it, Polk County did request the map from the City of Braswell, and the City of Braswell did not provide to the County the appropriate so that they could issue the appropriate precincts."

Mr. Evans - "So the -- should the Respondent include the City of Braswell?"

Ms. LaGrua - "It does have the Braswell City Clerk, or it should."

Mr. Evans - "Yeah. But I'm just wondering if the City of Braswell should be listed as the Respondent. What would you think?"

Ms. LaGrua - "Candidly, I don't know enough about that City workings and who appoints who, but if there an appointed party of the Clerk, yes."

Mr. Evans - "Well I'm just wondering if pursuing a remedy of a cease and desist or injunction, where we were saying, it's part of a relief here, you can't leave your election people out here, hanging. You know, it's not fair to voters, it's not fair to them. We need to get a map, and Mr. Worley, here, can tell you as well as I can that the software now can break down the boundaries of a city or a precinct, you know, they can divide a house if they want to, much less a street."

Ms. LaGrua - "That's probably appropriate."

Mr. Evans - "Thank you very much. We appreciate it."

Mr. McIver - "Madam Chair."

Chairperson Handel - "Yes, Mr. McIver."

Mr. McIver - I addressed this question, first to you, allowing you, I'm sure, to defer it to Mr. McCarthy if you think so, but somebody reacquaint, not only the members of

the public, but me, for one, what is the rule on issuing a provisional ballot? What should have been done on that day?"

Chairperson Handel - "To -- I mean, we have it strictly from Mr. Ritter or Mr. Taylor, but the rule is they were supposed to let this individual have a provisional ballot, and then, verify --."

Mr. Ritter - "Madam Chair. Provisional ballots is contained in 21-2-418, and in a, I believe, it is if he presents himself, and using himself, to a polling place for the purpose of casting a ballot in a primary or election at the time he registered to vote, but it doesn't appear on the list of registered electors, the person shall be entitled to cast their original ballot."

Mr. McIver - "Are there circumstances when you would not issue a provisional ballot?"

Mr. Evans - "For example, a resident of Alabama shows up in Columbus, they produce an Alabama drivers license and say, oh, I want to vote a provisional ballot in Escogee (phonetic) County, because I think that's a parallel here. Correct me if I'm wrong, but what you would have is Braswell and Aragon are like mirror cities on opposite sides of the County line."

Unidentified Speaker - "No."

Mr. Evans - "Well, how did he get on Aragon?"

Chairperson Handel - "If I might, if we could, in the interest of fairness, again, allow all the parties to have their say. I know we have some individuals from the City of Braswell so if you want to come up and address the body, that would be helpful. Tell us your name, and your role, and address, please."

Ms. Ellen Waters - "My name is Ellen Waters. I'm City Clerk, City of Braswell. Population of Braswell is like 300, justifies one-third of a clerk. I work part-time. Now Ms. Peyton had asked me for a map, and I took her a copy of the hand-drawn map, and I told her I will try to get out there and do some house numbers. I didn't mean to lie, had a migraine headache, couldn't do it. She didn't get it. That's my fault. Migraine headache is no excuse. But there's a couple of things here that's not correct, and one of them is that Ms. Waters thought that on the electors listed on the list that were eligible to vote in the City of Braswell elections. I never said that. I never even implied it. The next sentence, Waters said that this is her first election and the first election in the City of

Braswell. I never said that. My first election was in 1993 in the City of Aragon. It was a recall. I did several elections after that when I was City Clerk in City of Aragon. But this was my first election in the City of Braswell. Previously, there was -- proper paperwork was sent on. So my notes here show that I did provide what maps were on. There were two subdivisions built, and I provided what I could from that, but that didn't include the basics of where Mr. Howard lives. So, you know, I just did the best I could with what I had. And I'm in agreement with mandatory training. I'm ready."

Chairperson Handel - "Okay."

Ms. Waters - "I am truly sorry. I'm a firm believer, even my grandchildren, as soon as they're seventeen-and-a-half, I hand walk them to be registered to vote. Firm believer. Thank you."

Chairperson Handel - "Did either of you have more to add?"

Ms. Jean Hampton - "Yes."

Chairperson Handel - "Okay. Come on up."

Ms. Hampton - "I'm Jean Hampton, and I was the Poll Manager. So I'm here, and there were a couple of things that were misquoted in this, but I don't see any point in really hashing all the things that were misquoted. I did not give Mr. Howard two hours. I did not give Mr. Howard a provisional vote because I did not understand I was supposed to. I was told that only those on the list could vote. Mr. Howard did not appear on that list. I took down their name, their social security number, and I called the office in Polk County, gave them that information, and then they could tell me whether they were -- could vote, or they couldn't vote. And I was told approximately 14 people. Did not keep their names because once I finished the phone conversation, in front of that person, I tore their name up and their social security number up and put it in the trash so they didn't think I was keeping a record of their social security number. I resent the accusation that we turned away people that were only there to vote for a certain person. We had no way of knowing who was there to vote for who, and there were just several various reasons that they weren't on the list. Some of those being they never changed their address from another County, they weren't even listed in Polk County. So there were reasons, and I'm here to answer any questions that you might have of me as the Poll Manager."

Chairperson Handel - "All right. Thank you."

Ms. Deidra Holden - "I didn't come here prepared to stand

here at this podium today, but I'm the Elections Supervisor for Paulding County."

Chairperson Handel - "Okay. And what's your name?"

Ms. Holden - "Deidra Halbin. My address is 196 Holden Pass, Dallas, Georgia. I feel like the City of Braswell is -- I guess I could, for a better use of words, I could say it's a thorn in my side because most of the people that live in the City of Braswell reside in Paulding County. The day after Braswell held their election, my phone rang off the hook. People that live in Braswell and Mountain Park informs me that they didn't even know that there was an election. I have -- I live near the City of Braswell. I've never known an election in Braswell. If there's no opposition, maybe they -- they don't have to have an election, but when all the municipal elections came about because we handled the City of Dallas and the City of Hiram, which are much larger than the City of Braswell, you know, we offered our help to the City of Braswell. And I guess you hear all the bad things after an election that I was pretty much told, look, they haven't asked you to do it, just leave it alone. But when I have my voters that I have in my system that states that they are City of Braswell voters that are responsible for maintaining, calling me and tell me that they didn't even know there was an election, that bothers me. I think everybody that's a registered voter should be able to vote. I do know after the election, that the former Mayor that was not reelected, he had to come to the Paulding County GIS Department to find out where the City of Braswell boundaries were. I believe, now, that our GIS Department is working with the City of Braswell to provide them that information because their records are up-to-date, and it would be something more than a handwritten map. So I don't know if my opinion, or what I'm saying matters, but I would like to know for my own personal reasons, who decides if Polk County handles their election because I am responsible for Paulding County voters, and if those voters are not afforded the opportunity to vote, I feel that there's a huge injustice. Thank you."

Chairperson Handel - "Colleagues, questions? I do have one question for Ms. Waters. Wait, not Ms. Waters, Ms. Hampton. When's the last time you had training?"

Ms. Hampton - "I had training prior to, I don't know exactly the date."

Chairperson Handel - "Prior to the election?"

Ms. Hampton - "Prior to this election, October the 18th."

Chairperson Handel - "Was the issue of provisional ballot

covered in that training?"

Ms. Hampton - "No, ma'am. They were not."

Chairperson Handel - "Then that's a big problem. Okay. I would, just to let you know that there is upcoming Municipal Elections training, and separate -- hopefully what comes out of this -- I would urge you to touch base with Mr. McCarthy when we break for lunch and ensure that you are signed up for that. It may be helpful. It would be very helpful. Obviously, these are -- speaking as one member of the SEB, very serious in that this individual -- individuals were not even afforded the provisional ballot, and that's really problematic."

Mr. Howard - "Madam Secretary, may I? I would like to apologize to Ms. Hampton. She said that I accused her of selecting. That was not my intent. She did not make the list. I know she did not have anything to do with it. I agree with everything she said. She said she did call and ask --."

Chairperson Handel - "Thank you. And I bet Ms. Hampton appreciates that. That's good. Thank you for clarifying that. Any other questions?"

Mr. Worley - "Madam Secretary, I've just got a question."

Chairperson Handel - "Yes, Mr. Worley."

Mr. Worley - "Do you believe that there was any organized effort to disenfranchise particular voters because --."

Mr. Howard - "I do not know the people in the elections office well enough to address that. All I can state is what I saw. All this happened on the Polk County side, none of it was Paulding. My entire street was not allowed to vote. The entire street is owned by the father of the then incumbent mayor. It was not only that street, there were other sporadic houses that I know of, all on the Polk County side, all owned by the Brennel's (phonetic), and those people were not allowed to vote. It is possible that, as Ms. Waters said, she tried to give them the new subdivision without giving them a full map and they interpreted that meaning that all the old stuff was no longer in play. So, I don't know it -- that to be just a question in interpretation. I do not know if it was purposeful, I just know that it leaned that way in the results."

Chairperson Handel - "Colleagues, given that question from Mr. Worley, is it a sense from the Board that you'd like to have the investigators look into that a little bit more before we have an action on this case, or are we ready to

take action?"

Mr. Worley - "Speaking for myself, I'm ready to take action on that."

Chairperson Handel - "Okay. All right. Do you have a motion?"

Mr. Evans - "So move. Move to refer to the Attorney General's office."

Chairperson Handel - "All right."

Mr. Evans - "The only question -- the only question I have was whether or not we can add the City as a Respondent? Just so that we can cover them providing the map."

Chairperson Handel - "I think that's fine. Do you want to make that as part of your part of your motion because I think, certainly, any Consent Order we look at we're going to want there to be an agreement that a new map is based on the GIS -- hand drawn map would be good. Okay that's an amended motion to add the City, and then to refer to the AG's office. That's a second from Mr. Worley. Any other questions or comment? All in favor?"

(Whereupon, there was a chorus of aye)

Chairperson Handel - "Any opposed? There's none. That one is deferred. Next item, please."

Ms. LaGrua - "The final case on our report, Madam Chair, is the Case 2008-000011. That is Forsyth County. The Complainant was Linda Ledbetter. The Forsyth County Commissioner, the Respondent here, is said Director of Elections. The original complaint has four allegations, only one of which was appropriate to take up in my division. The other three allegations were protected evidence violations, should so the Board is aware. I did speak to Kay Baker, Deputy Commissioner of the State Ethics. It would not be -- the nature of those complaints would not be something that the State Ethics Board would look at, but the County, I believe, is aware of the allegations in this case and it would be appropriate for those to be handled by them if they found there to be violations. The fourth allegation concerned an unsecured DRA machine in 2004. Ms. Jekot moved -- Ms. Ledbetter forwarded a complaint by herself, and Ms. Jacob -- Ms. Jekot said that two days prior to the November, 2004 Election, she was -- her DRA machines turned on in an unsecured polling place and there's a number of problems here. We did go after -- I had a lengthy conversation with Mr. Ritter about the allegations here, and we did go out and investigate this, even though it was three-years old,

essentially, by the time we got it. Ms. Jekot did not report the unsecured machines to any official back in 2004, so we had to go back and do what we could that allegedly happened three-years ago with one viewing. We talked to the warehouse manager whose had the same position since back in 2004, and he confirmed that the procedures currently in place was in place at that time and was followed in the November, 2004 Election. Gary Smith was interviewed, as well, and said the machines were actually not delivered until Monday prior to the election, and they were picked up on Wednesday so they could not physically have been in the location that Ms. Jekot described. Essentially, based on the delay of the recording and taken in conjunction with the statements that the warehouse manager and Mr. Smith, this complaint can't be substantiated at this point, and it's recommended that it be closed."

Chairperson Handel - "Is there anyone here from Forsyth -- either -- come up, and I don't know. Is Mr. Smith here? Does he want to speak?"

Ms. Linda Ledbetter - "Thank you for allowing me to speak. My name is Linda Ledbetter. I am a Commissioner, District 5 in Forsyth County. I don't think this should be dismissed, and I'll tell you why. I respectfully refer you to Forsyth County's local legislation because of our Chief Registrar, the appointed office of Superior Court Judge. Mr. Gary Smith was appointed by the late Judge Gall (phonetic), and reaffirmed by the current one. In the Georgia Elections Code, it applies to every Chief Elections Official. I refer to the Georgia Election Code 21-2-70, part 3, item 12. Let put on my glasses so I won't stumble around. To prepare annually -- this is what they're supposed to do. To prepare annually -- this is what they're supposed to do. To prepare annually a budget estimate at his or her expenses under this chapter in which shall be set forth an itemized list expenditures for proceeding two years, and an itemized estimated list of the amount of money necessary to be appointed for the ensuing year, and to submit the same at the time and in the manner inform other budget estimates of this County, as necessary, may hereafter be required to be fined. I have a report, right here, I've got a copy for you, from Bates, Carter and Associates that did a report for, at my request, for our County. They do our auditing. Mr. Smith has never complied with this law. I have copies for the Board. If you'd like me to give them out, please note page 7, item 16. Now I'd like to introduce our -- one of the members of our three-member Board of Elections in Forsyth County. This Board has asked for the report to be presented to our Superior Court Judge in Forsyth County. And it -- so I'm just going to let them take over from there. Y'all want one of the reports?"

Mr. Fred Meadows - "My name is Fred Meadows. I'm a member of the Forsyth County Board of Registrations and Elections. I was not afforded a copy of -- previewing what the scope and summary that you have, you're going to be looking at. And Secretary of State and members, thank you for allowing me to speak before this Board. I do realize that many of the issues that were brought forth, obviously, go outside the concern and responsibility, and many of the issues belong at a local level. And again, not having the afforded the opportunity to know the scope of this investigation is real -- I'll address today, and part of this meeting, yesterday. However, I believe that the statements that Dr. Ledbetter stated in 21-2-70, part 3, Powers and Duties of Superintendents. That item brought hard target preparations budget, and the previous two-years itemized expenses was not adhered to as evidence in the audit, whereby Forsyth County Government produced by the Bates, Carter Accounting Firm. In addition, regarding House Bill 1071, act 472, and act in 1987 create the Forsyth Board of Registration and Elections. To say that our administrative affairs, under this act, are a wreck is a huge understatement. And that is evidenced by our failure to abide by Section 1, 12 and 13, regarding the organization of our -- of our group. The bylaws, rules, procedures, I think, seem appropriate resolutions in our minutes governing the management of our affairs within our jurisdiction. I wish I could give a free pass for conduction election properly, but isn't that expected. If we had the appropriate rules properly adopted in Forsyth County, then maybe the Chairman of the Board would have notified me of this. Thank you."

Chairperson Handel - "Thank you. You can come over here if you like. They'll hear you better on the microphone. Thank you."

