

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

Chairperson Handel - "All righty. Good morning, everyone. I'm going to go ahead and call our meeting to order, and if I could ask everyone to please stand for the invocation from Jeff, and then we'll follow that with the Pledge of Allegiance."

(Whereupon, Mr. Jeff Israel gave the invocation, immediately followed by the Pledge of Allegiance.)

Chairperson Handel - "I'll go ahead and do our roll call real quick. I forgot to do that. Mr. Evans."

Mr. Randy Evans - "Here."

Chairperson Handel - "Mr. Worley."

Mr. David Worley - "Here."

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

Mr. Tex McIver - "Yes, ma'am."

Chairperson Handel - "Mr. Israel."

Mr. Jeff Israel - "Here."

Chairperson Handel - "All right. We have a full house. Thank you, everyone, for being here. We will do some Public Comment. I do have the blue cards from folks, and if I can ask you to please keep your comments to two minutes or less. Our first speaker of John Evans. And I'll go ahead and call the speaker, too. It'll be Charlene Glover, so we can be sure everybody's ready. Good morning, Mr. Evans."

Mr. John Evans - "Good morning, Madam Chairperson, members of the Board. I'm here - you've got five on the Board?"

Chairperson Handel - "Yes, sir."

Mr. Evans - "I was going to ask the question, we don't have any African Americans on this Board do we, so I don't need to ask that right now, I know the answer. You've just got five. We're a little concerned about that. This is a State Elections Board and we should have some representations. But as you know, a special election - the general election is special this year. There's no question about why it's special, and we need to be fully equipped with equipment and other resources to make sure

we can handle the election, make sure we can stop people from using shenanigans. They're going to do everything they can to mess this election up. We're clear on that, so I think it's the Board's responsibility to make sure we minimize all of what can happen on November the 4th. And of course, one of the things I've heard is that across the State, the State Board of Elections sometimes decide when they're going to give out provisional voting ballots. We think in this election, because of the complications that are involved, that somebody who is registered to vote ask for a provisional ballot. If they're turned down there shouldn't be any question about them not getting it. So they can go ahead and make their provisions and then have 48 hours, I think, to come back and justify that they should be eligible to vote. What I'm really saying, can I say it in two minutes here, we have a challenge in Georgia. This election is serious, and we want to make sure that you all think it's serious and provide whatever is necessary in order to make this election work. There's no since in me kidding myself. I've been around the turnip truck a couple of times, and I know that they're going to pull some mess, not only in Georgia, but across this Country. It's obvious, the first time we've had a black from a major party to be running for president, and they're not going to take it sitting down. So you all need to be very careful about what you do, and how you do it, and I appreciate this opportunity. Thank you so much."

Chairperson Handel - "Thank you. Thank you very much, Mr. Evans. Next speaker is Charlene Glover, and after Ms. Glover will be Dave Kitchen - is it Kitchen?"

Ms. Charlene Glover - "My name is Charlene Glover, and I'm a member of the City Council in Greenville, Georgia. And my concern is with every election that Greenville has, there is some kind of mess. And I would just like to ask this Board to help us do what we need to do to try to make sure our registration list is, first of all, right. And so at each election somebody will not have to be coming before the Board because something has been done wrong. And I don't think that's asking a whole lot, but maybe it's a little more complicated than I think. And I realize some of the instructions on the absentee ballot, some of them are very vague and can be interpreted different ways, so I think if this Board would work with our legislators and get all of this in just simple terms where one couldn't say, well, it meant an apple and the other could say it meant an orange. And I think we would have a better election system throughout this State. Thank you so very much."

Chairperson Handel - "Thank you very much. Next speaker is Mr. Dave Kitchen, and following Mr. Kitchen is Bobbie Paul, I believe."

Mr. Dave Kitchen - "Good morning."

Chairperson Handel - "Good morning."

Mr. Kitchen - "I'm Dave Kitchen. I'm an ex-marine. My father's a marine, my son is in the Marines in Iraq right now, and why I'm here is I'm a citizen of McIntosh County. And I have grave concerns because of what's been happening in McIntosh County that the United States that we fight for and love is being changed into a place where people don't get the right to vote, and that's very important to us as citizens of the United States because that flag in this Country means a lot to me and my family, and has been. We've always had somebody in there for our country, and we love it, but we've had -- I'm sure you've already got a lot of details about what's going on, but I have some absentee ballots in case you all would like to look. They were dropped, and these people did not get the right to vote. We own a small horse farm, and I run a little website that speaks on different things, and we've been spoken (sic) to a lot of people in McIntosh so people were contacting us and we post it, and that's how I got involved. I'm not in politics in any way, shape, or form. I'm just a person. But there is a new lady who's been running and her last name is Dalby, so it's continuing and they dropped her off the roles, illegally, because she -- they didn't even give her 14 days, I believe it was, to register and she's supposed to have 180. So it's continuing to have a problem there, and as a citizen I'm concerned that our votes aren't being counted, and when they do get counted that we're not getting everyone in there who should be given the opportunity to run for the offices. And that's my concern as a citizen, and that's -- basically I'll keep it short to that."

Chairperson Handel - "Thank you. Are those documents -- I think that they're -- Ms. LaGrua...."

Ms. LaGrua - "I'll take care of it."

Chairperson Handel - "...is there an ongoing case that you have, will you take those for your --."

Mr. Kitchen - "Thank you, ma'am."

Ms. LaGrua - "We'll see if it applies to the ongoing need -- Mr. Brown, if you could get Mr. Kitchen's contact information so we can get a hold of him and take care of this."

Chairperson Handel - "Let the record show that we are accepting documents for the case."

Mr. Evans - "I move that they be made part of the minutes."

Chairperson Handel - "Second. All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Good morning."

Ms. Bobbie Paul - "Good morning. Hi. My name is Bobbie Paul, I'm a resident of Fulton County, and I voted on Monday. I've lived in this area for 26 years, and I'm the Executive Director of a women's organization called WAN, Women's Action for a new Direction, and part of our mission is to empower women to act politically. We are nonpartisan in this election, as we are always, and work on education. My concerns that I would like to raise is this is the first time that I've come here and I'm very happy to meet you all, is whether we are working in a precautionary measure looking to the number of voting machines that we have, that we're looking at every demographic that is being served equally across the State, and especially here in metropolitan Atlanta. I'm deeply concerned about the number of voting machines, and if we have enough personnel, and especially as I understand, the express poll books because, as I understand, we are looking at an 80 to 90 percent turnout. Is that what's been encouraged or predicted? So we're hoping that we're working in precautionary ways so that we don't have (inaudible) like we've seen in Ohio and Florida, and other places. I know that we do have some issues in our State as well, but my membership and the 26 hundred people that we communicate with weekly who are very involved in getting out the vote in a bipartisan fashion, are deeply concerned about this. So I hope we're taking measures to address that now rather than November 2nd. Thank you."

Chairperson Handel - "The next speaker is Christiane French, followed by Peter -- is it Isbister?"

Mr. Peter Isbister - "That's correct."

Mr. Evans - "Madam Chair, may I make one comment on our last speaker?"

Chairperson Handel - "Yes."

Mr. Evans - "If you have a list of items that you think are particular -- we should be really focused on, if you'll just drop us a note so that we can, and all of us -- I'll give the Chair great credit here. She is very good at taking information that we get, for example, the ratio of voting machines to anticipated voters on Election Day, taking that data and making sure that the data translates into equipment changes and personnel and resource changes. So if I could impose on you, if you could get to us within, what, a week? If you could get to us within a week where you think those issues are, that would be very helpful."

Chairperson Handel - "Great. We can get it done, because I'm assuming you're looking at numbers."

Ms. Paul - "We are."

Chairperson Handel - "And if you're able to stay around for the day, you'll hear a report on election's preparedness, and we'll be reporting what the counties have done."

Ms. Paul - "I don't know whether I can sit for the whole meeting because we're busy, but I'll try."

Mr. Evans - "Thank you so much."

Chairperson Handel - "Ms. French, good morning."

Ms. French - "Good morning, members of the Board. I appreciate the opportunity to speak. My name is Christiane French, and I'm a resident of DeKalb County. I've been here for the past five years. I'm also a Physician Assistant and Crawford Long Emergency Room right downtown here, and this morning my concern is -- I just wanted to have an idea of what is being done to ensure that all newly registered voters are being put on the roles in time. I speak to a lot of residents in the course of my work, and I know that many people are recently registered and have not yet received their cards in the mail. And I want to understand what's the time frame and what do if they don't, in fact, receive that card."

Chairperson Handel - "Thank you. Do you -- we've got your information. In addition to the report this afternoon, we'll -- you've got your email on here, we'll follow up on that and get the information in writing, as well."

Ms. Paul - "Thank you."

Mr. Peter Isbister - "Thank you, and good morning, members of the Board. My name is Peter Isbister. I'm speaking in my capacity as a prior resident of Fayette County, Georgia. I'm a very new resident to Georgia. I'm here in the state of kind invitation of my wife who's a proud graduate of the University of Georgia. This is my first election in the State, and I wanted to speak to the Board about my experience registering. I printed a registration form off the internet, sent it in, and several weeks later received a letter from the Fayette County Board of Elections, the first paragraph of which read something to the effect that in order to complete my registration because I was a first time registrant registering by mail, I needed to submit a copy of photo identification. The rest of the letter went on with other verbiage and a list of both, photo and non-photo bearing pieces of identification. There was some asterisks in the letter, et cetera. I'm a graduate of Georgetown University Law Center, I'm an attorney. I interpreted the very second sentence of that letter, regardless of what the rest of the letter may have said, to suggest that my registration was incomplete and would remain incomplete until I submitted photo identification. I called the Board of Elections and asked if that was true, was told that it was. They agreed with me that it might be a good idea to write my registration number that appeared on the letter as some sort of cross-referencing help for the office, and I photocopied my driver's license and sent it in. I've later come to understand that that communication, both the letter and the phone call I had with Fayette County Election Office was inconsistent with current State and Federal Law. So I'm concerned, regardless of what -- I mean, it's possible that someone could explain to me the rest of the text on that letter and say that it wasn't factually incorrect. But I can tell you, as an attorney, the first paragraph was factually misleading, and I'm concerned that that letter is going out and what it might do to new registrants, like myself, and their ability and they're important to go to this office and get registered. So I encourage this body to work closely, and on a quick time frame, both with the Secretary of State's Office and a consultation with 159 local offices to see why is that letter going out, what are the text of each individual letter that each county might be sending, and to do what we can to stop it from being sent. Like I say, I think it led me down the wrong path. Thank you."

Chairperson Handel - "All right. The next speaker is --."

Mr. Worley - "Madam Chair, if I could just say something. At this point, I have gotten a number of communications about this same problem in a number of counties, and I think Mr. Isbister is correct that the letter is, both misleading and not a correct statement of the law. There is no such requirement. All that person needs to do is to send the mail-in registration and show up on Election Day with their ID. So I think this is an issue, and I hope it's something we can discuss later in the meeting."

Mr. Isbister - "Would it benefit the Board for me to submit a copy of my letter, or does the Board already have access this letter?"

Chairperson Handel - "We have it, but if you've got it with you we'd be happy to take it. And I'll be happy to, at the appropriate time, Wes and I can address this issue because we have already addressed it. I want to assure folks that for everything that we have reviewed, that federal HAVA law is indeed being followed by the county on that issue."

Mr. Isbister - "Thank you."

Chairperson Handel - "Okay. Thank you. Ms. FitzGerald."

Ms. Sally FitzGerald - "I'm Sally FitzGerald. I'm a resident of Fulton County and am a Fulton County Poll Manager. And I testified last time at your meeting, and it is the minutes of that meeting that I would like to address and yet, your procedures indicate that I cannot speak in this period on any item agenda, so would you please guide me as to --."

Chairperson Handel - "Is there something that you want to ask to be edited in the minutes?"

Ms. FitzGerald - "Yes. Item number three which discusses my testimony."

Chairperson Handel - "All right. Okay. Let me pull up the minutes."

Ms. FitzGerald - "I've provided you a copy, Madam Chair, attached to the blue card with markings on page one. The subject of my testimony was young people age 16 and above which are permitted, by law, to work as poll workers. But there is currently no mechanism to deal with those students who might be absent from school because of that work. And my suggestion was not, as the current version of the minutes show, to give them an excused absence because that tends to make the school

administrators uncomfortable. The Federal Law measures schools on how many absences they have. But rather to treat that removal from school as a field trip, which is the way the current education law treats students who work as Capitol pages. And because that is -- that your minutes are a public document and that if you would accept my suggestion --."

Chairperson Handel - "I'll make that change when we get to the minutes. No problem."

Ms. FitzGerald - "It has to be right."

Chairperson Handel - "No problem. Thank you for mentioning that."

Ms. FitzGerald - "And also, if you'd capitalize the G in my name."

Chairperson Handel - "I saw that as soon as I looked at this. Yes, we can do that, too."

Ms. FitzGerald - "Thank you."

Chairperson Handel - "All righty. Thank you, everyone, for your comments. The next order of business is our minutes."

Mr. Evans - "Madam Chair, before we do that may I have a point of personal privilege. Consistent with the practice that I have adopted over the past couple of years, as many of you know, as I know the Board knows, I serve both, as the general counsel of the Georgia Republican Party, and I serve on this Board, one of the issues that sometimes will come up in the context of that is whether or not there might be the appearance of impropriety in serving in that dual capacity, and after consultation a few years ago with the Attorney General's office and with the Secretary of State, then Cathy Cox, came up with a protocol which involves me stepping aside and relegating all of my responsibilities as the general counsel for the party to someone else. And in order to perfect that, I'd like to introduce into the minutes just a letter where I sent to the Party confirming that the fact that I won't take part in none of the political activities or the legal political activities of the Party from this point until after the election so that any questions or appearances or issues relating to propriety might be put aside knowing that we've taken those protocols well in advance of the election and/or address it. So I would ask, Madam Chair, that this letter be made a part of the minutes."

Chairperson Handel - "So move."

Mr. McIver - "Second."

Chairperson Handel - "All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Thank you, Mr. Evans. All right. The next order of business is the approval of our minutes from the June 17th meeting. We do have the requested changes from Ms. FitzGerald, are there any others? All right. Then I will make a motion that the minutes, as amended with the comments from Ms. FitzGerald, be approved."

Mr. Israel - "Second."

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

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Next are the minutes from our Special Call Meeting on July 8th. Any changes or comments to that? All right, do we have a motion?"

Mr. Evans - "So move."

Mr. Israel - "Second."