Mr. Miles Eastwood - "My name is Miles Eastwood, and I'm here representing Gary Smith. We agree with the Inspector General's report. There's only one issue for this Board, and it's been under his jurisdiction, and that's the one they reported on. Responding, in general, to the presentation just made, the position of Director of Elections in Forsyth County is anomalous. The local legislation says that the Grand Jury nominates a person the the Chief Judge in the Superior Court, and that is not a person who is a County employee. The County provides administrative support, and many of the things that you will see in that report that was just handed out, assumed Mr. Smith is a County employee not following County guidelines. What was omitted was, previously there was an audit combining the generally accepted accounting principles that explained every allegation against him. I satisfied Commissioner Ledbetter and got the Board of Commissioners to hire Bates and Carter from Gainesville, and they did a

report and you will note at the bottom of the first page, as accountants always do, they tell you whether they comply with the generally accepted audit principles, and expressly say they express no opinion. They were given a set of questions, but did not interview Mr. Smith. Now, this all derives from the basic and typically, to touch screen voting and a lot of County politics. The issue that is properly before you is the one about whether there is a valid evidence of unsecured voting machines. They also did not tell you that the Board of Commissioners voted against referring that report which was handed out to you, to the Chief Judge of the Superior Court. Commissioner Ledbetter was in the minority on that vote. Now with regard to the unsecured machines, which I believe the Inspector General has pointed out problems. Going back three years later, and the person who said she saw them could not verify whether they were or were not chained, or otherwise secured together, but not in use. They did check with the warehouse foreman, who has no dog in the County political fight, and he talked about the procedures followed now and then and how this would not have happened, as reported, the three-year wait, and then after the report was extensively made to Commissioner Ledbetter last August, she waited another five months to file the complaint here while her Board of Commissioners was otherwise not supporting her in trying to get the report in to you, she sent it to the Chief Judge of the Superior Court. That's all the background. I think that the facts were adequately investigated. The fact that the Inspector General went to Forsyth County to interview witnesses, personally, and came away with a clear lack of evidence was enough that we recommend -- our position that you follow the Inspector General's recommendation and close the case."

Chairperson Handel - "Colleagues, questions?"

Mr. McIver - "I have a question."

Chairperson Handel - "Mr. McIver."

Mr. McIver - "These -- I noticed the ribbon on your lapel, and you're a Vietnam Veteran. I thank you for your service to America."

Mr. Eastwood - "Yes, sir. Thank you."

Mr. McIver - "Can you explain to us, then, why it is that we -- we're discussing matters well beyond the scope of the investigation of the Attorney General?"

Mr. Eastwood - "I think it goes back to the intense emotions in the local politics."

Mr. McIver - "And you're recommending that we follow the

recommendation of Inspector LaGrua?"

Mr. Eastwood - "Yes, sir."

Mr. McIver - "Thank you, Madam Chair."

Chairperson Handel - "Mr. Worley, any questions?"

Mr. Worley - "I don't have a question for either of you."

Chairperson Handel - "Briefly, just to remind, I don't want to get in the back and forth of who said, you disagree with him, do you have anything new that you want to add?"

Ms. Ledbetter - "I filed my report with you last Spring, not after this came out. My report's been with your office, as you know, I talked to you, many, many months, and really finally came -- ."

Chairperson Handel - "Well, let me just be clear. No -- Nothing is official until you file something in writing, which is what I explained to you. So the official filing of anything was not formal until you submitted those -- your formal complaint to Inspector LaGrua."

Ms. Ledbetter - "That was last May."

Chairperson Handel - "I don't know the date because I don't get in the middle of the investigation."

Ms. Ledbetter - "Right. And this report came out in the Fall."

Chairperson Handel - "Okay."

Ms. Ledbetter - "And nobody interviewed me on this report. Nobody asked me a question, I was not involved in the reporting of it."

Chairperson Handel - "Okay. All right. Thank you. Mr. Worley."

Mr. Worley - "Commissioner Ledbetter, I've just got a question for you. How long was it between the time that Ms. Jekot -- I don't know you pronounce that."

Ms. Ledbetter - "I think it's Jekot."

Mr. Worley - "Jekot told you about the unattended voting machine at the time that reported back."

Ms. Ledbetter - "It was pretty much -- I had -- I had several people come to me with problems that they had with

the Voter Registrar, and I didn't do anything about until I started investigating. I met with so much resistance in my investigation from the people in the local government, that that kind of bothered me. So then I proceeded to go through her. One investigator, head of the department, was fired over the investigation because he outright lied to me that there was no material there. It was -- it's been a very painful process. I have only pursued it because I have had many constituents -- what they call the lunatic -- but I've had many constituents wanting to pursue this, so I have. I didn't talk with Bates and Carter in the report. If you look at page 7 it says that they suggested that the County research the internal controls over the equipment during our election. We're just having some problems here, and it's not a personal thing. It's just that we have some problems within that office."

Mr. Worley - "Is Ms. Jekot here?"

Ms. Ledbetter - "She's -- I don't want to say threatened, but she felt that she could not come. She might lose her job if she came. Her employer did not want her speaking out anymore. That's what she told me, so I said okay."

Chairperson Handel - "Ms. LaGrua, do you want to --."

Ms. LaGrua - "Just briefly, Madam Chair. Actually, on January 24th, Commissioner Ledbetter was interviewed by Steve McBrayer of our office."

Chairperson Handel - "All right. Thank you."

Mr. Worley - "Ms. Lagrua, did you interview Ms. Jekot?"

Ms. LaGrua - "I did not conduct the specific interview, but Inspector McBrayer did speak to Ms. Jekot."

Mr. Worley - "Did -- Mr. McBrayer, do you have anything to add?"

Mr. Steve McBrayer - "This all --."

Ms. LaGrua - "It's, essentially, I just did not want the Board to think that we had not interviewed --."

Ms. Ledbetter - "Oh. They interviewed me. I'm talking about the Bates and Carter report. Not their report. They held me and talked with me at length."

Chairperson Handel - "All right. Super. Thanks for clarifying that. All right. Any other questions, colleagues? All right. We have a recommendation to close this matter. Is there a motion?"

Mr. McIver - "Move that it be closed."

Chairperson Handel - "Is there a second? Motion and a second. Any other questions or comments?"

Mr. Worley - "Well I just had a general comment. I'm not sure that it's the position of this Board to get into the internal administration of standard County elections. That's not what we've done historically, and I don't think that that's intended. I think that's a matter for local government and the local election officials to work out for themselves. And so I don't really think that we have jurisdiction to really get into those kinds of details to the extent that that's the real issue here. That's not our role to the extent that there was a complaint about unattended voting machines, that is our role but there is not sufficient evidence in the records before me to warrant sending that on to any other --."

Chairperson Handel - "All right. Any other questions? All in favor for a motion to close, please say aye."

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All right. Ms. LaGrua, do you have any other case updates? I know that there are several that are pending."

Ms. Lagrua - "We have a number of cases pending. We are working quickly to get these to the Board as quickly as possible. I know there have been some questions about the County investigation. I would like the Board to know, as you may know because it's public knowledge at this point, but the prosecutors and GBI have executed two search warrants in that case and are moving as quickly as they can and are taking it very seriously, and I will continue to update you. Mr. Evans, I know you have had concerns about the time, I have my eye on that and will make sure that y'all get timely reports as to move forward as appropriate. Obviously, I'm not -- I can't speak to the actual ongoing investigation, but it is moving."

Mr. Evans - "Well I'm thinking, actually, we had in here, in the minutes that we approved, that we would get a calculation of the statute of limitations."

Ms. LaGrua - "I've spoken to Mr. Ritter. Both Mr. Ritter and myself can find no specific statute of limitations in terms of the SEB violations. Clearly, on any felony violations there are specific statutes depending on what the prosecutors find and what crimes, if any, they choose to charge in that case. But I cannot find, and maybe, Mr."

Evans, you can correct me, but after speaking to Mr. Ritter, I'm not aware of statute of limitations for this particular body."

Mr. Evans - "Well I tend think that the statute of limitations that applies to criminal penalty where applied to the imposed manner of a penalty in the nature of the criminal. But I just, and if there's not a statute of limitations then we'll have to figure out whether or not that's something that we want to take a chance on is that I don't want to take a chance on is that Chattooga County get the benefit because they have lawyers that preclude there is a statute of limitations, and that they argue for the shorter statute of limitations, and that we missed that because I know, at least in the folks who reach out to me from Georgia Legislature and from elected officials in Chattooga County, there's a concern that this is being buried or getting away. Now I think that's the easiest thing to respond to those concerns is to give them data, and just simply say there are search warrants that has been executed. There's a special prosecutor that has been named and give them data. The worst thing you can do is to give them money because it's only preposterous to believe that nothing has happened. And so, these reports that you are giving are very helpful because we want to be able to pass that information on. And obviously, the names and information that you can give us, which should in no way threaten the general prosecution such as the name of the special prosecutor that search warrants, which are public records, have been returned. Those kind of things are public information anyway is just that we will provide the vehicle to make sure that they know that things are happening, which is helpful, but it's also important to us. I think, given the significance of severity of the alleged violations that we make sure we're comfortable that we do not allow to pass the opportunity for us to enforce the election laws. And the concern that I have received is that we will have another general election in Chattooga County on the President of the United States without having this matter resolved."

Ms. LaGrua - "I can't speak specifically to when the matter will be resolved. Obviously, that's the special prosecutor, but just so you know I have provided that name to anybody who's made inquiry. I know that Joe Burford and Gerry Gertman (phonetic) of the prosecuting attorney's counsel supervised by David Ballard, the Deputy Director, are the attorneys assigned the case and the GBI is assisting them in their investigation. As to the statute of limitations, I'll defer again, and Mr. Ritter I know that we've talked about it. It's -- I think that the Board may appropriately need to look at whether this body has specifics. I know that there are administrative bodies that do have specific

statute of limitations in their language that govern them. That's a little bit out of my baileywick here, and if appropriate, Madam Chair, I defer to Mr. Ritter on that."

Chairperson Handel - "Do you have something to add, Mr. Ritter?"

Mr. Ritter - "I reclude what Ms. LaGrua has said. There is no specific statute of limitations stated within the Elections Code. I am not, and I don't mean the AG's office, is not involved in day-to-day investigations to the County, but I certainly agree with Mr. Evans, completely, that every effort must be made not to open the door to any argument that a limitation period might apply. And I think we need to make a very conservative view of what the limitation period is. And as far as legislative change, Mr. Evans knows, for instance, the Ethics in Government Act, which needs to be amended to add limitation period to those provisions and I think you're welcome to that."

Chairperson Handel - "And let me just reassure the body that for the various legislators in that area, they have regular conversations with Ms. LaGrua about the status of this, and certainly she does keep them informed to the accurateness of all the information that she can. That is really pulled via the accountants. Ms. Almond, how long do you think you need to give your updates?"

Ms. Almond - "I have eight cases."

Chairperson Handel - "Eight. Okay. Why don't we go ahead, then, if everyone is amendable. I'll need a motion because I believe we do have the need to do a litigation discussion in Executive Session. So if I could get that motion."

Mr. McIver - "I move we recess for lunch."

Chairperson Handel - "And --."

Mr. McIver - "And go into Executive Session."

Chairperson Handel - "Is there a second? Motion and second, all in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "And folks, let's say we'll be back -- let's call it 12:45 just in case we do come back early. But it could be one, but I wouldn't want us to get started with y'all."

(Whereupon, the meeting broke for lunch and Executive Session at 12:10 p.m., and reconvened at 12:57 p.m.)

Chairperson Handel - "I think I need a motion to come on back out of Executive Session."

Mr. McIver - "I so move."

Chairperson Handel - "Is there a second?"

Mr. Worley - "Second."

Chairperson Handel - "All in favor, aye."

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "And for the record, we discussed litigation matters and there were no actions taken in Executive Session. Our next item is our report from Ms. Almond from the Attorney General's office."

Ms. Almond - "The first case is Pierce County. SEB Number 2004-000082."

Chairperson Handel - "I think that's Tab 13, probably."

Ms. Almond - "The Board referred this to the Attorney General's office in April of 2005. It involves allegations that a local organization, Taxpayers of Pierce, Wayne and Brantley County, ran a political ad without listing the three highest officials in their organization. It's technically a violation of O.C.G.A. Section 21-2-415. The Board considered this case at its November 13th, 2006 meeting voting to table it from being the opinion of the Attorney General's Office on the constitutionality of the statute. We've since given our opinion on that. That would likely be ruled unconstitutional, and the Board hasn't sought to recourse that consent. So, for that reason, I recommend that this case be closed."

Chairperson Handel - "Questions."

Mr. Evans - "Well this puts us in a difficult position because in Photo ID, the fact that we believe the statute is unconstitutional doesn't give us the option of saying we're not going to enforce the law. We could reinterpret the statute, but I don't know that we have the option of just essentially saying, I'm not going to enforce the law. And so I'm trying to figure out how -- what are the available options to address that conflict. The conflict between, on the one hand the oath to uphold the law, and on the other hand the opinion of counsel that the law has written is unconstitutional. So how do we resolve that?"

Ms. Almond - "To resolve that, I guess that would be a

policy decision, and to go against the statute and, you know, make recommendations to the Legislature. I mean, I think that would be --."

Mr. Evans - "Let me give you an illustration. Two years ago our Secretary of State thought that Photo ID was unconstitutional. It was all of our position that, notwithstanding her belief that it was unconstitutional, she had a duty to enforce it because that is the law that is passed. Now we have a different scenario where we have a law in front of us which our counsel believes is unconstitutional, and that applies to the same standard to ourselves as was applied to her. And that would mean that we would enforce it we would allow a litigant to then challenge it in a way for a court to decide that it's unconstitutional. Another option is to see if we can get it modified by the Legislature so that is constitutional."

Chairperson Handel - "Ms. Almond, if I might, I believe that that matter is addressed in the Clean-up Bill."

Mr. Evans - "So what might be an option is to defer until the new statute is passed --."

Chairperson Handel - "Yes. Yes. So do we have a motion to defer this until the Legislative Clean-up Bill passes?"

Mr. Evans - "So move."

Mr. McIver - "Second."

Chairperson Handel - "Motion and a second, all in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed?"

Mr. Worley - "No."

Chairperson Handel - "Okay. We have no. Next item."

Ms. Almond - "The next item is City of Resaca. Case No. 2005-000028. The Board referred this September, 2006. This involves the City's failure to submit changes in the precinct to the Department of Justice. This has been a long-standing failure over many administrations. The current administration has addressed the problem, and sent in the information needed to the Department of Justice. We also entered into a Consent Order providing for a cease and desist order and a reprimand. The Board has accepted cease and desist and reprimands for local government officials where they've taken corrective action. And so for that reason, I recommend that the Consent Order be accepted."

Mr. Evans - "So move."

Mr. McIver - "Discussion."

Chairperson Handel - "Yes. I was going to come to it, Mr. McIver. Absolutely. Yes, Mr. McIver."

Mr. McIver - "Is this remedy consistent with what we've done in the past? Maybe that ought to be addressed with Mr. Adams, since he's got some history here, but cease and desist and reprimand, only?"

Mr. Evans - "Yeah. I thought --."

Mr. McIver - "It goes to consistently, only, is my question."

Mr. Evans - "Yeah. I believe so. I believe in the context that the failure to get the -- the truth of the matter of is, that in the past we've complied with the Department of Justice to impose whatever remedy they want for the failure to --."