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

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any questions? All righty. Okay. And the next order of business will be involving the various cases and complaints that we have, and just so everyone knows how this process works, this meeting essentially serves as a probable cause inquiry, and the Board will decide, at this point, whether there's enough evidence to refer particular case onto the Attorney General's office that will afford both parties an opportunity for a full evidentiary hearing. The Inspector General will have 15 minutes to present the result to her investigation to the Board, and then the respondent will have 15 minutes to present a response to that. And if I have individuals here who are interested parties that would like to speak on a particular case, if you could please let me know and we certainly will afford two minutes for those folks as well."

But just raise your hands or come over if you're interested in a case so that I don't overlook you, and if it looks like I'm moving on don't hesitate and just go like this so I can see you, okay? All right. Ms. LaGrua, Case No. 2007-000022 Fannin County."

Ms. LaGrua - "Thank you, Madam Chair. Myself and Deputy Harvey will be presenting the cases this morning. The first case on the calendar is involving Fannin County, Case 2007-000022 involving November, 2007 General Election. The complainant is Cedric Granada, and the respondent was Wanda Collins of the Fannin County Board of Elections. The allegations were that Ms. Collins improperly used her position on the Board for political personal use, and that she identified herself as a board member, had registration forms and applications available at said political meeting. As it turns out this was not a political meeting, this was a community meeting addressing two sides of a liquor-by-the-drink issue. Ms. Collins was actually invited by all the parties to bring registration forms. She did go, she did not participate at all. All she did was leave the registration forms. She's still in violation, potentially, of 21-2-215(e) regarding ultimate voter registration locations. They were not advertised as they would be by the Registrar's Office. She also may be in violation of State Election Board rule 183-1-6. It's my understanding, and I have a copy here that Ms. Calandra Almond and Ms. Lynn Daus -- the county attorney for Ms. Collins had negotiated a consent order essentially admitting to the violations and proposing a Cease and Desist as well as training. I believe -- I'd like to let Ms. Almond address the consent order, if I could, since she prepared it."

Ms. Calandra Almond - "Yes. She did sign off --."

Chairperson Handel - "Hold on just one second. Can the court reporter hear? Do you need her on the microphone? Yes."

Ms. Almond - "Yes. Ms. Collins did admit to violation of violation of O.C.G.A. 21-2-215, the consent order by receipt of the said reprimand. Also that she attends the Board of Election Officials Revocation Course by March, 2009."

Chairperson Handel - "Ms. Daus, does anyone want to speak on the other side?"

Ms. LaGrua - "Ms. Daus is not here. After signing consent, however, if the Board needed her she is available by phone and could be here within about 90 minutes if necessary."

Chairperson Handel - "Okay."

Mr. Evans - "Is it our position that the mere distribution of voter registration forms constitutes another meeting place or another place of circulation, or an additional registration place?"

Ms. LaGrua - "Mr. Evans, I think the question potentially for the Board is my understanding, after speaking with Mr. Ritter about this on a number of occasions, that while the case that's come down does not confine other groups that are participating in registration drives to the same things outlined in both the Code and the State Election Rules, that if, in fact, the Registrar's Office or the Registrars or Deputy Registrars are participating in registration drives, then those requirements attended by the statute and rules would apply. If I misunderstood that or am incorrect, I can see that, but that's our understanding. She did represent herself at this meeting as a member of the Board of Elections and Registrations, and there was no advertisement as would be demanded for this registration drive. Now, candidly, I don't believe Ms. Collins intentionally violated anything. She was not being political, there was not a side to the meeting. It wasn't a pro or con meeting. It was a community meeting to discuss the issue. Again, my understanding from Mr. Ritter is that if he is by the registrar or a deputy that they are required to follow those things outlined in the statute and rules."

Mr. Evans - "What concerns me is that that interpretation would put us in violation of a temporary restraining order that was issued in one of other cases, and I -- the only reason I bring this up is because the violation that you're identify is 215(e), in order to constitute a violation of 215(e) we would have to deem the distribution, but not the completion of registration forms, as creating the additional registration place. And I believe the distinction that was drawn was if the forms were both distributed, completed, and accepted by the Registrar, that is deemed to be an additional registration place. However, if forms are only distributed, but not permitted to be completed or to be received with a critical element I believe to be the order that the receipt by in a government capacity, actual receipt of the registration form, then it's not a registration place. And while I am less worried about the implications for this particular case, because I realize that we have somebody here that says, you know, candidly, I think they may be admitting to a violation which is not a violation, that's not my purview to second-guess that, I am a little concerned about the

implications given the pending litigation over voter registration and the extent of the boundaries that we can go under this phrase, additional registration places. So, I mean, I just share that with my colleagues on the Board. I'm reticent to find or accept a violation where there has not been a registrar accepting completed forms in their capacity as a government official just because I'm afraid of what implications that would have for our other litigation."

Chairperson Handel - "Were the forms accepted -- does that make sense? Were the forms, do we know --."

Ms. LaGrua - "Not by the registrar."

Chairperson Handel - "They were not."

Ms. LaGrua - "I do not know what happened after she appeared and left."

Chairperson Handel - "Okay. She did not accept --."

Ms. LaGrua - "Correct."

Chairperson Handel - "Was this particular issue discussed with Mr. Ritter?"

Ms. LaGrua - "In terms of her accepting and leaving, not that specific --."

Chairperson Handel - "In the context of the litigation."

Ms. LaGrua - "No. Just the litigation, generally."

Chairperson Handel - "Okay. Then if I might, could we table this and talk to Mr. Ritter because I think you raised a very valid point that we want to make sure that we're taking into consideration the current litigation that we have."

Mr. Evans - "I think that's a -- that's a pretty good -- my only worry is that we have a very (inaudible) interest in regulating the receipt of completed registration forms."

Chairperson Handel - "Right."

Mr. Evans - "We want the applications to stipulate as well as we can. I would move to table."

Chairperson Handel - "Second. Any other questions or comments on this one? All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? Okay. Thank you. Next case. The City of Greenville, 2007-000028."

Ms. LaGrua - "Yes, ma'am. As you may recall, this case has been on the calendar a number of times. It was continued the last time because there was not a quorum with the City Council to appoint representation for the parties. It is my understanding that the city Council is in place at this point. This case involves complainant Johnnie Owens, the Election Superintendent as the complainant, and Esther Johnson, an elector as a complainant. The respondents in this case were Johnnie Owens, the former Elections Superintendent, and Ann Moreland the Poll Manager, JoeAnn Bray an Elector, Kim Bray, an Elector, and Linda Caldwell, an Elector. The allegations were numerous in this case. The allegations were that voters who lived outside the City were allowed to vote in the City Election, that there was illegal campaigning at the polls, that there was improper handling and certifying of the absentee and regular ballots, that there was improper list keeping and that persons were bringing intoxicated voters to the poll and assisting them. The investigative findings were essentially the following. That Ms. Owens failed to maintain a master list as required for the absentee voters. She included on the list the applications rather than the voters on the absentee list, and she did not keep a list of who was sent an absentee ballot. She didn't keep a rejected list, and she failed to require an application for the conditions of an absentee ballot. Further, during the tabulation process, Ms. Owens failed to designate a poll officer and an assistant to call and scrutinize the reading of the ballots, they failed to count properly the marked ballots, and failed to count all the ballots publicly. Ms. Owens and Ms. Moreland altered the votes cast on the consolidated municipal returns. Ms. Owens failed to forward the returns to the Secretary of State's Office and refused to certify them for some period of time. The poll workers did provide statements, however, that the electors at question did not appear to be intoxicated. No poll workers saw any illegal campaigning, and we did have a Secretary of State present monitoring that did not observe any violations in regard to illegal campaigning or intoxicated voters at the polls. There were three electors that were originally were thought not to have lived in Greenville. They were not challenged and there was no indication who they were, so we could not -- we tried to

follow up on that allegation but there was no one identified to find out if they had voted inappropriately. It's recommended that this case be forwarded to the AG's office with an imposition of fine, a mandate for training, a plan be submitted to this Board. I did check, I don't believe the City has any elections in November that'll be county elections, so it'll be next year before -- but I would suggest that they be required to send in a plan on how they're going to conduct their elections and make sure that the personnel they have been properly trained. We did receive -- I expect that there are number of people here this morning from Greenville representing different parties, and I'll answer any questions or defer to whoever is here from Greenville, Madam Chair."

Chairperson Handel - "Who do we have here from the City of Greenville? I know we heard from the Greenville City Council first -- come on up, folks. If I can ask you when the case is called, if you're going to be interested in speaking in it if I can get you to kind of work your way up so we could keep things moving. Come on up and tell us your name and address for the record. And unless you are the specific attorney -- is there an attorney on behalf of the City of Greenville --."

Ms. Gia Compton - "Yes."

Chairperson Handel - "Okay. Then if I might, let the attorney speak first so she can address the case, and then I'll take two minutes of public comment from each, okay? Good morning."

Ms. Compton - "Good morning Secretary of the State and Council Members of the Board, I'm Gia Compton. I was here before --."

Chairperson Handel - "Welcome back."

Ms. Compton - "I'm back. I'm glad to be back, thank you, for the City of Greenville. This is --."

Chairperson Handel - "Can you please pull the microphone toward you so -- there you go. Now they'll be able to hear you better, and then all of us can hear you. Thank you."

Ms. Compton - "This has been a very complicated case, and it was quite a complicated investigation, I believe, that Ms. LaGrua's office had to undertake in order to marshal the layers and layers of complaints. And my understanding, of course, is the Secretary of State's Office, does have the same limitations that all government agencies have. I respectfully have to submit to you that there were certain aspects of the complaints in the

investigations that are not accurately put forth in the investigation for your review, that I would ask you to consider. As a backdrop to this, I would like you to please understand that at the time in which Ms. Owens undertook this responsibility, she became the City's municipal elections clerk, pretty much by default. We were in a qualification period and found that there were a number of challenges that were being talked about, and in specific, raised at her with regard to one candidate. And anticipating that we would one day be here, we made every effort to try and get another election superintendent to stand in as opposed to have our City Clerk serve in those responsibilities, and we were unsuccessful in doing so. And the primary concerns that we had about that is that she had never, in any of her formal job responsibilities, had any election experience. And we anticipated that this was going to be somewhat of a contentious mayoral race. When those efforts to locate another superintendent from the region and using it as far as Athens and Atlanta, failed us, then she became our election superintendent. What we had hoped was that the veteran workers, who were individuals who had worked elections for the City of Greenville for many years, would be able to support her in that role successfully. However, one thing that was negated in our hope was that we had had an election superintendent that we had removed because she had caused us to come before you before, and we had found out that perhaps in her training and her knowledge that she was not the right person for the job and she had been removed. And the under-workings of this basically rested on the fact that the poll workers who had worked for her for many years didn't quite know what they were needing to do as well. So I want to preface everything that you hear today with that understanding that Ms. Owens was a first-time election superintendent and still had the full-time responsibility of the Clerk's Office for a demanding, small, but extremely demanding population in the City of Greenville. And at the time that this election took place there was not a lot of opportunity for her to get up to speed in the way that we would have liked. Now one of the things that I did last night in preparation for today is I went out to your website and I kept reflecting upon how many times Ms. Owens called me for advice during that period of time. And even on your website today, when I look at Municipal Election Code there's nothing there. There's not a lot of resources out there for the attorney trying to give guidance to the election superintendent at the time. The training materials don't always speak to an individual, particularly one that's new and inexperienced in the moment of trying to make certain decisions. The primary concern that we have is that for the City, that to the extent that your decision is or that the agreement that the City would need to put in a plan, we're 100

percent behind it. We do need a plan to train a mixture of our poll workers, and the election superintendent are appropriately trained and are knowledgeable about their responsibility. That is something I think that, without question, no one here would have any opposition to. But moreover, we have to be understanding that under these circumstances that some of the errors that were found were errors that were not intentional. They were errors that guidance would solve because we have numerous contacts with the Secretary of State's Office, email, certified letters, and telephone calls, some of which were responded to and some of which were not about how to proceed on these various issues when they arose. There was made mention in the report that there was an individual from the Secretary of State's Office that came to observe. The individual that came was new on the job and left before the end of the voting period, and as it is not uncommon, many people don't vote until they get off of work. So after this individual from your offices had left is when many of these things that were complained of were observed. So I don't doubt that she didn't observe them because she was not present to observe some of them. Throughout the day when questions arose, because she was new, many times she deferred to Ms. Owens who in turn called the County Elections Office, and in turn would call the Secretary of State's Office, and on an Election Day, quite understandably, was not always able to get in contact with someone who could answer her question. With regard to the certification, the issue of certification of the election for Ms. Owens, as she articulated to me was, being uncertain as to what the certification would really mean. And that's the question that she posed in writing by certified mail to the Secretary of State's Office. If I'm signing off on this, am I saying that everything that I observe meets the level of integrity that is represented by what a vote should mean, or am I saying that the number is just written on the page? I'm not sure what it means, and that question was never clearly answered. Ultimately, the election was not certified, and it was her position that she was never able to certify the election. As a result of the many layers of things that happened during this time, an election did go forward. We now have a case pending, still, before the Georgia Supreme Court that was argued on May 20th awaiting decision in which that underlying residency question will be resolved, hopefully, in some way. But in tandem with that, Ms. Owens was terminated by the apparent Mayor when he came into office. So in terms of her as individual being able to complete that, she is effectively not able to complete it. So our concern is that the record, in this matter, reflect those occurrences that can be charged to a lack of knowledge and perhaps more of a lack of knowledge, but not a lack of intent on her part to do the right thing, or the

part of the City to do the best that it could with limited resources. And if I have any time left I would like to say that, if that's permissible in your procedures."

Chairperson Handel - "Do you want to hear from the Public Comment or ask the questions first?"

Mr. Evans - "I'd be fine either way. I mean, I have a couple of questions."

Chairperson Handel - "Yes. I'm going to have some, too. Let's hear from the Public Comment, and then we'll come back. Okay. Sir, thank you."

Mr. Rodney Garrett - "Yes. My name is Rodney Garrett. I'm from Greenville, Georgia. I actually didn't know Ms. Compton was going to be here and that was one of the reasons I wanted to stand up here, is because through the turmoil and everything that has been going on in the City of Greenville since -- especially January the 1st. Ms. Compton, they've refused to pay her money owed to her. That's the reason I didn't think she was going to be here. We just got a City Council because the other City Council quit refusing to work with the elected mayor. One of them moved, left us with only one, so you can just imagine we've been under receivership having to pay bills out of our city. And everything has just been totally -- tee-totally in turmoil, and I know as to the election that Ms. Owens tried her best to get help. She was pushed into this, the County refused to help. They said something about, well, you should have give us 60 days, or something. Well, God knows, you know, when you don't have anybody, what do you do? You seek help. But when you seek help and you cannot get the help you're seeking, you're do the best with what you've got. And what we've got is we have people that have worked, and worked, and worked poll, after poll, after poll. And they understand, too, that when you try, and you try, and you try, but you can't get the help that you ask for. I'm not saying that it's -- it's done, you know, outright, but somewhere down the line in the wheel it's just not getting done. And when you don't know what to do, and when you ask and you seek help but you cannot get the answer you're looking for, you're never going to get anything right. I mean, it's just as simple as that. And like I said, everything has just been in total turmoil, and I don't see as to where there can be anything brought against anybody that's worked the polls. Because my God, all they've done is a job that nobody else wanted."