Chairperson Handel - "We have a motion and a second. Any other questions or comments? All in favor, please say aye."

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? None. All right. Next item."

Ms. Almond - "The next case is Heard County. Case No. 2005-000073. This involves Respondent Robert Daniel. He has admitted to violating several statutes. O.C.G.A. 21-2-562. 21-2-152, and 21-2-565. When he submitted an affidavit, also stating that he resided in Heard County, when he had actually moved to (inaudible) County. The Respondent -- this case was considered -- he responded to the Consent Order providing for a \$200 fine and cease and desist order at the Board's September 2007 meeting. At that meeting the Board voted to amend the Consent Order and increase the sanction to two thousand dollars. The Respondent has since agreed to that -- that increased sanction, but he also wanted to address the Board regarding his position before the Board signed off on it."

Chairperson Handel - "Okay. Come on up, sir."

Mr. Robert Daniel - "My name is Robert Daniel. I just want to make a suggestion on this. What happened after the election. The General Election come up, this fellow passed away on the General Elections, and I went to register to

vote after I moved. And they said I could vote provisional ballot, which I did. When I voted provisional ballot I didn't know anything about it this, but I know I done wrong and I apologize for doing wrong, and I sent the Consent money to send you \$200. I was under so much pressure. They said I could do it, but I didn't go ahead and campaign after I done a provisional ballot, I didn't campaign for, you know, the general election. So when it come up I just didn't even go back to court or nothing, you know, go by to vote. So it come up, and next thing I know I got the letter and sent \$200. I sent it and I signed that I done it, which I apologize for doing it and I know I done wrong. That's all I just wanted to explain to the Board. I didn't do it on purpose, just -- and I was under so much pressure, what they was telling me I could do and couldn't do because I still lived in Heard County at the same time, then I moved to Troup County, and I talked two or three others and Commissioners of the County, and they said it would be all right, so I went on, but I didn't campaign for it. And I thought after going it would, and that's when I sent -- sent, which I told Ms. Almond about. I told her I done wrong. I just wanted to tell the Board, you know, that I'm sorry I done it."

Chairperson Handel - "Thank you. We appreciate that. Thank you very much. Colleagues, any other questions? Is there a motion?"

Mr. McIver - "So move."

Chairperson Handel - "Move approval of the Consent Order. Is there a second?"

Mr. Evans - "Second."

Chairperson Handel - "Motion and a second. Comments? All in favor, please say aye."

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? There is none. Thank you. Next item."

Ms. Almond - "The next item is Calhoun County. SEB Number 2006-000019. SEB referred this case to our office at the December 2007 Meeting, instructing us to initiate a Consent Order directing the Respondent, there were two, Annie Holder, Superintendent of Elections for Calhoun County, and the Calhoun County Board of Registrars cease and desist for allowing the practice of convenience voting. The Respondent, Holder, admitted that she allowed voters to vote outside their assigned polling places, and the County's acknowledged that they failed to list correct precincts on the precinct

cards for voters. Both Respondents, they've undertaken actions to correct -- they've corrected the problem. It had been a long-standing practice in the County, but they've since not corrected that. The Respondents have declined a Consent Order for a cease and desist. They did not want to -- they're reluctant to agree to a reprimand, since at the last Board Meeting there was some discussion about issuing a letter of instruction instead. In the minutes, it didn't specify whether the Board wanted a reprimand, along with a cease and desist, so the cease and -- the Consent Order that they signed off on provides for a cease and desist, but no reprimand. So if that's okay, then I'd recommend acceptance."

Chairperson Handel - "If I might ask, in our previous Consent Order on this, we, I believe, as a body, we've held a pretty firm line about them doing formal reprimand. But correct?"

Ms. Almond - "Right. Here, it was close on the line, you know, whether they needed a formal cease and desist or a letter of instruction, I thought I might, you know --."
"

Chairperson Handel - "Okay. Mr. Worley, and the Mr. Evans."

Mr. Worley - "Thank you, Madam Secretary. Ms. Almond, is it correct that since this action began that Ms. Holder has been taking some training on the --."

Ms. Almond - "I am not sure if she's undertaken training. I -- I --."

Mr. Worley - "I was looking at Paragraph 5, it seems to indicate that she has."

Ms. Almond - "Oh, yeah. She has."

Chairperson Handel - "Mr. McIver."

Mr. McIver - "My question, again, goes to consistency. What have we generally done in the past? I hear you state this case may be an exception, but I'd like --."

Ms. Almond - "Right. Generally, you've always required a reprimand."

Chairperson Handel - "For this one, members, I think that I'm still at a place of a reprimand. This was a long-standing practice. I appreciate that it was corrected, but it doesn't undo the fact that she was consistently being wrong, and apparently knowing of them being wrong. So --."

Mr. McIver - "May I?"

Chairperson Handel - "Yes."

Mr. McIver - "I agree. I see no reason to mitigate these circumstances, so I, too, would support a formal reprimand."

Chairperson Handel - "What do you need, a motion to refer it back to attempt to get a new Consent order with that?"

Ms. Almond - "Yes."

Mr. McIver - "I'll move that we refer this matter to the Law Department to obtain formal reprimand as part of the remedy."

Chairperson Handel - "Second?"

Mr. Israel - "Second."

Chairperson Handel - "Second from Mr. Israel. Any other questions or comments? Do you have something to add, Mr. Ritter?"

Mr. Ritter - "Yeah. Well, first a comment. It actually doesn't need to be referred back to us since we're holding to a Consent Order, it's just whether you've adopted it, or not."

Chairperson Handel - "Okay."

Mr. Ritter - "If the Board would vote that it would accept a Consent Order of a sanction or a reprimand, then we can, if we get consent, modify the Consent Order and direct it for signature, I think."

Mr. McIver - "I'll modify my motion."

Chairperson Handel - "Is there a second to accept that modification?"

Mr. Israel - "Yes."

Chairperson Handel - "Yes. Okay. All right. Any other questions? All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? There is none. All right. Next one."

Ms. Almond - "It is City of Dawson. SEB Number 2006-000032. This case was referred where various officials in the City of Dawson violated Election Code during the November 2004, 2006 General Elections. The SEB also considered this matter

at the 2007 meeting where it was determined that different Respondents -- different parties should probably be named as Respondents. The City is alleged to have failed to verify the accuracy of the elector's list in violation of O.C.G.A. 21-2-224. And it was also alleged to have violated O.C.G.A. 21-2-226(d) when it failed to provide a detailed map showing the boundaries and any changes -- changes in the boundary as regarded by that statute. The attorney for the City of Dawson has acknowledged that the City was in violation of O.C.G.A. 21-2-224, and has taken steps to rectify that issue. In speaking with him, it was also determined that they had not -- the Chief Registrar that was, you know, the person that was supposed to be performing some of the duties under that statute. That was a violation of O.C.G.A. 21-2-212c. Since they have admitted to those violations, it's back to O.C.G.A. 21-2-226 regarding the map. After the -- we got this case in our office, we received some credible information -- credible evidence that a map was, in fact, provided to the County as was required. The City Attorney advised that he had sent over the map and the City Manager reported to actually seeing the map in the office. So with respect to that violation, I don't think that we'll be able to issue the violation. So the City has introduced a Consent Order agreeing to cease and desist and agreeing to a reprimand for its failure to comply with O.C.G.A. 21-2-224e, and its failure to appoint a Chief Registrar. It has taken steps to correct."

Chairperson Handel - "All right. Questions on this one? All right. Is there a motion to accept this Consent Order."

Mr. Worley - "I move to accept the Consent Order."

Chairperson Handel - "Second?"

Mr. Israel - "Second."

Chairperson Handel - "Motion and a second. Any other questions? All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All right. Thank you. Next one."

Ms. Almond - "The next one is Ray City. SEB Number 2005-000036. This case was referred to our office in May of 2006. The Respondent Kathryn Webb admits that she made a false statement and she stated that she witnessed a certain elector moved from outside the precinct. And she states that she went to challenge the elector's daughter instead of the actual elector. This Board has previously considered -- she had previously agreed to a cease and desist order and a

fine. The Board rejected that at its, recently, its November meeting. This Respondent has since agreed to a higher sanction. A thousand dollar fine, cease and desist, public reprimand, that she's fined on one. In the past, the Board has stated that for false statements in violation with O.C.G.A. 21-2-562, there must be a significant penalty in the \$500 and thousand dollar range. And so, you know, she's signed off to pay a thousand dollars."

Chairperson Handel - "All right. Is this Ms. Webb? Do you have anything else to add?"

Ms. Kathryn Webb - "Do you have any questions of me?"

Chairperson Handel - "No? All right. Thank you."

Mr. Evans - "So move."

Chairperson Handel - "I have a motion. Is there a second?"

Mr. McIver - "Second."

Chairperson Handel - "Got a motion and a second, all in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? Thank you. Next item."

Ms. Almond - "The next one is Lowndes County. It's number 2007-000014. This was referred to our office at the last meeting. The Respondent for inquiry was an employee at a nursing home, and it was her -- part of her job to assist the residents who needed help with the voting process. And she followed a protocol that was established by the nursing home. Well during -- while she was assisting voters, she admitted that for some of the voters who weren't feeling well at the time, on their voter registration application and their absentee ballot envelope she would mark an "X" for them on couldn't do self -- in the space provided for her signature. There was no evidence that the Respondent was trying to -- intending to falsify anything or, you know, violate the Code. It seems to be a mistake. She's admitted to the conduct, and instead of, you know, trying to formulate a sanction, she has stipulated to the fact in the fact that her conduct violated O.C.G.A. 21-2-562. This case isn't neatly fed into either, you know, typical cases, fraudulent injuries, you know, \$500 to a thousand dollars, you know, since she doesn't appear to have consented to deceive anyone. You know, it's also treated as an improper assistance case, but here she was properly assisting people, but she just, you know, she just mistakenly put an "X" when she shouldn't have for the -- for the participants -- for

their signatures. The attorney for Ms. Griner is present to provide further information on her behalf."

Chairperson Handel - "All right."

Mr. Rich Gardner - "Hi. My name is Rich Gardner. I'm with the law firm Arnall, Golden and Gregory, and I'm here on behalf of Ms. Griner. And I'd like to thank you guys for allowing Courtney's case to be put back on the Agenda. She never received the notice of the December meeting, and so I think something happened -- and I just wanted to say a few words about her if the deliberations are going to be -- what remedies should be imposed. She's 24-years old. She's a model employee, she's a model member of the community, she's active in her church, served as a missionary. She devotes a significant percentage of her time to charitable causes, Humane Society, United Way, RSVP, services working with adults. She's always been a good person, never done anything wrong, never had any strike against her. Since the time that she's been in this job as Activities Director for the facility, she's never had a single survey citation from the State Survey Agency, and you know, she has a lot of responsibilities, primarily making sure that the residents stay engaged in the -- in each other and with the community, so she spends most of her time doing that. She also has the responsibility of complying with Georgia Long-Term Care Bill of Rights, which provides that residents of long-term care facilities, quote, shall be encouraged and assisted by the facility to exercise all rights, benefits, and privileges as a citizen, including, but not limited to, the right to vote. The law also provides that nursing homes shall permit and reasonably assist residents to obtain voter registration forms, absentee ballots, applications and absentee ballots, and assist them with those prerequisites to voting. At Lakehaven, somebody's got to do that or the facility gets in trouble, and the responsibility was put on Ms. Griner. In this case, the local election supervisor raised an issue because there were some signatures that were submitted with forms from the nursing home. There were a great number of them that didn't match what the County had on its record. And I think this is probably not a unique problem. In fact, you know, the residents -- several of the residents, the deterioration of their signature was directly related to the decline in their health, which is why they're in the nursing home. And in fact, there's one resident who -- whose signature that the County had on file was from 1956, and it didn't match when he turned in 2007 as a resident of the nursing home. So that's something that probably shouldn't be surprising, and perhaps may need to be addressed. Courtney had never received any kind of training on how to assist residents. It was said that the facility had a resident voting policy in place, which basically just said the facility shall assist residents in compliance with the

Bill of Rights for long-term care residents. So she complied with that, but the policy didn't instruct her, in any way, on how to carry those -- that assistance out. I wanted to mention that there was an article within the last couple of weeks that an Associated Press writer wrote, and picked up by any number of newspapers called American Voters Getting Older, and it discusses the need for guidance on a national level, and on the State level, on how to assist Americans who are aging in place in nursing homes, and how to assist them with voting. And there's a U.S. Senate Special Committee on Aging is looking into this with the U.S. Election Assistance Commission. And -- just -- I read through the minutes of this last meeting, and it was acknowledged that there was a problem -- what are the guidelines for assisting disabled voters? And so, we would ask that you take that into consideration. Courtney admitted she made a mistake. She probably went a little bit too far with a couple of the residents. I mentioned that she's active in the church community, but she's not active in politics. She has no dog in the fight. The election, itself, was -- was a special election. The only issue on the ballot was an up or down vote on a one-cent city sales tax, and you know, use the proceeds for cattle improvements. It wasn't a heated political contest. She was just trying to do the right thing, and there's no -- no allegation that she's done anything, other than specifically what the residents told her to do. And like Calandra said, she did go too far. A couple of places she's consented to the conclusion of the investigator that for two registration cards she put an "X" in the blank when the resident wasn't able to do it, same for the absentee ballots. I just wanted to say one last thing, and that is when she -- she didn't know about the meeting last time, that took place. The way she found out about this was that the Secretary of State's office sent a press release to the Valdosta Daily Times, and there was a lot of hubbub in the community, allegations about voter fraud in the newspaper, all over the radio her name was repeatedly invoked as a possible voter fraud, heavy committed voter fraud, and I just think that she's been through enough. She's had public humiliation. She -- she had unimpeachable reputation in the community before this, and now it's -- that's suffered. I would hope that if you're considering a remedy to be imposed that you would take that into consideration. Taking into consideration the fact that she doesn't make a lot of money working in the nursing home, and that she has actually gone, on her own, and sought training and received training from the local elections."

Chairperson Handel - "All right."

Mr. Evans - "The other part we have, this is the 21-2-562 violation, which is a felon. And so, you know, in the

context of what would happen if it were pursued by a District Attorney, the remedies would be much more severe. And generally, Calandra, tell me if I get this wrong. I think you were right at that. My recollection was that anytime we've had this, it's \$500 -- it's the minimum per -- and what, a hundred dollar per absentee ballot for every absentee ballot? So, with that we have two. And so I would say that we -- we have to have -- I would recommend that we have (inaudible) Courtney a thousand dollars, and that we include the cease and desist in the public reprimand."

Chairperson Handel - "Is that your motion?"

Mr. Evans - "That is my motion."

Chairperson Handel - "I have a motion, is there a second? Is that a second, Mr. McIver?"

Mr. McIver - "No, ma'am."

Chairperson Handel - "No."

Mr. McIver - "No. I have a question of the counsel."

Chairperson Handel - "All right. We didn't get a second on the -- the -- I'm sorry, it was a thousand dollars?"

Mr. Evans - "Yeah."

Chairperson Handel - "All right. We have a motion for a thousand dollars. Is there a second on that?"