Chairperson Handel - "And I'm sorry. Did you state your name and address at the beginning?"

Mr. Garrett - "Rodney Garrett, Greenville, Georgia."

Chairperson Handel - "I need your street address, too."

Mr. Garrett - "1227 Terrell Street."

Chairperson Handel - "Thank you. All right. Thank you so much."

Mr. James Bray - "Good morning."

Chairperson Handel - "Good morning."

Mr. Bray - "I was elected Mayor of Greenville."

Chairperson Handel - "Could I just get your name and address?"

Mr. Bray - "My name is James Bray, 1202 Bray Drive, Greenville. I was the one that was elected Mayor of Greenville. And this case is very simple. The election was that people voted for me and I was elected. A few of them that didn't want me to be elected, and they just tried their best to stop me from coming into office. Now I've got -- I was now a resident as I say, I've been in Greenville all my life, which has been 55 years. I was mayor before from '89 to '96, so I'm still a resident of Greenville, but what it is based on is they didn't want me to take office. They like the previous mayor, and they just wanted to keep me out. I'm, right now, going to take this to the Supreme Court. This is at least going to cost me over \$25 thousand. So I'm going to fight it out because I'm going to provide and promote the City of Greenville. I'm going to support everybody, for or against me, I'm going to support the City of Greenville and that's all I wanted to say."

Chairperson Handel - "Thank you so much."

Ms. Johnnie Owens - "Good morning, Madam Chair and Board."

Chairperson Handel - "Good morning."

Ms. Owens - "I am Johnnie Owens and I was the elections superintendent. And I was --."

Chairperson Handel - "Address, please."

Ms. Owens - "City of Greenville. 2959 River Road, Manchester, Georgia. I was the City Clerk, I was the election superintendent, and I was the absentee ballot clerk. And I did these responsibilities because I was asked to do them. And like Rodney, I didn't know that the City Attorney was going to be here today. I made numerous calls trying to find somebody to represent me. So I did an email to each one of the Board Members trying to respond to these allegations that they had -- that's alleged against me. I don't know if you all got that email, but I do have a copy of the responses that I did to the allegation. There's one allegation that I would like to correct that Steve wrote, and he said that I said that there was people who appeared to be intoxicated. I don't know where you got that from, Steve, but I didn't say that because I was at another section in the election forum, and I couldn't even get close enough to the electors that was voting. So I'd just like to correct that. But I would like for the council, and I would like for the Board, I would like to just read my closing statement here. I ask that you give consideration to these matters real close. I'm no longer employed with the City. The City did not provide me meaningful representation, but I do care enough about the results in this matter that I wrote you, and I asked that you consider all of my responses to the allegations that they have alleged against me. Thank you."

Chairperson Handel - "Thank you very much."

Ms. Gloria Morris - "Good morning."

Chairperson Handel - "Good morning."

Ms. Gloria Morris - "I am Gloria Morris. Ms. Esther Johnston could not be here this morning because she fell, but I do know these are some of the things Ms. Johnston had --."

Chairperson Handel - "State your name and address."

Ms. Morris - "3705 Morning Creek Drive, College Park, Georgia. What was wrong with the election in Greenville, Georgia was the mayor -- the old mayor wanted to stay in. The old mayor and the attorney did everything they could to keep Mayor Bray from coming into office. We hear the same thing over and over, again, from the City of Greenville. Old, inexperienced, new. What it is is just cheating. That's all it is because if you don't know something, you ask. Some things you already know and you continue to do them wrong, but what I would like to ask is was the superintendent correct in making the decision that she couldn't certify the election, but yet she certified election by

sending it to the Superior Court in Greenville, Georgia? We haven't heard, yet. Also, she's new, but a Superior Court Judge in Meriwether County declared that James Curtis Bray was eligible to run for mayor -- was a candidate for mayor. He won, but the attorney here and the former Mayor Lula Bird (phonetic) are close friends, and they didn't want Mayor Bray in there. But thank God people got him there."

Chairperson Handel - "Thank you very much. If I can just ask one clarification from you, Ms. Compton. Who are you representing here, today, so that we're all clear?"

Ms. Compton - "I'm representing the City of Greenville. The City of Greenville actually had appointed a new City Attorney under the stipulation that I continue to handle this matter and the Supreme Court."

Chairperson Handel - "Okay. Okay. So you are here representing the City of Greenville, not Ms. Owens, the City?"

Ms. Compton - "That is correct."

Chairperson Handel - "Did you want to speak on this matter?"

Ms. Ann Moreland - "In a sense, I guess I should."

Chairperson Handel - "Okay. If I can, everyone, please, please, help me out. If you want to speak on a matter I need you to go on and stand up so that I can see because I'll miss somebody who wants to speak and I want to try to give everyone the opportunity."

Ms. Compton - "Well, Ann Moreland is a plain -- defendant in the case."

Chairperson Handel - "Yes. And let's try to do it ahead of time so we don't get in a back and forth, tit-for-tat about stuff, where someone says something and then you've got to -- so everybody that wants to speak, stand up straight away. Okay. Come forward and give us your name and address. Two minutes."

Ms. Moreland - "Good morning."

Chairperson Handel - "Good morning."

Ms. Moreland - "My name is Ann Moreland, and my address is 309 (inaudible) Road, Greenville, Georgia. I have an allegation here about the election concerning the counting of the votes."

What I just to say is that I think the allegation should be dropped against me because, just like they said, Ms. Owens was new at the job. I'm not new at the job, I'm new at the City. But I know what it counted for years and years -- but my superintendent counted the absentee ballots and things like that. I work the precinct. And just like the things that are alleged against me right here is things that I didn't know, Ms. Owens didn't know, because she was new. And I told her, you know, and she tried to get help with that. So I think that some of the allegations that shouldn't even be here. And another thing, some of them that are making the allegation shouldn't even be doing it. They don't live in Meriwether County, they don't vote in Meriwether County, and I don't think they should get up say things that's not right. And that's all I have to say."

Chairperson Handel - "Thank you."

Ms. Charlene Glover - "I'm Charlene Glover. City Council, Greenville, Georgia. My address is 2404 Ridge Street in Greenville. And my concern is, even though I was not an official member of the City at that time, what disturbed me was at times when she and some of the poll workers would just try to call the State to get assistance. And since Greenville had such a track record, seemingly, of having problems with elections, I just thought sure the Secretary of State would send somebody to that city that was very experienced. And on the day that I voted the young lady sat there, and she was new, this was the first time she had even come to oversee an election. And with the history that Greenville had, this wasn't the first time we've had to come here because of an election. With that history, I just really thought the Secretary of State's Office would have taken more interest in a time like that, and now I'm beginning to -- and maybe it is a law. I just wonder if this State is concerned with little small towns because it seems like most of the troubles are happening in smaller cities. And just give us some help. Thank you."

Chairperson Handel - "All right."

Mr. Evans - "I guess we need maybe to direct these questions to other council or Ms. Owens. I guess the first question is did we -- did you, in fact, fail to maintain for public inspection, the master list setting forth the name and residence of every elector?"