Mr. Gardner - "Can I just --."

Chairperson Handel - "Really, we sort of had an opportunity, let me give the Board members a chance to ask their questions. We did not get a second on that, so Mr. McIver, you were next to ask a question."

Mr. McIver - "Mr. Gardner, we're not going to let you get away without giving us your recommendations. What is it that you would prefer we do here by way of reprimand?"

Mr. Gardner - "Well, 21-2-562 commits fraud, and the elements of fraud are not present in this case. There's no deception. She filled in the blank in accordance with the consent of the resident who was unable to sign themselves. I would recommend a cease and desist, a reprimand, a letter of instruction, training, which she has already gotten on her own. I just don't think that it's appropriate to fine someone when they haven't committed fraud, or a statue that, you know, connotes fraud."

Mr. McIver - "So your recommendation is no monetary fine."

Mr. Gardner - "That would be my recommendation."

Mr. McIver - "I'm prepared now."

Chairperson Handel - "All right. Any other questions? Mr. Worley."

Mr. Worley - "Thank you, Madam Secretary. Mr. Gardner, what training did she undertake?"

Mr. Gardner - "Well she went -- she went to the local Election Board and asked for training. They said we do not have a mechanism in place for providing training and turned her away, but she persisted. She went and met with them, and said look, if you're going to, essentially, if you're going to get me in trouble for this you need to tell me what to -- how to do it right. And they gave her, I want to say, a couple of hours of training at the local Election Board office."

Chairperson Handel - "I have a question. Ms. Almond, it was 12 voters where the "X" was marked, instead of the signature?"

Ms. Almond - "Well actually, it was two voters on their voter registration applications, and three on their absentee ballot envelopes."

Chairperson Handel - "All right. We didn't quite get there on a thousand, but I can't be in place with zero fine, and we've had some cases before where the individuals were mistaken in following the procedures, and maybe they didn't have an intent. I specifically recall the -- women from south Georgia, and I believe we settled on a hundred dollars, per, on that one. And so, if they were in violation of five, with a hundred dollars each, that would be a \$500 fine. And certainly, the training issue is a big issue, and for this one SEB member, the fact that she was charged with this duty, and just because, I mean, she had a responsibility if she was charged with the duty. She had a responsibility to know what she was doing if she was going to take -- take on that -- that duty. And she did so, and didn't bother to figure out what she should or shouldn't do. And that's -- that's really a big problem. So I'll try a motion, again, where Mr. Evans was that we accept the Consent Order with a Cease and Desist, a formal reprimand, a \$500 fine, and -- and you said she did complete training?"

Mr. Gardner - "Yes, ma'am."

Chairperson Handel - "Okay. That's my motion. Okay."

There's no second to five hundred. Any other --."

Mr. Worley - "Can we have some discussion first?"

Chairperson Handel - "Sure. Absolutely."

Mr. Worley - "I certainly realize the importance that we have attached to levying a monetary penalty in cases like this. However, it seems to me that under -- under all of the circumstances in this case, and the -- including the policy that did direct her to assist voters, her willingness to assist voters, her being asked by the voters, first, to assist, and the public humiliation to which she's been subjected already in a relatively small area. It just seems to me that under the circumstances, the appropriate remedy is to a cease and desist order and a reprimand, and training, which she's already sought. So I would make a motion that we accept the Consent Order that includes a cease and desist order, public reprimand, training, but no penalty -- no monetary penalty."

Mr. McIver - "What about a letter of Consent?"

Mr. Worley - "And a letter of Consent."

Chairperson Handel - "I've got a motion and a second. Oh. Did you second?"

Mr. McIver - "No."

Chairperson Handel - "No. Okay. There is no second."

Mr. Israel - "Second."

Chairperson Handel - "Okay. I was going to say we went zero, five hundred, a thousand, we've got to find somewhere -- all right. Discussion on this? Mr. McIver."

Mr. McIver - "It seems to be part of our mission is to send a message to other facilities throughout Georgia, and forgiveness in a situation like this, however appealing it may be, and I -- Mr. Gardner's done a very good job. This is the kind of person, if I can meet like that, more of them in our State, but I am very much concerned that this might be too light of punishment, particular to the fact that it could well have been a felon. So I'm going with Mr. Evans at the thousand dollar level. So therefore, I intend to vote against the motion."

Chairperson Handel - "Well, we don't have a second on this one. Oh. Yes, we do. I'm sorry. Jeff did."

Mr. McIver - "The reason for my discussion -- but it does to me that it's kind of incumbent on us to make sure that the

rest of Georgia in facilities like this are very aware of how seriously we take these violations of 562."

Mr. Worley - "Well, I accept. Thank you, Madam Chair. I accept what Mr. McIver has said, and I agree with much of what he's said, but I really think the best way, if our intention here is to send a message, the best way is to work with the Georgia Nursing Home Association, or I don't know. I know there is some such group, but don't know the title. The Secretary of State's Office and Board to make an effort to inform nursing homes of the rules relating to absentee ballots, and get that message out. I think that's a much better way of ensuring that future violations of the law do not occur, than punishing someone who had no -- just trying to do the best they can -- they could. And I think, unlike many of the cases that we deal with with violations of this kind, almost all of those cases occur where someone is supporting or opposing different candidates and trying to achieve a result by getting their family members or others to vote. This, to me, just doesn't fall under that circumstance."

Chairperson Handel - "Can we -- I have a question to ask. What was Ms. Griner's position at the nursing home?"

Mr. Gardner - "She's an Activities Director responsible, essentially, for planning activities for the residents."

Chairperson Handel - "Then, I guess, my question is I think there's, sort of, a dual, certainly if she's in a director level position, it would be incumbent upon her to know the extent of her -- her duties and responsibilities, including the laws in which to carry out. Is there -- is the employer in any way responsible in this?"

Mr. McIver - "Not a named Respondent."

Chairperson Handel - "They're not. Okay."

Mr. McIver - "We are sure of that?"

Chairperson Handel - "That's kind of what I'm asking. I don't know. I don't know."

Mr. McIver - "Does the Law Department have an opinion on this? Can we add a Respondent?"

Ms. Almond - "Yes. You can add the nursing home as a Respondent. Yes."

Mr. Worley - "Well I think we have to be careful about what we're doing here, because I'm sure the nursing home is not happy with the situation as it is. I don't know that we

want to name the nursing home as a Respondent and get Ms. Griner in even more hot water than she's been already. I would expect -- I would expect that she would prefer to pay the fine than have them listed as a Respondent. I'm not asking her as --."

Mr. Ritter - "Madam Chair.

Chairperson Handel - "Yes."

Mr. Ritter - "You know, I would have some concerns, but I'm not going to commit one way or the other, candidly, but concerns about adding, at this stage of the proceedings, a new party to -- to suddenly -- there's been no probably cause hearing regarding the nursing home. The better part of that would be not to do it. It's not necessary."

Chairperson Handel - "I'm not going to be able to support the motion with zero fines because we have, as a body, candidly, taken a very hard line, even when there were extenuating circumstances such as this. If I'm anything, I'm consistent about things and we cannot, just because one person has one story and another person has a different story, differentiate on how we're going to handle the cases. It's very important that we have consistency. Any other comment on this particular motion? All right. We have a motion. Mr. Worley."

Mr. Worley - "No. I'm sorry, Madam Secretary."

Ms. Courtney Griner - "I am Courtney Griner. This is hard. We need help. I've had so many activity directors and administrators call me and say, what was determined? Can we have a session with the activity directors in our company? Can we come together and will you show us because we don't know. All I'm asking is for some guidelines because there's nothing. You can have a voter in a nursing home that is completely unaware of anything about politics, and let them vote. They can say I'm a Democrat, put me down. They don't know anything. And I try my hardest with current events, and we, you know, we talk about what's on the news to let them know to vote properly on what they want to do. This has been very humiliating. I've voted one time in my life. And I admit that I was wrong. I didn't know, at the time, that it was this severe, and I do apologize."

Chairperson Handel - "Thank you."

Ms. Griner - "But I was -- was trying to do the right thing."

Mr. Evans - "Ms. Griner, let me --."

Chairperson Handel - "Mr. Evans."

Mr. Evans - "The GEOA has a three-day training session, and -- where is it this year, Tex? Do you remember?"

Chairperson Handel - "In Savannah."

Mr. Evans - "In Savannah?"

Mr. McIver - "I think it's in Athens."

Chairperson Handel - "In Athens."

Mr. Evans - "Which will involve some expense. And my question, which to me would be catamount to the thousand dollars that we've been talking about. You understand the reason why we have to be so tough, because we're not -- if we're not very careful, we end up with nursing home -- if we were to say cease and desist, and you agree to go to the GEOA for all three -- is it three days, Madam?"

Chairperson Handel - "Yes."

Mr. McCarthy - "Actually -- actually --."

Mr. Evans - "But she would be -- GOA would be applicable to her. You go to all three days, and then we would accept that because the net -- to an extent, will be close to the same as a remedy. And then we still are going to have some monetary fine, it could be \$100 or, you know, we still have to have some level there. Is that something, and I don't know if you want to take a moment and talk to your counsel about it, and then, obviously, I can't speak for the whole Board. I agree with Board member Worley. Our biggest issue is making sure that we take steps so that it never -- things like this never happen again. And so, the signal of the thousand dollars, however satisfied, is something that we're probably going to have to do. But we can always consider other ways in which she got that. So I don't know if you want to talk to her a minute, or Madam Chair, you may want to get --."

Chairperson Handel - "If we could -- if we could, we do have a motion and a second on the floor. We're getting off into different motions and options, and I would like to, just for clarity sake, let's deal with the motion that's on the floor before us. If anyone has anymore comments specific and germane to that motion, we'll entertain those at this point. Anything else? All right. The motion is the motion from Mr. Worley, and seconded by Mr. Israel. Is it all in favor?"

(Whereupon, there was a chorus of ayes)."

Chairperson Handel - "Opposed?"

(Whereupon, there was a chorus of nos)

Chairperson Handel - "I'm sorry. Did we get -- you were out --."

Mr. McIver - "I voted against."

Chairperson Handel - "Oh. I thought you said, aye. Let me do it again, because -- all in favor, say aye."

(Whereupon, upon there was a chorus of ayes)

Mr. Evans - "No."

Chairperson Handel - "No."

Mr. McIver - "No."

Chairperson Handel - "Okay. That's one off the table. Mr. Evans, to your suggestion on GEOA, candidly, I can't really support that because GEOA is specifically for election officials and Ms. Griner is not an election official. I will say this. I think that the nursing home, again, the Code is very clear on how you're supposed to handle these various issues, and nursing homes know that this is something that comes before them, and certainly -- I am certain that if the nursing home, or your nursing home were to want to pull together activity directors and ask someone from my team to speak, we would be more than happy to have someone from our office come down and do that. And we stand ready to do that in any number of areas, but I can't be in a place where, I mean, the whole thing about being ignorant of the law absolves you, as you know, that's just not how it works. And it is someone that's given an assignment, one that is in the area of voting which comes with very, very strict rules, laws, procedures, et cetera, it would be incumbent upon someone to go to their boss and say, hey, I need some training around this. I'm sure that your nursing home has counsel, et cetera. So I don't know if we're -- and Mr. Evans, do you want to try your motion and see where it will go, or --."

Mr. Evans - "I don't know that it -- I don't know, Madam Chair, if either of us sat all the way through the GEOA, but I find that it's particularly (inaudible) and I find that the information is information that every voter, optimally, would love to have it. I think they do a great job, and I think if nursing homes sat through it, they'd have a better -- better impression, and better understanding exactly what the roles are. So I'll give it a whirl. The worst thing that happens is we don't -- we don't get you off free. I

would move that we accept the Consent Agreement, with a sanction that provides a cease and desist order, a letter of instruction, a reprimand, and that we would impose a fine which could be satisfied by the payment of a hundred dollars and attendance -- certified attendance at the GEOA Conference. And in the event that she didn't want to attend the conference, then in that event the full amount of the thousand would be payable."

Chairperson Handel - "Is there a second? It doesn't get a second. Mr. Worley was next."

Mr. Worley - "I just -- not to make a motion, but this is a matter of discussion. Essentially, it seems on the record we have five violations here. And in the past we've imposed a hundred dollars to the violations. Two of the violations are for saying on a voter registration application -- I'm not sure that we -- I don't recall our having in a case where, in the past, where we had the issue of a signature on a voter registration application. I'm not saying that should be a lesser or greater penalty, I'm just saying we don't have a precedent that we follow in that case. So we're falling past the rest of this, then perhaps it's appropriate to fine her \$300."

Chairperson Handel - "Anyone, before we try the motion, have a comment about that?"

Mr. McIver - "In my view, it's too light. I support a thousand dollars. As an attorney who represents employers, only, and there's a bunch of nursing homes, my view would be that we vote a motion that has the penalties identified by Mr. Evans for a thousand dollar fine, and somewhere in there I'd love to have a subliminal message sent to the nursing home that if you have such a sterling employee as this, probably the proper thing to do is to pay that fine, and go forward with trying to maintain this sort of program that this lady does such a good job with as an Activities Director. But still, these are very serious violations. I think our obligation, as a Board, would be with the motion."

Chairperson Handel - "Do you want to try that as a motion?"

Mr. McIver - "I hereby move that the penalties, as identified early by Mr. Evans, that I think are part of the Consent Order, and the one thousand dollar fine to be used as the remedy as case."

Chairperson Handel - "I would accept an amendment to that to add to it, and that it is the State Election Board's strongest urging that Ms. Griner's employer pay this find in light of the training issues that's existed."

Mr. McIver - "I agree to that modification."

Chairperson Handel - "All right. Then I will second the motion. Second. Any other discussion on this one? All right. Let's try this one. All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Opposed?"

Mr. Evans - "No."

Mr. Worley - "No."

Chairperson Handel - "Okay. Three ayes and a no. And so we will draft that, and Ms. Griner, we will also have a letter sent to your employer around this matter, specifically, noting what our understanding is around the training issues, and in that letter we will also -- to offer to come and do a training session there as well, including -- in that letter, the -- our strongest urging as a body, that -- that your employer pay that fine. And I really appreciate that you had the courage to stand up and be there, and speak before us. That says a great deal about you as an individual."

Mr. Worley - "Madam Secretary."

Chairperson Handel - "Yes, Mr. Worley."

Mr. Worley - "I just think it's important to note for the record, Mr. Gardner, that we haven't found any probable cause in this case yet. This comes to us in the form of a Consent Order, and Mr. Gardner, if you don't want to consent to that, fine, you don't have to."

Chairperson Handel - "That's correct."

Mr. Worley - "You don't have to. No. I understand that, but I just want to make it clear on the record. And if you decide not to consent to that, and it still has to come back to the Board for a finding of probable cause, I shall want -- and I can't speak for other members of the Board, I not opposed to finding a probable cause because I don't think there's -- So, you know --."

Chairperson Handel - "Thank you."

Ms. Griner - "Thank you."

Ms. Almond - "A thousand dollars, plus the training, or --."