Ms. Compton - "My understanding is that the initial ones were aware of what the master list was. She contacted the county

offices to ask them about the master list and got some guidance from them as to what the master list was supposed to have on it, and then she created one. It was not initially in place, but after, I believe, Ms. Morris who spoke to you this morning -- the resident from College Park came in asked for the master list, she contacted Patti Britfield (phonetic) who was the County election superintendent and guide us as to how to create that, but she could probably better address that for you."

Mr. Evans - "So did we main -- did you maintain the master list?"

Ms. Owens - "Yes. When I got instructions, they told me to -- Steve, I think, I talked to him and he said it should be a list in your supply. I went to my supplies as he held the phone, and I looked for the form that says the master list. I said, there's no such thing in here. He said, oh, are you familiar with the computer? I said yes -- he said, go to your computer and make you a master list. As you get the names, you update that list and this is what this list is here."

Mr. Evans - "Okay. And when was that created?"

Ms. Owens - "During the time of the absentee election."

Mr. Evans - "Did we -- did you maintain a list of the certified absentee elector's names of the people who had voted?"

Ms. Owens - "Yes, I did."

Mr. Evans - "Did we have a list of the rejected absentee elector names?"

Ms. Owens - "Yes, I did. Again, I didn't see a form in the supply that said rejected list, so I called the County Registrar, and she said -- she said to just make you a list and name it rejected list. And so that's what I did. I went to the computer, again, and I made a list and it said rejected list. And the names that I had rejected, I put them on that list."

Mr. Evans - "Did you -- did you designate a poll manager to re-allow the names of the candidates and their respective offices marked upon each ballot?"

Ms. Owens - "No, I did not, because I was following the guidelines of the veteran workers, you know, at the poll. When we had our training they informed me that, you know, who's duty was to do what. And on that day, I took the assistance from

them because they had worked the polls before, and it was my first time. They told me what my duties were, and that's what I tried to do to the best of my ability."

Mr. Evans - "Did you count all the votes cast on the ballots marked?"

Ms. Owens - "We counted all the votes that was on the ballot, and the ones that was marked incorrectly, I did ask the poll manager, who was Ms. Moreland, what do we do about these? And she said to me, we cannot count those if they are not marked correctly and she said to lay them aside. And so, we laid them aside, which was a total of 51 votes. And after that I asked her, after the tallying I asked her, don't we need to call somebody and try to find out, and so she said that we could call the County Registrar. I called the County Registrar, who is Patti Britfield, and she said you need to call the Secretary of State, but I'm going to tell you what they're going to tell you. She said, they're going to tell you if the intent is clear and you can tell who they're voting for, that you can count them. And so, the next morning I called Ms. Moreland and she said that she would be up to the office before noon. And I said to her what I was told, and we -- she corrected the forms to add the 51 votes in."

Mr. Evans - "And your understanding was that the manifestation of intent was the measure by which to decide whether to count or not count a vote."

Ms. Compton - "If I may interject here. Also, during that period of time Ms. Owens spoke with me. We had had the same issue to arise in a previous election. And the type of scenarios that were being presented where someone would, for example, mark -- these were all paper ballots -- they would mark the candidate, and then where it said write-in, they would also write the person's name in, the same name of the person that they had checked. But they were not properly done, and those were some of the kind of scenarios that they had later signed. When they spoke with me I advised her, we've dealt with this issue before, and if you can determine that that is the person that they're trying to cast a vote for, you need to count the vote. If there are any that are unclear where they have checked one name and then they've written in another candidate's name, that we're not able to fashion any type of remedy in that, and we needed to set that one aside. And that was also the same information that had been conveyed to me on the previous election when we ran into that issue."

Mr. Evans - "Did you perform a recount in private where you went back through the 51?"

Ms. Owens - "When she came to the office the next day before twelve, that is what we corrected the forms."

Mr. Evans - "And you understand that conducting a recount in private is not a system of what the rules are?"

Ms. Owens - "At this time, I do."

Mr. Evans - "Did you do the computation and canvassing of the returns on the day following the election?"

Ms. Owens - "Uh-huh (affirmative)."

Mr. Evans - "Did you forward the consolidated returns immediately upon certification?"

Ms. Evans - "No, I did not."

Mr. Evans - "Did you review a copy of the list of electors for inaccuracies?"

Ms. Owens - "No, I did not, because at the time I was trying to wear multiple hats. I didn't have the resource to do that so I didn't look over that."

Mr. Evans - "Did you require the submission of an absentee ballot application in order to give someone an absentee ballot? Did they have to fill out an application in order to get an absentee ballot?"

Ms. Owens - "Everyone that did an absentee ballot filled out an application, except there were six electors that came into the office and wanted to vote absentee. At that time I didn't understand -- I didn't realize that they needed to do an application, so I just asked them for ID. They showed me a picture ID, and I proceeded to verify that picture ID and I let them vote, and I added their name to the absentee ballot list. And there were six electors that did that -- came into the office to vote in advance."

Mr. Evans - "Now you understand that giving someone an absentee ballot who has not filled out an application, perhaps -- that violates our rules."

Ms. Owens - "At this time, I do."

Mr. Evans - "If -- if I kept correct measure here, it looks to me as though there are at least six times where we're all in agreement that there have been violations of our rules and regulations. Does that sound about right to you? Do you agree that there were many times here where our rules and regulations weren't complied with?"

Ms. Owens - "I do, sir."

Mr. Evans - "So I guess the question then becomes if we have a violation, who bears the responsibility for the violation? It's no different than if we -- if you think about it, if there's lights and you run a traffic light, or in a very significant sense, robbing a bank. And then, somewhere in between when we have a violation, we have two principle responsibilities. One responsibility is to figure out what is the appropriate penalty for a violation. Sometimes it doesn't seem like it's fair when you get a traffic citation for running a red light in a certain situation, but those are the rules. And then the other one is what steps to be taken in order to prevent them from never happening again. Given what you know, who is it you think bears the line share of responsibility for having -- for these kind of things happening on our watch? Is this a resource issue, is this a training issue, is this a personnel issue? Which -- if you're sitting at our job and we have to figure out how it is we remedy these violations, where would you look to?"

Ms. Owens - "I think there could be more training, and I think that that should be a person who specialized in this kind of stuff, and not just take someone because they're there and they fill that capacity, and throw them into something like that and expect them to be perfect. I was not experienced, nor was I perfect. I did the best that I could do."

Mr. Evans - "Who would you -- and it strikes me because one of the things that concerns me, I think we're missing a respondent, honestly. I think the City of Greenville should be a respondent, and it may be that it means that we have to table and lift this off the table at a future meeting because I'm a little worried that we have three things that have happened. One is, we have someone who's making decisions that are clearly violation of rules that have serious ramifications. Recounts in private undermines everybody confidence. I think, I forget the gentleman's name when we started with Bray's a significance of this election and the presidential context. I suspect he would be pretty afraid if I were to tell him that we would permit recounts of private, or that we would permit absentee ballots to

be given for people who didn't ask for or apply for an absentee ballot. Those are really serious issues. So one is a personnel issue, one is a resource which is whose job is it to make sure the City of Greenville is complying with our rules and regulations, and the third is an oversight issue. And we need to figure out who the appropriate -- the appropriate remedies for each of those. Madam Secretary, I did have questions as well on the Bray issues, which is I don't think we heard from -- did we hear from Joanne Bray?"

Ms. Compton - "Not present, sir."