Chairperson Handel - "No -- GEOA -- All right. And Mr. McCarthy, will you make a specific note around that motion?"

Mr. McCarthy - "Uh-huh (affirmative)."

Chairperson Handel - "Thank you. Is the next case Habersham?"

Ms. Almond - "Yeah."

Chairperson Handel "Okay. Is this next one Habersham?"

Ms. Almond - "Yeah. If I could also let the body know that -- that the probate court judge for Habersham replied that, under the right understanding from Ms. LaGrua, she had a health issue and she's in the hospital, which is why she is not here today. Are you with Habersham?"

Unidentified Speaker - "I'm with Habersham County, but the Probate Judge has hired other counsel."

Chairperson Handel - "Right."

Unidentified Speaker - "Okay. Judge McDonald --."

Chairperson Handel - "Okay. We'll wait and hear our update, but I did want the body to know the --."

Ms. Almond - "Okay. This case involves Probate Court Judge Ann Gerald. She's found to be admitted to 16 violations of the Code. You know, first in the June 19th, 2007 Election, and then even more violations were found in the July 17th, 2007 Special Election. The Judge didn't, and the investigators did not deny that the violations occurred, but stated that she didn't have the staff funding to fulfill her duties. The Board, having considering this issue, decided because of Judge Gerald's stated reasoning added the County Commission as a Respondent, and I'm referring this case over to our office to negotiate a cease and desist order with corrected action. After the case was referred to our office the Respondent's -- they have been going back and forth without funding. Judge Gerald requested that she be given a full-time employee, part-time employee and money for training. I understand they have been, you know, she has been in discussion with the financial officer for the County regarding the 2007/2008 and 2008/2009 fiscal years. The last that I spoke to Judge Gerald's attorney, he is optimistic that there could be something that her client could, you know, that would allow her to proceed in her duties, however, he was reluctant to enter into a Consent Order admitting to the violations. I don't know if that's still going to be -- that was his initial thought, however, it's recently come to my attention that there have been further investigations involving Judge Gerald so I would go ahead and negotiating a cease and desist order just to wait

until what the further investigations deal. The Board does need to further comment on that. And also, the attorney for the County Commission is also agreed to --."

Chairperson Handel - "Do you have anything else to add?"

Ms. Runyon - "I know you don't want to hear a whole lot today, and -- but as far as the further investigations, you all had Habersham County as a Respondent, as well, to investigate whether there was some problem. And we have provided them, showing that what Probate Judge still has funding in her budget. She hasn't finished it up."

Chairperson Handel - "Okay."

Ms. Runyon - "And that she has to go through certain procedures to get more money. And we even tried to get with her on that, so I --."

Chairperson Handel - "Okay. I'm sorry. I will let --."

Ms. Runyon - "I know. I don't want get --."

Chairperson Handel - "Let us see where we're going to be on this, and it might be that we would want some additional comments. Tell me your name, again."

Ms. Runyon - "It's Andrea Runyon with Habersham County."

Chairperson Handel - "Andrea Runyon."

Ms. Runyon - "I guess my concern is looking the, whatever they're investigating now with what was investigated before, and automatically putting the County in as a Respondent to this."

Chairperson Handel - "It would all be taken into consideration from the body as we move forward. Thank you. To Ms. Almond's point, I think that there will be an additional report around Habersham County so it would probably be best, as she's recommended, that we defer this and so we just have one approach on this. And in the course of that, differentiate between the Probate Court Judge and the County. Do we need a motion to defer this, Calandra?"

Ms. Almond - "No. Just no action."

Chairperson Handel - "Is everybody comfortable with that? All right. Thank you. All right. Our next item will be Legislative Update from Deputy Secretary Simms, and Mr. McIver, if you would take over for a moment while I run to the restroom for a moment."

Mr. McIver - "Let the record reflect that the Chair is leaving the meeting for a moment, and that I am Chairing. Mr. Simms, the Chair will hear your report."

Mr. Rob Simms - "Mr. Chairman, members of the Board, I've passed out to you as a folder. What you'll find inside is the first page is some summary pages of some 29 Bills that have been introduced concerning elections in some form or another. You'll see a summary that includes who it's been introduced by, and what the current status is and respective Chamber of the House and the Senate. Starting tomorrow, you'll receive this same format as a weekly Legislative Update from our office, and specifically, from Michael O'Sullivan. You'll notice that the title line on the legislation, that'll actually be a hyperlink in your email where you'll be able to click and go straight to the legislation and be able to open it up and view it straight from the email. There are four Bills, though, that I do want to bring to your attention. And I'll be happy to answer any questions you might have about these, or any other issues. You'll recall last year, that the State Election Board took a position on three pieces of legislation and endorsed three pieces of legislation. One of those Bills, Senate Bill 71 introduced by Senator Tommy Williams to, in essence, limit the number of days in the calendar year in which a special election could be held and limiting it to four. There are variety of issues and things that came up in which that Bill kind of got clogged down in the House. It is still alive in the House, but there was a very similar Bill introduced this year. It's House Bill 296. You have a full copy of each of these Bills in your folder, as well, that has already passed the House and passed the House last week. It does, essentially, detect anything in Senate Bill 71. We're hopeful that the, kind of, politics and gamesmanship, for a lack of a better way of putting it, do not take both of these Bills hostage in one chamber in the other, and one of these will actually make it through. The second Bill is Senate Bill 387, which has been introduced by Senator Cecil Staton, and this has to do with absentee ballots. Specifically, there are a couple of, two or three issues, that have been -- we're trying to address in this Bill. First, the -- we're trying to give the voters who vote absentee ballot in person, the ability to vote. That now, without a declared reason, when no excuse absentee balloting was put into place for the 2006 elections, the law was not changed to include in-person absentee balloting. It was just absentee balloting by mail. So this would just add consistency with all absentee balloting, to be done without a declared reason. The second provision would be to allow overseas and military voters to be able to apply for absentee balloting electronically. This would entail scanning the application and sending it in, that way via email. This also brings some very significant verification

and really codifies, I think, what the State Election Board has talked about for well over a year, and that is the process for signature verification in the absentee balloting process so that the signatures are matched to the signature card for the voter, to the application that the voter sends in for absentee ballot, and to the absentee ballot itself. We've seen some cases that have been before this Board that from anecdotal evidence, that there appears to be some disconnect in some of these provisions in other areas where two of the three may be done, or it's not necessarily done completely and this is just going to codify in the law that this is, in fact, what the process is going to do. And finally, this Bill is going to provide in the law that the absentee ballots are going to be securely stored so that they are not going to be tampered with or accessed as they're being collected and stored. The third Bill is House Bill 1098, which is -- really what this is is a Bill dealing with municipal and County elections. You'll recall on the September and November elections in 2007 that we kind of discovered that there is nothing in the Code that requires a County or a municipality to even notify the Secretary of State's office of their conducting of or having an election, let alone, what the results of that election are and things of that nature. What we're going to do is put into the Code that the municipalities will be required to report these things to the Secretary of State's office, and also provide certified results upon the locality certification of the election. Finally, House Bill 1112, which I've kind of called the Clean-up Bill -- I don't know if clean-up is the right word, it's more catchall at this point. There are probably five or six different things that the Bill does. There's three different things that I want to bring to your attention. You'll recall that last year we made some changes in the law that the State Election Board endorsed in a legislation that updated the Code requiring County election official certification so that it would have to -- in essence, the County would have to have a certified election official on staff every year. And if a person was not certified, they'd have to be certified. There was a date specific in the old -- in the old law. We changed that to make it an annually ongoing basis. We discovered in different sections of the law dealing with minuscule elections, that there has been municipal certification requirements in the law that, quite frankly, I don't know how strictly followed those were. And what we've decided to do is update that so that it exactly parallels, and you'll notice in the Bill that you have in front of you that it now refers to County and municipal election training so that the city election officials are going to be treated in the exact same way as the County officials for certification purposes. Finally, there's a couple of different provisions that are going to allow for a more streamline process for the Secretary of State's office to deal with the records for

felon updates on the voter list, as well as for vital statistics, getting those in -- that information from the State and Department of Corrections to get vital statistics so that we can provide more timely and more efficient, and quite frankly, digital updates of those records rather than having to send reams and reams of papers around the State to each of the individual counties. Finally, I will make one other minor point on this Bill. There is a section there that you'll notice, maybe when you review later, that we put in there some revisions to require that the personal information that is being held for voter registration purposes will be held confidentially by the Secretary of State's office and by those agencies who are wholly authorized and have that information. Particularly, in some other states throughout the Country there have been some real concerns about how personal information has been, kind of being bounced around from departments and agencies within State governments and we're putting a provision in to make sure that problem, from Georgia standpoint, we've got that information secured. If you guys have any questions on the State Legislation, I'll be happy to answer those."

Chairperson Handel - "Mr. Evans."

Mr. Evans - "22-2-415, we've talked about. Where is that addressed?"

Mr. Simms - "21 --."

Mr. Evans - "I think we agreed, or there has been an opinion that that's unenforceable so we were going to deal with that in the housekeeping. Is that addressed in housekeeping?"

Chairperson Handel - "Rob, the issue that came up in our lunch session around, I think it would be in your clean-up bill."

Mr. Evans - "Actually, it was in the public session we did in Pierce County."

Chairperson Handel - "Yes."

Mr. Simms - "I'm sorry. I couldn't hear the beginning of his questions, that's why I was asking."

Chairperson Handel - "We need you to speak in the microphone."

Mr. Evans - "Yeah. Is that addressed in -- is that addressed in the housekeeping bill?"

Mr. Simms - "I'm sorry, Mr. Evans. I don't know what the -- that you're referring to. I didn't hear the beginning part

of your question."

Mr. Evans - "Just -- I thought that they've tried to keep a list of housekeeping."

Mr. Simms - "This was the question regarding what the -- what I guess the disclaimer would be on the political sides? Am I understanding that correctly?"

Mr. Evans - "No. It's actually on mailing to County State party where you're supposed to list the top three con -- any literature that's mailed. And I was just thinking, because over the course of the last year, we've had a series, and I'm trying to pull them up here, of statutes where we say, oh, that needs to be cleaned up or that's not right. Normally, we grab all of those in the housekeeping legislation and take it over, but I don't see them in House Bill 1112, which is referred to as our housekeeping bill. So I didn't know if someone had went back through the minutes for the year, picked all the statutes where we've quoted in the language is less than optimum, and included it in our housekeeping bill."

Mr. Simms - "Mr. Evans, we were keeping kind of a running tally, if you will, of things and issues that have been raised. Frankly, this one may have just slipped through the cracks on my end, and I apologize and will be happy to revisit this and see if we can't develop some language that would address it."

Mr. Evans - "I think there were actually a couple of others that aren't addressed in here. I'll try to pull them up before I get out of here. If not, I'll -- there was one dealing with absentee balloting that was a hole where it was -- the two choices weren't precisely defined. But in the minutes it would reflect just, you know, the series of little tweaks that need to be put it in. And what we need to do is just be sure and grab that back. I remember Secretary Cox was always good because Flip Tatum (phonetic) would keep a folder, and every time we'd come up he'd physically drop them in the folder so that by the time we got to here we wouldn't have to kind of remember them all."

Mr. Simms - "Well, I'd be happy to review...."

Mr. Evans - "Okay. That would be great."

Mr. Simms - "...and revisit those things. That's fine."

Chairperson Handel - "Okay. All right."

Mr. Simms - "I wanted to --."

Mr. McIver - "Just one moment. For the record, the Chair has returned to the room."

Mr. Simms - "If I may, just real briefly, there's a brief update on the Federal Legislation. You'll recall, this Board has discussed and been briefed on HR 811, which is kind of like the Holt Bill, which is a pretty comprehensive Bill in Congress to enact federal standards for electing federal elections throughout the Country. It would have had an impact on Georgia, as well as virtually every other state in the Union to varying degrees, obviously. You'll recall that this Board also had taken a position, and I think Mr. Evans was not here at that time, and if I'm incorrect, please feel free to correct me, in opposition of that Bill, I think, not to speak on behalf of the Board, but one of the primary concerns was the time frame in which the State would have been required to replace all 25 thousand-plus voting machines in less than one calendar year. That legislation, while still pending in Congress, is -- is not moving anywhere. Congressman Holt, within the past several days, has drafted a new Bill which is to allow states to kind of volunteer with the hope of federal funding to do some things in addressing paper trails and auditing from elections in November of 2008. The most significant part of this Bill is asking states or encouraging states to put emergency balloting provisions in place in the event of a machine breakdown on DRE voting. As I'm sure this Board is familiar with the polling, Georgia already has that provision in State Law, as do many of the other states that are voting on DREs. But I just wanted to make you aware as you will continue to see articles and things in the media that there is a second poll bill that has been introduced. It is voluntary for the states, and I will also -- want to tell the Board that last week at the National Association of Secretaries of State, there was a legislative session which Congressman Holt spent about an hour of his time with members of the Election Committee with Secretary Handel as one, and it was a very good and very positive exchange of ideas and suggestions on how Congress is going to go down this road in legis -- federal legislation for elections, how they might be able to do it in a way that more sets goals for the states to get to, rather than implement one size fits all approach. Anyway, that's all I have for legislation, unless y'all have any other questions."

Mr. Evans - "One other question. Did we -- do we need to address, just looking back at my notes, on 21-2-230, which is the one dealing with the challenge of electors. For the event that the County does not have the signature card. Because I know that Wesley circulated a memo on this. Attorneys looked at that, and I think the confliction was that -- that Georgia Law currently does not precisely address questions, and that while we -- we felt pretty

comfortable in terms of reaching the legal conclusion that was reached, that in fact, there's -- that the statute, themselves, was silent. Can we address that?"

Mr. Simms - "I will certainly get with Wes and review that again, and maybe with Stephan in the Attorney General's office to see if there's something that needs to be more specified."

Mr. Evans - "Well, my worry is that we get to the November Election, that it is a razor-thin margin, and that there are challenges to -- depending on who you believe, one-to-four percent of the votes challenged on the grounds that there are not appropriate documents to back up an absentee ballot which has a signature. And we have to have, you know, we're precisely left with the issue of how do you address that. Because it doesn't appear to me, and I've studied the -- Wes' memo. I thought it was very thorough and very well done. But -- and does a very good job of dealing with all that we do have, the problem is we don't have a statute or a rule that precisely addresses this point and rather than wait until we get a challenge, we may want to address that with a provision."

Mr. Simms - "Well, Mr. Evans, maybe what we'll do is, Wes and I can get together and review it again, and get with Stefan and decide whether or not it's a rule or a legislative issue. And then -- and then, bring something -- send something around to you guys or --."

Mr. Evans - "That would be great. That would be great. I just -- there's a -- we have a hole there in the law, and if we have razor-thin margins, which everybody thinks that we may have, the last thing we want to do is to have a hole that we all go in."

Mr. Simms - "True."

Mr. McIver - "Madam Chair. May I be excused?"

Chairperson Handel - "Yes. I know you have a client awaiting you in court, and I'm not going to stand between you and the client."

Mr. McIver - "Well I see that my departure doesn't involve us in the court, so --."