Mr. Evans - "But separate and apart from a resource issue, this is an issue where someone wrote down an address that was untrue, and we -- is that accurate?"

Ms. Compton - "It happens all the time."

Mr. Evans - "It happens all the time. Well, I have news. We're going to put an end to it, because if the penalties that we expect to impose will be designed to make it clear, if you put down false information you will get hammered. Because we can't -- the resource issue is something that we can address by getting the attention of the local government authorities, the honesty issue is the only thing that we can get the attention out of this file where the penalty is so great that people should think about what they're doing. Did we hear from Kim Bray?"

Ms. Compton - "No, sir."

Mr. Evans - "I didn't have it -- and then, Linda Caldwell?"

Ms. Compton - "No, sir."

Mr. Evans - "So that's all of my questions, Madam Secretary. I do think we should revisit the issue of the appropriate respondents."

Chairperson Handel - "Mr. McIver."

Mr. McIver - "Perhaps this question should go to the Mayor, but may I just ask it to you to save him the trip to the front of the room?"

Ms. Compton - "Uh-huh (affirmative)."

Mr. McIver - "The small town in which I live, Eatonton, Georgia, Putnam County supports the City Electors. Is there any idea, or any way you can explain to me why Meriwether County would not have been more supportive to the City of Greenville in this matter?"

Ms. Compton - "I can give you my opinion and speculation. Greenville has had a very notable history in Meriwether County. It's been fraught with factions and a lot of unpleasant newsworthy matters regarding elected officials. We not only sought the support of Meriwether County where we were initially trying to identify someone else to be the Election Superintendent, so we went to Muskogee County, Clark County, Fulton County, DeKalb County. But in that community of Clerks, the walls of the City of Greenville were very well known with regard to the specific request to Meriwether County to help with the election. I don't recall the specific dates, but for example, if we called and said we would like for you to conduct the election for us and it was the 21st, the response was, we would have needed to get that request form you on the 20th, and that was it. They were not interested in being involved in Greenville politics. We had many inquiries throughout the process from the qualification period that Ms. Owens directed to the County, and she was constantly sent back to ask her City Attorney or call the Secretary of State, although she was not -- just wasn't seasoned in some instances, and didn't know what questions to ask. But it's one thing not to know, and with regard to many of the violations that we talked about this morning that she's admitted to, that the other thing of not knowing that you don't know. It's one thing not to know, you can ask. But when you don't know that you don't know that there's a body of information out here where this falls under a particular topic, you don't even know to ask about it. So there was some things that were done intuitively. And to her, many of the things that she was told to do address and were counterintuitive, but she relied upon the individuals that had been working these elections beforehand to guide her through it, to her detriment, and to the detriment of the City and County at some level."

Mr. McIver - "To Mr. Evans' point, will -- does the City of Greenville have any type of elections this year which might or might not occur on November 4th?"

Ms. Compton - "No, sir."

Mr. McIver - "So we have time to work on this with...."

Ms. Compton - "Oh, yes, sir."

Mr. McIver - "...the City of Greenville."

Ms. Compton - "Yes, we do."

Mr. McIver - "That will conclude my questions. Thank you, Madam Chair."

Chairperson Handel - "All right. Who from the City --."

Mr. Israel - "May I say something?"

Chairperson Handel - "Yes, please."

Mr. Israel - "I'd like to thank you for your honesty. It's very professional. Thank you, both of you."

Ms. Compton - "I understand that you may be at the end of your questions, but I did just want to say just a couple of things to you regarding some of the things --."

Chairperson Handel - "I think -- I think we're just about there, so I need to address some of the issues on training and a couple of different things. First of all, both of you do understand that the State Elections Office cannot be your lawyers on elections issues. And this exchange is precisely why. There are county attorneys and city attorneys, and those of you who are elections officials in the room know we have this conversation frequently. We can only provide guidance to point you to the code because we cannot be your lawyers because if in the end something does go awry, you're before us and I can't be in a position of having been your lawyer, and then be a judge on the case. So, ultimately, you as a city attorney, or whoever else is the city attorney, must provide the legal counsel to the city elections officials. Number two, it is, I agree with Mr. Evans that if it is not inherent already that the City of Greenville is a respondent here by virtue of the fact that an employee of the City is before us, then the City ought to be a direct respondent and here is why. The cities and counties have a responsibility to hire individuals who are qualified for the position. A responsibility to hire someone who is qualified to do the job, and a responsibility to ensure that there was training, et cetera, and that individual attends training because I know that training is provided. I don't know, Ms. Owens, did you go to the training in 2007 that was offered?"

Ms. Owens - "I went to one training."

Chairperson Handel - "Okay. No one from the City of Greenville has been to the second round of training, which was held this past August. So --."

Ms. Compton - "They -- they don't -- to my knowledge have not appointed another election superintendent unless the Clerk is serving in that capacity. I understand what you're --."

Chairperson Handel - "I understand. It would seem to me, though, that given all the issues that the City Manager, him or herself, might want to go to one of these trainings so that we can get this back on track. And I am relieved to hear that there's not going to be a City Election in November so that we can provide some monitoring and work with the City to have a plan, but from my perspective as Secretary of State and from the State Elections Office, it needs to be crystal clear that it is the City's responsibility to ultimately hire an individual who is qualified to do this job, period. And that that individual will take very initiative to understand the Code. We can lead the horse to water, but I can't make that horse take the drink. That ultimately is on the City's side. So I just want to make sure that everybody understands that in terms of support from our office, we're there to provide guidance, but we cannot provide legal counsel. And the AG's office has instructed us on that on multiple occasions. Are there any other questions, colleagues? Do we want to try a motion on this?"

Ms. Compton - "If I may, before you go to your motion, I just wanted to get in a couple of quick statements from my own perspective. I am here today as one of the residents stated to you, despite the unwillingness of the City to provide me any co-representation to Ms. Owens in this matter. Because it's morally right to be here, I particularly understand your comments regarding the City being responsible and having the onus to understand what the code is, but as I indicated from the beginning, the municipal election code does not exist presently -- did not exist at the time. So the guidance that was being asked for was guidance in the deficit of what does not exist. Thank you."

Chairperson Handel "All right. Do we want to try the motion?"

Mr. Evans - "Thank you, Madam Chair. My fundamental concern is there seems to be -- we've seen this pattern in the last two days, that there is a burden that is imposed on the State to train as opposed to a burden on individual election officials to

know. And we need to figure out a way to correct it because the responsibility falls on each individual election official to know what the rules, regulations, and laws are. And if they don't know, to find that out and get training or seek out resources. And it is not a defense to a violation to complain of ignorance, or didn't receive adequate training, or didn't know. It's my job to know the speed limit is 55. It is not the State Patrolman's obligation to notify me that it's 55. If I want to exercise the right, then if I want to accept the responsibility, I have to accept responsibility and understand the rules. And I think this is the case where we're going to need to make clear that clear shift in the burden of who's responsibility it is to be aware of what the rules are. And so with that, there are -- it did strike me that there are four different areas that are in play. One is, and I agree with Ms. Compton. We are seeing a pattern of problems with municipal elections. This whole notebook for today is virtually all municipal elections. And in that regard, I would ask Wes and Shawn, if we need to think of -- we need to create for our -- for the legislature, as part of our package next year, some remedies that are available that will enable us to more closely regulate municipal elections so that we don't cause taxpayers an inordinate amount of money with contests that go on for years, and distractions that get away from just deciding, you know, the will of the people. So one, I would ask Wes and Shawn if you would undertake and include that in our -- in our fourth-quarter report as to how we would come to that. The second, Madam Secretary, is I believe that we should create some thresholds where the Secretary of State, working with the State Election Board, have the ability to take emergency action where we have a local municipality who doesn't have City Council in place, doesn't have a mayor in place, doesn't have any of the things in place that can step in, run the election, and then send the bill to the local municipality. It's not fair for all taxpayers to share the responsibility, but I think a separate item as opposed to municipal elections procedures would be in emergency receivership, if you will, that permits us in these type of situations to step in. So I think that would be the second thing that I would like to ask our staff to work on. My third issue, which I'd like to see us place on -- address it -- I'm not sure if we can address it before the ballot, but it's worrisome. It's this idea that the standard for counting ballots in Georgia, which would largely be relegated to provisional ballots, is the ascertaining of the intent of the voter standard. I do not believe that is the correct standard as announced in accord as applied by the Secretary of State's Office in Florida pursuant to where we articulated rules rather than deal with that in the crisis of a post-election challenge