Chairperson Handel - "All right. Next item is Photo ID Outreach Update."

Mr. Simms - "Well, Madam Chair, it kind of pains me that Vice Chairman McIver is leaving on the Photo ID Update, but --."

Chairperson Handel - "I know. Try not to take that seriously."

Mr. McIver - "I hate that the most."

Mr. Simms - "Be that as it may, I've got a very brief update on basically what our program was for, the Presidential Preference Primaries. I know that when Mike gets through some of the things that -- for the actual conducting of the election, he'll touch upon some of the issues and, kind of, the numbers with Photo ID. You'll see on the first line that as you recall for each election we have run a new match of the voters versus the DDS ID or the DDS database, if you will. Our new match produced -- it would be 336 thousand and 710 voters who may not have a DDS issued ID. Of that large group, about 80 thousand, or so, were voters who resided in a County who had not participated in an election in September and November. And why that's important is, you'll recall that the way we set up our outreach and education program was we were going to target it by those counties having elections at the closest dates and kind of build it out from there. So for that 80 thousand group, we ran the exact same program we had run in September and November, which was three mailings directly to the voters, including a brochure on what the requirements are, a letter pointing out the requirements and where they need to go to -- the address and phone number for their voter registrar's office, and reminder postcard in time before the election so they'd have time to go get a VIC if they needed one. The remainder, 254 thousand voters of that group, they resided in counties that already had had an election, either in September or November. So for that group, we had a -- what would amount to a reminder program. A reminder postcard letter saying, hey, there's an election September 5th. Our records indicate you may not have an ID, here's what you need to do to go get one. If you have any questions, call here, and so on and so forth. We ran that list on January 3rd, and we ran a subsequent list, or a match, on January 18th. The reason we ran that January 18th match was that corresponded with, really, the last day to register or to be able to vote for February 5th. So in that group, we picked an additional 26 -- 2,610 voters, and we put those voters right into the program so that we were able to contact three times directly before the February 5th election. On this last slide, you'll see that in addition to the efforts that we did directly with direct mail to the voters, and things of that nature. We had public service announcements on cable televisions stations and systems throughout the State. Again, Georgia Cable Television Association was very generous and very gracious in working with us to help us get our message out. We advertised extensively, again, on radio networks throughout the State. We had notices and messages

on power and utility bills, as we've done in previous elections. One funny anecdote about that, we know that those messages were getting read because the overwhelming majority of calls at our Election's Office was getting when those bills went out were complaints about their power bill, and not actually issues involving Photo ID, or questions about how to get one and where to go. Finally, we did continue outreach to nongovernmental organizations, including chambers of commerce, religious organizations and churches, and about 109 local libraries. As I said, Mike will get into a little more detail as to what Election Day entailed, and what we saw with Photo ID and all the other voting that occurred, obviously. I do want to point out one funny story that we had in a complaint that our office received from a voter late on Election Day, which he sent a very, kind of, angry email in which he was upset that he didn't have a voter card, and he decided he wasn't going to show up and vote today, and he was going to sue everybody, including Karen and me, and everybody in this room and all this other stuff. And so, I called the gentleman back and asked him if he had gone to the precinct, and he said no, because he had heard all the announcements and seen everything on TV and -- well, the government hadn't sent him a voter card, so he didn't have one and he wasn't going to go. And I said, well, sir, you know you can go to the precinct and if you don't have a form of ID you can vote provisional. He said, well, okay, I appreciate that. So we got to talking and finally said, well, we'll call him Mr. Smith. Mr. Smith, do you have a driver's license, and he said, yeah. I said, well, Mr. Smith, that probably would have worked. You know, that's one of the six forms of ID that's allowed. And he's like, oh, I thought I had to have a special voter identification card, and not just any kind of driver's license or government issued ID. So I throw that out there to kind of add some humor and levity to it. He was very gracious and very nice, and honestly, for the front office at the Capitol where we did receive calls on Election Day with questions, and saying, hey, there's a line here or something going on here, that really was the only call or email that we got that really pertained to Photo ID. So I think that's kind of a good testament to -- to the program. And I'll be happy to answer any of the Board's questions."

Chairperson Handel - "Any questions? Mr. Worley."

Mr. Worley - "Thank you, Madam Secretary. Rob, I just want to be clear about this, and this goes back to your overview. Just to go the page that has DDS match. Basically, you're saying that the 79 thousand-odd voters there got three pieces of mail, correct?"

Mr. Simms - "Yes."

Mr. Worley - "And the 254 thousand voters got one piece of mail?"

Mr. Simms - "It was a reminder letter, kind of postcard."

Mr. Worley - "And those were mailed sometime between January 1st and January 18th, or when were they mailed?"

Mr. Simms - "Well the Photo ID program, itself, for let's say those who had not been -- the new -- the 79 thousand, that started, I think, four-and-a-half, five weeks before -- four weeks before the election, and basically went almost weekly. And then, the reminder postcard, I believe -- I don't have that directly in front of me, but as I recall, it was about ten days beforehand. We had structured it in a way to make sure that if they were to receive it and have questions, that they would have ample time to be able to go get it if they need, or to call our office to go to the local registrar's office with any questions or comments they may have."

Mr. Worley - "Have you compiled any records, yet, of how many of the 336 thousand people actually voted in the election?"

Mr. Simms - "Well, I think Mike can talk more specific to this. We'll do -- I think the voter history updates will go towards the end of this week. Is that right, Mike?"

Mr. McCarthy - "Next week."

Mr. Simms - "Next week. We will have the voter history updates and the voter registration list. And once the updates are done, that'll give us the opportunity to be able to match it to, basically, these databases of voters that we targeted, that we'll be able to see who voted and what they, you know, that kind of thing."

Mr. Worley - "But it is your intention to match that voter history with the people that did it in advance?"

Mr. Simms - "I think so. Yes."

Mr. Worley - "Because I -- this is prior to the tenure of the current Secretary. When we had discussed this in the past, what my concerns was whether we are engaging in taxpayer funded voter discretion by mailing out mailings to people, essentially informing that they're -- if they don't have a registered voter -- the don't have IDs, and therefore discourage people who might otherwise vote. So I'm glad that the Secretary of State's office is going to have that information. I'm sure there are people who do these things

all the time."

Mr. Simms - "We took great care in how we worded -- in how we designed everything to make sure that we erred on the side of encouraging those to participate, and so we --."

Mr. Worley - "I'm not -- I'm not suggesting that it didn't intend on your part to discourage people, I'm just wondering, and perhaps, the data will draw some conclusions whether that that was the fact."

Chairperson Handel - "I just want to make sure that we're clear on this. 254 thousand voters that you represent by the voter card, they were -- they had already received the three mailings leading up to September and November."

Mr. Worley - "Right."

Chairperson Handel - "So I didn't want you to think that that group only got a postcard. Great. Okay. Perfect. All right. Anything else? All right. Mr. McCarthy. Actually, no. I think, Shawn, you were going to talk about Election Day --."

Ms. LaGrua - "Very briefly, just an update for everybody on our monitoring. This election, for the first time in a complete full force way, we had 33 investigators and inspectors that monitored both, advanced voting and absentee voting, as well as Election Day voting. In the past, we've had some checking of advance voting, but going forward there'll be even more that we have our investigators and inspectors participating in inspecting both, advanced and absentee prior to election date. Also, we're starting a new system that'll be effective both, in July and November, as well, as having regional responders around the State that are our more experienced investigators. But if there's a problem in a certain area of the State, they can respond immediately and be closer to Atlanta, than say Bainbridge. We'll have somewhere in each area of the State that can respond and assist with any issues that come up. Advanced voting and absentee balloting monitoring, we've seen relatively few problems. We are encountering some absentee balloting issues that we've identified and we will be reviewing those as we go forward and coming up with whatever ways we can to try to remedy those situations. Where there were issues in advanced voting and absentee monitoring on the front end before Election Day, our investigators, by being out in the precincts and registrar's office, were able to identify many of the issues and get them resolved before we even got to Election Day, which I think is one of the great advantages of having people throughout the State during advanced voting, as well as Election Day. The other thing to note is the same investigator assigned for advanced

voting and absentee voting, are being assigned for Election Day. So there's a little bit of a continuum of face for the elections officials. They know the person when they're coming in, they've worked with them, they know to ask the questions. And so that's working very well. We actually had a number of compliments come in from the field from the voter registrar and elections offices about the monitors we sent and how helpful they were. On Election Day, and specifically, we responded to about 15 specific issues that came in via either media, email, or telephone about specific problems that we actually dispatched investigators outside of their general monitoring to go and check and handle. In almost all of these cases, the issues were identified and were able to be resolved. And I know in a number of cases, there were other people concerned about what happened and we were able to resolve it before it got to be a bigger problem that it could have been. We have some issues that we will follow-up on for further investigation that came out of Tuesday's elections that we think warrant our group actually doing an investigation on. I would like to give some kudos, just generically, to the whole team of our inspectors and investigators that were very active the week before, the day of, and actually, all of my investigators were involved in making sure the ballots got in safely early on Saturday. That's in large part due to my Deputy Chris and Steve McBrayer, who were very instrumental in putting all that together. I can answer any specific questions if any of you has anything about the things we found and we saw, otherwise, you'll get a bigger overview from Mr. McCarthy."

Chairperson Handel - "Thank you. Before Mike starts, I do want to let the Board know, and those in attendance, that one of the things we try to do both, in advanced voting and on Election Day, was to be proactive as much as possible so we were -- any calls that came to the office, citizen calls, they didn't even have to be a formal complaint. If it were just a citizen calling saying, hey, heads up, this is what I, quote, experienced. We were responding to those and really looking into it and checking it out. We monitored any number of -- of, sort of, Election Day blogs, if you will, because sometimes people put information there before they would call our office, so again, we could be proactive in going out and calling the counties. And I do want to give particular commendation, not just to Shawn's group, but also to the election team. But in particular, to the elections officials and the poll workers out on the grounds. And I know we have a couple of our County election officials here. Really and truly, with the exception of some isolated cases of broadly around the State, things went very well and people were ready and trained. And if there was an additional problem, they looked at local elections officials and were very, very quick to ask so that it could get resolved immediately. Again, you'll hear some of the

isolated issues, and they really were isolated to some specific counties, and you'll see that as Mike gives his report. But those folks, they work such a long day, and I know we ask a lot of you who are reporting for those of you in here. We ask a lot of you in the months and weeks leading up into the poll workers. And so, you really did a great job, and so, thank you very, very much for your efforts. Mike."

Mr. McCarthy - "Thank you for those comments, Madam Secretary. I think one of the things that's really important with the Presidential Preference Primary that we've just gone through is recognizing that the big news, really, was the counties, instead of the process and that's really the way it should be. And although we didn't have absolute perfection, every place, all the time, all day went very well, and the places we did have issues arise, we got good feedback, we addressed them, and I'd like to walk through in the overview today and a couple of specific things that we're going to be following up on. First of all, on the voter statistics, this was already, relatively, old news but it really warrants restating. This was a historic Presidential Preference Primary. We had 45 percent turnout. This was approximately twice of what would be historic for the State of Georgia, and I think we can all be proud of that. Many of the local election administrators were anticipating larger, but not this large. And it's noteworthy, as Secretary Handel point out, people responded on the fly during the day to maintain a successful process overall, by and large, throughout the State. We had approximately a quarter-million of our voters voting in advance for absentee voting. We had monitors in place to watch that process more thoroughly than we had historically. And again, we had widespread success with that program, and I think we'll see continued growth in the advanced voting and absentee voting participation by Georgian voters, as well. Next item. Looking at results, once again, noteworthy is the magnitude of voter turnout. In either one of the voter turnout categories for the Democrats and Republicans would have been about the size of a previous Presidential Preference Primary. We had approximately double turnout with one million 60 thousand 851 votes cast for the Democratic side, and 963 thousand 541 cast for the Republican side. Very big numbers, and that's really the historical note in this Presidential Preference Primary. Next line was the technical field support. We took a number of different avenues -- a different approach of how we support the local election officials. We grew very much to a regional readiness and regional response model through the Secretary of State's office, just as the investigator general's office positioned their investigators statewide, by region, so they could be a rapid response to issues that came up that required their attention, we did the same thing

for the very first time in pre-positioning technical support for issues that might come up related to voting equipment and technical issues that the local election officials might ask additional support. We also bolstered the call center at the KSU Center for Elections for technical issues. We found this process to work very, very well. Our goal, which appeared to work very well and we intend to replicate going forward, was to have experts within an hour of anywhere in the State an issue arises. The regional support model makes good use of resources increasing our response time that we think, overall, will greatly make us more effective. Make us more effective to supporters of the local election officials. Next slide. KSU Center for Elections continues to be a significant part of our team. On Election Day, they -- it's a call center which is a hub for technical information that comes in and out. Also, before and after election day they play important roles for working with elections divisions. One of the things that we do differently that Secretary Handel talked about, moving things forward to increase our levels of readiness. We moved some of our activities with local election officials forward into the proceeding week. One of those was that removed from Friday to Monday the day we're asking local election officials to turn on the GEM server to make sure that they --."

Chairperson Handel - "It's the other way around, from Monday to Friday."

Mr. McCarthy - "From Monday to Friday. I apologize. That's what I intended to say. From Monday to Friday turning on the GEM server making sure the hardware is working properly, to test the uploads of election night, and to process unofficial results. And we found that worked very well, and in fact, many of the local election officials said they appreciated us working with them to get one more thing off the plate for Monday so they could it done early. Part of what that does for us, is it allows us to make use of the weekend if there are actual hardware failures to move supplemental hardware out and work with the KSU team and make sure we have extra time to move into the field to take care of what needs to be taken care of. The call center, and in the case of the election center to 362 calls during the Presidential Preference Primary, and the vast majority of them concerned ExpressPoll operation in the morning. The second most frequent category is actually something we always expect, and traditionally occurs, is questions regarding the process of uploading the unofficial results on election night. By that time, people are getting a little extra tired when they call, and that's what we're there for. The Election Day issues, we had a pretty-darned-good day, but it's clear that -- it's clear we had lines in some places, and in some places we had significant lines. We got

good feedback both, email and phone calls, from places where line occurred, and we're going through diagnostics to explain why we had lines in some places and not other places. Because it was not a statewide issue where we were getting very long lines in all of our three thousand voting places. This was actually not the case, but there were some places the lines were significant. We found, so far, a couple of issues that I'm going to talk about in just a moment in more detail. But they were primarily in the morning, they were primarily related to moving through ExpressPoll processes. Just wanted to note that, conspicuously, absent voter ID issues really was not something we got calls or emails on. Sometimes the absence is something you really prepare for, and it's noteworthy as well. Next slide on ExpressPolls. ExpressPolls were very visual because, in many instances, the lines were forming and people could tell they were forming where they were checking in rather than where they were voting. We've had a very large amount of feedback from members of the public. We're also getting a significant amount of feedback and observations from the local election officials to help us doing a very good diagnostic, and to be able to people give good remedial action. What's -- what's really clear is that the most important things that occurred dealt with operator error training. At both, the County level and at the poll worker level, in the case for counties we had some issues where we had materials that were not delivered to the proper polling places and it took time to straighten it out. That's a very important issue, and where it occurred I think they are intensely over-err over what occurred and will take steps to make sure that the proper materials get to the proper polling places. With poll workers we've identified a handful of things that there seems to be near universal agreement or training issues that could be addressed. And some of this it sounds simple, but when you begin to multiply it many times per hour, it begins to explain why lines occurred. One of the most frequent things that we suspect occurred that caused delay, was when poll workers normally would be searching a few hundred, perhaps a thousand names in the precinct record. In some instances where they went to a countywide search option or a statewide search option, they failed to turn it back to the precinct option. And instead of sorting of through, perhaps, a few hundred names, they were sorting through millions. And they may not have realized -- and they may not have realized that immediately and that would be cause for delay. The -- additionally, we also found that many of the poll workers were typing in the entire name, rather than just a few keystrokes, which took more time which multiplied throughout the day. We also found that poll workers were occasionally inadvertently ejecting the flash cards which required us to reboot, which was another source of delay. These are all training issues, and we're confident that working with the

local election officials we can address this. In addition, the good news/bad news, in many instances, is that the lines were significant in the morning, and it does take time to draw down that backlog, nonetheless, the voters are often waiting to get through that line and that is also something that good readiness on behalf of the poll workers in counties will help in delays drawing down that backlog. To be thorough, we're also working with local election officials to make sure that any possibility for there to be technical issues, however small or unlikely, are being examined. We are working with KSU to accumulate that information, and we're also working with membership and the GEOA to accumulate that information, and we will fairly assess if there are issues beyond training issues that are involved in ExpressPolls. Moving on to voter identification cards. Rob mentioned a little earlier that we do have some data. What I want to point out on this line is that we have a fairly significant turnout, and I've shown the last four months. In October, statewide, there were 946 VICs issued. In November, there were 928. In December, 319, and in January, 1260. In the last four months we've issued 3,453 cards by the registrars throughout the State of Georgia. In the -- we've issued 7,582, so the significant rule is immediately current, we anticipated this will continue somewhat into 2008, as well. Next slide, please. We have, for the first time in Georgia's voting history, began to accumulate statewide data of provisional ballots, as well. Currently, this is a voluntary reporting system. We've gotten good, but not complete, data from all of 159 of our counties, so we wanted to put this in perspective in terms of what proportion of the voting process is actually involved in provisional balloting. Once again noting, that we did have 2 million 24 thousand 392 voters we cast, in the State of Georgia, 7,453 provisional ballots. That's total .0036 percent, and I note that we have some incomplete data and we'll pursue that for a complete report. Next slide, please. I wanted to review, briefly, what some of the reasons for voters casting provisional ballots are. On the ballot material there is a place to mark -- four reasons, plus a place to mark no reason voting. What we have found, and again, this is the first time we have a statewide compilation of this information from a general election -- a statewide election, is that of the total, those that were not on the registration list accounted for 4,959. Those that did not have Photo ID, such as a VIC, a drivers license, accounted for 416. Those that did not have an ID after the first-time voter registered by mail provisions accounted for 57. Eighteen were accounted for by court ordered extension of voting time, and those that had no reason listed or other reason were 2,003. Next slide. On the validation, one of the areas we asked for additional information addressed the validation of the voters who had cast provisional ballots because they did not have Photo ID.

Of these, the counties have indicated 31 validated for the following two days by coming back with a registrar-issued VIC. Fourteen validated using a DDS-issued State identification card, and 75 validated using other types of Photo IDs. Moving forward, Secretary of State's office and Elections Division are looking at a number of initiatives to prepare for the summer primary, and for the fall general election. Secretary Handel is going to be convening with County Advisory Committee this spring. We'll be taking input from them on initiatives, some of these are listed lower on the slide. We're also in the process of developing frequently asked questions that we'll work with the Attorney General's office to get that, and actually post on our website with the legal citations behind them. We're also developing some training material. The first training materials, that are actually going to be training booklets, are addressing absentee balloting. The next book we'll be developing will deal with provisional balloting, so we can help folks have the tools that they're looking for to do their job to the very best of their ability. We're also going to be substantially involved with two major training sessions this spring. The VRAG, the voter registration -- voter registrars, March 9th through 12th. GEOA on June 1st through 5th. As part of our preparation for these programs, we are going to be working collaboratively with the counties to develop training materials that will specifically address the absentee balloting and provisional process with booklets and other materials we've cooperatively prepared. We're also going to be working on supplementing the ExpressPoll training, and the opening of polls training because we know that these are going to be critical areas. And again, as I've mentioned earlier, with regards to the ExpressPolls and the issues that were identified on the day of Presidential Preference Primary, we will be working to make sure that we know what's going as it occurs to identify issues that underlie what people's -- to get them fixed."

Chairperson Handel - "Thank you, and I just wanted to add one thing. In particular, on Photo ID as part of the ongoing program. colleagues, anyone who voted provisional that -- remember, that anybody who voted a provisional ballot, for whatever reason, that vote was not, ultimately, violated. The counties do have statutory responsibilities to inform that voter and that's happening. But in addition to that, specifically around Photo ID, we will engage in additional steps to reach out to those individuals and to make sure that coming in July and November, that we've not left any stone unturned in terms of each individual. Questions?"

Mr. Worley - "Madam secretary, I actually had a number of questions for Mr. McCarthy. You said on Election Day issues, that there were no Photo ID issues reported. What

kind of Photo ID issues would you anticipate happening?":

Mr. McCarthy - "Madam Chair, members of the Board, things we were listening for would have been this direction, such as I was here with my brother's license and I couldn't do it."

Mr. Worley - "All right. I wanted to follow up. You had given a table of the voter identification cards that have been issued, and know that in the entire process, 7,582 voter identification cards have been issued, and you anticipate a significant growth. The next page indicated there were 74 hundred, roughly, provisional ballots and -- which was only .0036 percent in higher number of people voting. Those numbers are rather similar, and I just point out that what that shows is that these voter identification cards are being issued to a tiny, tiny fraction of people who are actually turning out to vote on election day. So in your report on provisional ballots, you noted that stated in the receipt from all 159 counties, that there's still incomplete data."

Mr. McCarthy - "Madam Chair, members of the Board, actually there were, as of last evening, we had known information from, I believe, three counties, and we got incomplete from the other counties."

Mr. Worley - "How many -- how many counties had incomplete information?"

Mr. McCarthy - "We --."

Chairperson Handel - "If I might, they're on your slide right there."

Mr. McCarthy - "had --."

Mr. Worley - "Oh. I'm sorry."

Chairperson Handel - "Yes. They're listed on the slide."

Mr. McCarthy - "They're listed by name on the slide."

Mr. Worley - "Okay. All right."

Chairperson Handel - "And you have, also, detailed grids county-by-county, and then it's -- it's marked on there, too."

Mr. Worley - "Oh. I'm sorry. I didn't get that. And then, finally, the section you had under validation, 416 provisional ballots being cast because the person had no Photo ID. And only a hundred, if I might ask, only 120 of those were validated. Is that correct?"

Mr. McCarthy - "As of this evening, you're asking of the 416?"

Mr. Worley - "Yeah."

Mr. McCarthy - "Of the 416, it would be a total of 31, 14, and 75. Those would be the ones that were validated. That's correct."

Mr. Worley - "All right. So that means that 416, minus 120, by my math is 296. 296 of those provisional ballots were never validated. Correct?"

Mr. McCarthy - "That would be correct."

Mr. Worley - "That means that those 296 people never came back, and those 296 votes were never cast. Correct?"

Mr. McCarthy - "That would be correct."

Mr. Worley - "Okay. And by my math, that's 71 percent of the total number of provisional ballots case."

Mr. McCarthy - "That's approximately correct. Yes."

Mr. Worley - "Were never cast because the people did not come back within 48 hours to have their vote cast. Correct?"

Mr. McCarthy - "Those that did not cast are those that did not have their IDs, or did not take action to come back to verify their status with the registrar. That is correct."

Chairperson Handel - "And if I could point out the fact that of the smaller subsets of Photo ID provisional ballot, and not of the larger subsets. I mean, if you take a look at we have to run numbers around the other -- I don't know that it's an anomaly, but other individuals in other categories who had other reasons, we would want to look at that. I don't know if you could draw --."

Mr. McCarthy - "Actually, if I could speak in general that the other categories were, as you can see, not significant numbers that did not come back and remedy their issues."

Mr. Worley - "Well, again, my point is those people who, prior to being back in the steps, that their votes would have been case. Their votes would have been cast."

Chairperson Handel - "Prior to the enactment of certain voter registration requirements. Those are the folks might not have been, either. So I guess --."

Mr. Worley - "I guess, Karen, that one of the points of discussions we've had over the last several years has been that, well, people who cast provisional ballots may not come back and verify that they're actual voters. And one of the one's the deponents made was it, no, people were not going to come back and those ballots -- Apparently, for 71 percent of the people who fall into that category that -- that -- and again, my colleagues, we've had discussion on this before, but that doesn't count. What I believe are the vast numbers of people out there who now know they cannot vote out a photo ID and aren't coming to the polls. Hopefully, we'll have some data to present before too long. Thanks, Mr. McCarthy."

Chairperson Handel - "Anything else, Mr. Evans."

Mr. Evans - "I'm on the other end of the spectrum, which is I think we have lots of people coming to the polls. So you're projection is 45, or the actual turnout which ended being 45. And in the last Presidential, here, we thought we were, what? Sixty-one?"

Chairperson Handel - "You're talking about --."

Mr. McCarthy - "Is your question --."

Mr. Evans - "We had 45 percent voter turnout among registered voters in the Presidential Preference Primary?"

Mr. McCarthy - "Yes."

Mr. Evans - "And in the last Presidential Election, the last general election in which the presidential race is listed, do you remember what the voter turnout was?"

Mr. McCarthy - "For the Presidential Preference Primary four years ago?"

Mr. Evans - "No."

Mr. McCarthy - "I don't off the top of my head."

Mr. Evans - "I think it was 61. Here's my -- my worry is that if -- if we have whatever difficulties or challenges that we face from a 45 percent primary with a single item on the ballot, projected forward to a 60, you know, I think the estimates are -- we may get 67, 68 percent in votes this year. But it's -- let's just 65 percent turnout. I can see where they're being concerned."

Mr. McCarthy - "Madam Chairman, members of the Board, with a -- one of the things our voters did not have, issues related to Presidential Preference Primary or ballot issues, or voting issues. The actual execution of the ballot was not -

- was not actually an issue. We don't anticipate inter-model problems, and we are working with the County to be very, very aware and prepared for a historically large turnout."

Chairperson Handel - "In fact, Mr. Evans, really, what we're going to be working with as I pulled together the Advisory Committee, is looking at the -- Keenly, I think the turnout in November could even be more than the estimate. And one of the things we want to make sure as work with the counties, that the counties are mindful of, let's say, a 75 percent turnout in 2008 is a very different raw number of -- than a 75 percent turnout in 1988. And so, again, even though on the primary day the situation with the lines were really, candidly, isolated to Fulton, DeKalb, and Clayton, and the one Powder Springs precinct, we do want to work with the counties around a couple of things. One, can we make the -- number one, they need to look to the deployment of the check-in terminals. Do they have enough? Do they need to purchase more? And somebody commented earlier something about the State purchasing more, and let me make it clear for everyone sitting in here, some of our County folks, that would be a county responsibility if you need to purchase more. I know, Sherry, you know. And then, also, working with them around, sort of, flow in the precinct. One of the things that I noticed in my precinct was just, kind of, where the tables were to do the different things. And just to really work with the task force around that, particularly in the next two months so that if there's some different ways that we want to test, we can do it in July and get some real world experience with it coming into November, because I think everybody is mindful that we are likely going to see a turnout of the like that we've just never seen. And please know that we're extraordinarily mindful of that, additionally, with poll worker recruiting as well. So all of those things."

Mr. Evans - "What percent of Georgia voters live in Fulton, DeKalb and Cobb?"

Chairperson Handel - "Oh. Where did Rob go? He would know that off the top of his head. I don't know that off the top of my head."

Mr. Evans - "I'm just saying that when you say, well, we only had trouble in, you know, those three counties."

Chairperson Handel - "It wasn't universal in Cobb. It was one precinct in Cobb, and candidly, in that particular precinct when the poll worker -- I mean, you can't -- we can do all we can to anticipate what voters might want to do, but if all of a sudden the poll workers get there at 7:00 a.m., which has happened, there were 200 people that said

I'm going to be the first ones in line, you know. And I will say that Cobb and DeKalb, in particular, were extremely responsive during the day so that as you got to the noontime crunch, and the evening crunch, it wasn't there. But if you looked at some of other big precincts, big counties, Chatham is big, Muscogee is big, Columbia Richmond are big, they did not have, frankly, the issues -- I hate to keep saying Fulton, that Fulton did, then I think as you will see in coming reports there were other issues in Fulton beyond just lines. So that's all I can say until, I guess, (inaudible) completes her report on that. Okay. I think for the next part of our meeting, I need to procedurally do some different things. We've got some rules that we had put out for public comment, and I believe, then, let me describe, I need to -- excuse me. Can I help you?"

Mr. John Fortune - Yes. I'd like to comment on the first rule."

Chairperson Handel - "Okay. You may need to let me -- I'll call for public comment."

Mr. Fortune - "Okay. Just checking."

Chairperson Handel - "Okay. I need to take a break from this session and go into public hearing for the rule, and then come back to this as full body."

Mr. Taylor - "To vote on the rules that you've taken."

Chairperson Handel - "Correct. So I need a motion to break to go to public hearing."

Mr. Worley - "I make a motion that we have a public hearing on these proposed rules."

Chairperson Handel - "Okay. Is there a second?"

Mr. Israel - "Second."

Chairperson Handel - "All right. All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Okay. Then we're going to take each rule separately, so if you will sound the rule and you will have two minutes on each rule. Two minutes."

Mr. Taylor - "Yes, ma'am."

Chairperson Handel - "And we'll just do a brief overview of the rule to remind us."

Mr. Taylor - "Yes, ma'am. The first rule is proposed rule 183-1-1.01, and very briefly, this was the rule that we discussed previously about how people are interested -- people may petition this body and this Board for the adoption or the consideration of either new rules, amendments to old rules or revoking or resisting it. And this is consistent, this being fruitful is consistent with other Boards in the State and their methods of positioning."

Chairperson Handel - "Okay. All right. If you'll state your name and address for the record, please."

Mr. Fortune - "Hi. My name is John Fortune. I live in Decatur, Georgia, and --."

Chairperson Handel - "And your street address, please."

Mr. Fortune - "At 1002 Dancing Fox Road. I am interested in Section 4 of this rule, and I'm concerned that this section may undercut the 30 day notice for proposed for SEB rules, different rules amended by the petition as is recommended. I'd just like some commentary or clarification on it."

Mr. Taylor - "Yes. I can address that. What this was about -- I'm sorry. What this was about was in order to give a petitioner a certain amount of time for which they could actually petition this Board to consider rules. After that, once you would -- once this Board considered a rule, it would then have to go through the ordinary APA rules making process, which would be you would vote on that proposed, there would be a comment period, and then it would be the Board would come back to vote on the rule. So it wouldn't obligate any of the necessities under the APA. The specific reason why this has different time frames is so that it doesn't force the Board, the rule, essentially, does force the Board to consider petitions that are properly filed, but it doesn't force the Board to call a special call meeting if somebody files a petition to this Board. That's what this was intended to do."

Chairperson Handel - "Well, we have the option to do so if we determine --."

Mr. Taylor - "Yes, ma'am. The Board could always do that. Yes, ma'am."

Chairperson Handel - "All right. Is there anyone else here for public comment for this rule."

Mr. Evans - "So, John, I think the answer to you, we would be limited by the statute for adopting the rule upon the purposes of -- the best we can do is send a notice of intent, list it on the website, and hope there isn't public

comment."

Mr. Taylor - "Correct. You're talking about I-4?"

Mr. Fortune - "That's right."

Mr. Evans - "Yes. So where it says the Board shall decide upon the action, the actions of which that to take are limited on the statute."

Mr. Fortune - "Great. Just checking."

Mr. Taylor - "The next is 183-1-1.02, and this arose from a previous taste that was before the Board, and all this was designed to do is that the decision of an AOJ, a desire other than this Board or division, it would become automatically effective without having been considered by the Board. This rule was proposed to address those situations where the mutual decision comes out more than 30 days before the Board's next regularly scheduled meeting."

Chairperson Handel - "And we'll hear from public comment for this item. Next one."

Mr. Evans - "I would --."

Chairperson Handel - "I'm sorry."

Mr. Evans - "I thought that we had tabled this because it has, in the Chairperson's sole discretion. I remember saying that for the very purpose of the Board is so the minority party would always the opportunity to either participate or -- and I thought Mr. Worley proposed that Mr. Worley that we change that sentence that says, in the Chairperson's sole discretion. And I forgot the exact language."

Mr. Taylor - "I'm sorry. We did propose some change."

Chairperson Handel - "We did --."

Mr. Taylor - "We did having --."

Chairperson Handel - "Why don't we do this. If there's -- well, we probably need to find it."

Mr. Taylor - "Actually, and I apologize. I think -- I do have to apologize. If you're looking at the slide, the actual rule that is proposed and was submitted --."

Chairperson Handel - "Is that in our binders?"

Mr. Taylor - "Yes, ma'am."

Chairperson Handel - "Oh. The correct one is in our binders."

Mr. Taylor - "It is in your binder, and it --."

Chairperson Handel - "Look at the version in your binder. It's not what's on the screen is the rule that --."

Mr. Evans - "Well, I actually don't know what was handed out here at the meeting, so --."

Mr. Taylor - "Yes, ma'am. And yes, sir, that was my error on the powerpoint presentation and I apologize."

Chairperson Handel - "Rhonda, will you make sure that everyone has the exact right one so that Mr. Evans can be certain about that. I think it's in your supplemental materials."

Mr. Evans - "The minutes actually do contain the exact phrase."

Mr. Taylor - "I can find it."

Mr. Evans - "No, no. This is -- no. I got it. It says sole discretion in the minutes. If you just look at the minutes, that was actually changed to say on those occasions where the hearing officer issues and institutes for more than 30 days before the next regularly scheduled meeting. At the time which the Board must render a final decision, that'll be presented until the date of the next regularly scheduled meeting of the Board."

Mr. Taylor - "Correct. The powerpoint is incorrect. This portion that's in your binders, it is --."

Chairperson Handel - "Where is it, Wes?"

Mr. Taylor - "This is the -- on the notices that went out, it's the second one. I apologize. 1.02 is under the synopsis of the proposed rule."

Chairperson Handel - "Okay."

Mr. Taylor - "And that does contain, right there, Mr. Evans to --."

Mr. Evans - "Thank you."

Mr. Taylor - "And what was submitted to legislative counsel as the proposed rule by the Board."

Chairperson Handel - "I want to make sure what was

published. This one that's before us, or --."

Mr. Taylor - "What was published was what is in the synopsis of the --."

Chairperson Handel - "Okay. Will you go to the next slide so people aren't confused?"

Mr. Taylor - "Right. We're going to take the slide down, now. I apologize."

Chairperson Handel - "All right. Did you get it, Mr. Evans?"

Mr. Evans - "I think I found it."

Mr. Taylor - "Gentlemen, I apologize. Secretary Handel knows that powerpoint is not my strong point. It --."

Chairperson Handel - "You're going to fix that, right?"

Mr. Taylor - "Yes, ma'am. I am working on that, but what was submitted to, as I say, the legislative counsel, what was put out in notice is what's before you."

Chairperson Handel - "All right. Is there anyone for public comment on that one? All right. The next one."

Mr. Taylor - "Now I'm really gun-shy, now. The -- this rule 183-1-6-.03. This was a clarifying change to an existing rule. The only change, and that is the next piece in that packet that you've received, is the addition sub-paragraph 02. 02 is to add without the express permission of the applicant. The Board did receive one written public comment."

Chairperson Handel - "Okay. Attached to the material -- yes. Here it is. It's this one, right here. It's from the advancement -- is there anyone here to speak on this one?"

Ms. Somach - "I'll speak on this one. On behalf of the --."

Chairperson Handel - "Please state your name and address for the record."

Ms. Somach - "Sure. Susan Somach, 921 Blue Ridge Avenue, northeast Atlanta, Georgia. I want to speak on behalf of the Coalition of People's Agenda, which represents a wide range of organizations, civil rights, peace and justice, environmental organizations that they're very much opposed to this. I know they were part of the written comments, and I just want to reiterate the opposition that in the deep concern of them, organizations throughout the voter

registration that given that their registration forms have been changed to not include full social security numbers, that the other information is widely available, publicly, and that is very important to advocacy organizations to continue to maintain that relationship with people with whom they engage in voter registration, and would like to continue to remind people and help democratic process by getting people to vote and help answer their questions in confirming that. And this rule, I think we've caused problems with that activity, and I think it's unnecessary to protect the integrity of the voters. Thank you."

Chairperson Handel - "All right. Any other for public comment? All right."

Mr. Evans - "Does our form require, does it now require a written social security number, or not?"

Chairperson Handel - "If I might, could I just close the public comment, and then we'll have discussion."

Mr. Evans - "Well, the --."

Chairperson Handel - "With that, I'm going to close the public comment, and then we need to come back into our regular session so that we can have our own discussion back on the record, versus in public hearing, about the issues."

Mr. Evans - "Actually, Madam Secretary, I think that's wrong. I'll defer to counsel, but I think that's actually in the hearing where there's comments raised and there's an objection we have to address that. But given that, the only reason I'm sensitive to getting it exactly right was because we're already in litigation. I think -- I don't think that that's correct statement of the procedural law, but I'll defer to our counsel."

Mr. Ritter - "Let me say this. You've heard the comments. I don't think there's any requirement to take action on the comment, but I think that responding to the comment is entirely appropriate. In terms of the niceties of doing that, I think it may be appropriate to do that at the time of the comment, but it doesn't matter. It's -- it's -- the fact is, I think the response is appropriate now."

Chairperson Handel - "And I don't have a problem with a response, I was just simply trying to close the public hearing to get us out of public hearing so that we can have a discussion and respond appropriately."

Mr. Evans - "Well, I don't want to --."

Chairperson Handel - "Mr. Evans, please go ahead."

Mr. Evans - "I don't want to delay us any further, but we do have a job to do. And I think -- I prefer the counsel tell us this, but (inaudible) -- Section c, whether or not we afforded a full opportunity to address these issues. And it increases the likelihood that our decision is upheld. The hearing period includes responses and addresses them. So, do it however you want to do it."

Chairperson Handel - "If you have a comment to make, please go right ahead. I've said it three times. If you would like to make a comment, please move forward."

Mr. Evans - "I think I actually asked a question and I was cut off before I got an answer to the question, which is what is the current --."

Chairperson Handel - "Well, with all due respect, Mr. Evans, you continue to interrupt the Chair as the Chair of this body is trying to conduct the meeting. And I will ask again, that instead of just jumping in and interrupting, let someone finish the statement, or say, Madam Chair, I have a question or a comment, and I will be more than happy to recognize anyone of this body. But simply jumping in and chopping off people is not appropriate. So, now, Mr. Evans, you have the floor. If you have questions, comments, assertions, legal arguments, whatever you would like to say, the floor is yours."

Mr. Evans - "That's because the Chair thinks she's teaching a fifth-grade class, and this is because she's in a constitutional office. So if we can get past fifth-grade teacher, constitutional officer. My question is --."

Chairperson Handel - "Mr. Evans, if you continue to go down this insulting line and beration of other people, including myself, I'm telling you I am not going to have it. You've done it all day, today. We are all professionals up here, and there is no reason that you have to sling insults to folks. And you've done it all day, and I'm simply not going to take it. So unless you decide to keep your comments to the issue at hand, I will, as Chair, rule you out of order and you will not speak. Do you have something to say or ask of our person here, who is graciously giving up her time. Please move forward and do so."

Mr. Evans - "Rule me out of order anytime. So my question, which is pending for some time, now, is do the current forms require the disclosure of the social security number."

Mr. Taylor - "Mr. Evans, I believe that whether a social security number is disclosed is optional to the voter, so it may contain a full social security number. It should

contain at least four numbers of the social security number, and I do also believes that it contains the voter's driver's license number, which I have not gone to look, I apologize, at the DDS statutes, but I am not sure that this a public record as somebody's driver's license number. I'm not --."

Chairperson Handel - "Mr. Ritter, do you have something to add on that?"

Mr. Ritter - "I could add something. I'm hesitant to say too much that would be part of the record, not wanting to be a witness, but I will say that, of course, forms are going to speak for themselves. What people may provide varies by the person and where they're registered. Last four digits of your social security number under HAVA, and what our practice was changed to in light of the Schwerer case, is presumed voter's petition, but voters also provide and can provide their full nine-digit social security number. And that was legitimized under the Schwerer case. They can provide their driver's licence number, which is a matter of privacy. They are, in some cases, assigned a voter ID number, which would be a matter of privacy, and there's other matters that we think, in my opinion, to the defense counsel in the case are important to privacy, for instance, home address and phone number are, for some people, very private things and they don't want those going out. So, you know, I can understand people saying they think that there's less privacy, or less private information on that application. But is still think there's a lot of private information, but we'll let the application expert speak to that."

Chairperson Handel - "Okay. Any other questions?"

Mr. Ritter - "May I --."

Chairperson Handel - "Do you have something else on that point?"

Mr. Ritter - "I'd like to make separate comment, but when I'm given the chance."

Chairperson Handel - "Okay. Mr. Worley."

Mr. Worley - "Well, really, I need to direct it at Mr. Ritter. We're currently enjoined from the regulation before --."

Mr. Ritter - "Correct. And that's what my comment was going to relate to."

Mr. Worley - "Is it really wise for us to -- amend it at this point?"

Mr. Ritter - "Yes. I think it is. First of all let me reiterate that the fact that the State is under an injunction in the acorn case, right now, against the enforcement of the regulations. So this amendment would not be enforced as the main regulation will not be enforced. And unless that injunction is lifted, this will not have force and effect law. And it also has to go through, I should point out, approval from the Justice Department. But we still don't have force and effect until the injunction is lifted. And why is it important to do this? Because as expressed in that case by the closing side to us, I think that some seriousness understanding as to what this regulation would or would not require. This is a clarification to make it crystal clear what we had already said in our pleadings, in which would deny by the other side of the scope of this regulation. So I think it is appropriate to consider it now, and it's not uncommon to have a regulation modify law in the scope of litigation. And here, I don't think it's modified at all, I think it's just clarified."

Mr. Worley - "Well, is it a clarification? Is it, basically, expanding the opportunity for the copying of these records? It doesn't hand collect, or it's what you were saying that -- that the current regulation allows the copying of the record of the application with the permission of the applicant."

Mr. Ritter - "With the effect of the current regulation, instead of the facts would allow copying with permission, in the same sense that one could make a copy of your own application and have that copy, and we did not understand that to be the scope of the regulation. And I think if you go back to the discussions that were held at the time the regulation was enacted, that wasn't the case, but here I think making it crystal clear on the face of the regulation, that is, in fact, the intent of this. It eliminates speculation as to what the scope of that is."

Mr. Worley - "Thank you."

Chairperson Handel - "Okay. Now, if I can have a motion to end the public hearing and come back into our main meeting."

Mr. Worley - "I make that motion."

Chairperson Handel - "Second. Motion and a second, all in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "And Mr. Ritter, if you could just, in the main meeting minutes, would you please just make that

statement that you just made, again, for the main meeting minutes?"

Mr. Ritter - "Sure. I'll be happy to reiterate that, and I think the statement was about the effect of the proposed amendment, the subpart 02 of the copying regulation. And the fact is, that the copying regulation, right now, is under a federal court injunction, and we'll have no force to the effect. And amending it will have not force in the effect until the injunction is lifted. I do not understand that the Board be trying to reenact, in some manner, it's just clarifying the scope of the regulation by making it clear. This regulation does permit voluntary copying of someone's depleted voter registration application. And if the injunction is lifted, then that would be part of the law. And if not, then the law would be stripped."

Chairperson Handel - "All right. Thank you. Okay. I'm going to ask for a motion separate, or each the rules -- the first one is Procedure to Petition for Adoption of Rules. Is there a motion on that particular rule change?"

Mr. Evans - "So move."

Mr. Worley - "Second."

Chairperson Handel - "Motion and a second. Any further comment? All in favor?"
(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed. All right. The second proposed rule change involves the review of Initial Decisions. Is there a motion there?"

Mr. Evans - "So move."

Mr. Israel - "Second."

Chairperson Handel - "All right. I have a motion and a second to approve, any other questions or comment? All in favor, please say aye."

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? There is none. Okay. The third rule involves in the SEB Official Clarification regarding the copying of voter registration applications. Is there a motion to adopt that rule change?"

Mr. Israel - "I make the motion."

Chairperson Handel - "All right. Is there a second? I'll second. Any other discussion or comment?"

Mr. Worley - "I am of the opinion that the points made by Mr. Heard, in his letter, are valid ones. I think it does unnecessarily burden advocacy groups which are healthy to registered voters, and therefore, I will vote against the proposed regulation."

Chairperson Handel - "Okay. Any other comment? All right. All in favor, please say aye."

(Whereupon, there was a chorus of ayes)

Mr. Worley - "No."

Mr. Evans - "No."

Chairperson Handel - "Okay. We're 2-2, so that is a tie. So I believe that means it will be tabled until our next meeting until at which it will be brought forward, and then we'll get clarity one way or the other with Mr. McIver. All right. With that, any other business? All right. I'll entertain the motion to adjourn."

Mr. Worley - "I make the motion, Madam Chairman, that we adjourn."

Mr. Israel - "Second."

Chairperson Handel - "Motion and a second. All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Thanks, everybody."

(Whereupon, the meeting adjourned at 3:20 p.m.)