where we're faced with counting provisional ballots. We probably should address that in advance, which is exactly how it is in our procedures which we have placed for the counting of provisional ballots. And as to this particular matter, I would recommend that we refer, and I would so move that we refer the matter over to the -- refer the matter over to the Attorney General. However, I don't think we can do that today because I first believe we should add the City of Greenville as a respondent, and I believe in order to do that, unless Ms. Compton is prepared to acknowledge the admitted notice, and service and opportunity be heard, I think we have to amend our notice, set it down for the hearing, afford them an opportunity to be heard, and then we would have to move on that. So for today's motion I would move that we add the City of Greenville as a respondent, set this down for action at the next hearing to refer to the Attorney General's office, unless we get a waiver on the hearing -- at the preliminary hearing, which is what we're doing today."

Chairperson Handel - "I'll second for discussion, but I guess I have to -- because I asked three times who Ms. Compton was representing and she did say the City of Greenville, and if you've got an employee is that not -- and I just need some legal clarification. If the employee was working in his or her capacity of the City, is not inherent that the City is also a respondent? And I don't have a problem making them specifically, I just want to make sure that we don't have to spend more time on an item that clearly needs to go to the AG's office."

Mr. Worley - "Madam Secretary, why don't we, since Ms. Compton is here, why don't we ask her to waive the preliminary hearing and turn it over to the Attorney General, which we're going to do anyway."

Chairperson Handel - "Ms. Compton."

Ms. Compton - "I understand, and I am here representing the City of Greenville, but as I announced to you initially, the City of Greenville appointed a City Attorney, Ted Meeker, who is actually the City Attorney. I'm essentially here to handle this matter for him, and I will need to clear that with him because he's ultimately appointed authority for the legal matters of the City of Greenville. I don't have any -- any lapse in understanding what's going to happen, but procedurally, I, too, agree that the City of Greenville should be properly placed, if for no other purpose, history, the history of the action, and I

would like to see that happen for them to be named, specifically."

Mr. Worley - "Well, why don't I suggest, then, if it's okay with the Board members, that you give Mr. Meeker a call and see if you can get him to agree to that so we can speed this matter along."

Ms. Compton - "I will do that."

Mr. Evans - "That's fine. If not, then we --."

Chairperson Handel - "Right. Then we'll have to go your way."

Mr. Evans - "Right. And I'm fine with it."

Ms. Compton - "If I could have just five minutes, I'll try to get him on the telephone, and I'll come back in and let you know, okay?"

Chairperson Handel - "So do you want to withdraw the motion for now, or --."

Mr. Evans - "No. If we could just hold it."

Chairperson Handel - "All right. We'll just hold it. Okay. We're going to hold that motion and go to our next case. If you would check that out."

Ms. Compton - "Yes, ma'am."

Chairperson Handel - "All right. Let me also, just on the issue of training for the benefit of the Board, you'll recall that we also beefed up the State Code around municipal training at the last legislative session, and that clarification going forward, now, does require a sitting exam and the individual will have to pass the exam. All right. Our next case is City of Tybee Island. Chatham County 2007-000034."

Ms. LaGrua - "Yes, ma'am. This case evolved in November, 2007 General Election. The complainant was David Postle. The respondent really, potentially, was a group called Citizens for Change, but there is not one. The allegation was that unsigned political literature was being sent out by the group Citizens for Change, and that the literature did not contain the addresses of the organization or its top three officers. As you may recall, O.C.G.A. 21-2-415 did govern the section. It was deleted, as I understand, from the Code this year, and therefore

I recommend that this case be closed. I have been speaking with Mr. Postle, I don't know whether he's here, but he anticipated this recommendation during the investigation. Just for the Board's education, there was unsigned literature sent, but based on the laws I understand at this time, I would recommend that this be closed."

Chairperson Handel - "Questions?"

Mr. Evans - "Was this a pre-amendment? I want us to know that this legislature actually revealed this amendment."

Ms. LaGrua - "Correct. This was November, 2007, and since it was an open investigation, Mr. Evans, I felt the necessity to bring it to closure in front of the Board versus just sending correspondence that we would not be investigating at this time since it was already open."

Chairperson Handel - "It was an open case prior to the legislative action."

Ms. LaGrua - "Correct."

Chairperson Handel - "She didn't want to close it arbitrarily without this body knowing that it was going to be closed. Is that right?"

Ms. LaGrua - "That's correct. And it's my understanding from the AG's office that I need to do that if we've opened an investigation, and let the Board make the final decision on the outcome."

Mr. Evans - "But I think if we agree on the result, it doesn't matter -- if we agree on the result which is the motion."

Chairperson Handel - "Is that a motion?"

Mr. Evans - "So move."

Chairperson Handel - "Is there a second?"

Mr. Worley - "Second."

Chairperson Handel - "All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All right. The next case, 2007-000039, which is the Mount Airy, Habersham County."

Ms. LaGrua - "Members of the Board, again, this is a City Election. In -- November 6, 2007, the municipal election involving the City of Mt. Airy, this is in Habersham County. The complainant was John Kinsey. The respondents are the Mayor, Gary Morris, the Mt. Airy City Council, and the Mt. Airy Police Chief. The allegations were that the candidates name were not in alphabetical order on the list. That the electors did not give clear instructions on how to vote. The results of the election were not announced by the election superintendent, and the tabulation of the votes was not open to the public. The findings were that, in fact, the ballots were ordered with the names in the wrong order. There was an allegation that the electors did not get clear instructions on how to vote. That was not substantiated, the elections were written clearly on the ballot. The governing authority did not appoint a superintendent, and therefore the results were not properly announced. And because of that, the tabulation was not open to the public. I saw Mr. Worley looked when I said that the Police Chief was one of the respondents, and he was actually sworn in as a Deputy Registrar, which is why he is a respondent in this case. Just for clarification, I saw some eyebrows sort of go up at that, and I just wanted to clarify that he was -- he is the respondent in the capacity as Deputy Registrar, not as his position in Mt. Airy. Based on all of that, and I should add one other point that the Board may need to consider. Judge Ann Gerald with the County was contacted. Her office was contacted, and apparently her office called Mr. Burke asking to -- I'm sorry, that's a note from something else. I apologize. All of these allegations, except for the vote -- the instructions, were substantiated, and I recommend at this time that it be forwarded to the AG's office for substantial fines, training, a strong consent order, and a recommendation to hire someone to run their elections or contract with someone else, because clearly, they had some rather significant issues here as you've noticed throughout the calendar today on municipal elections."

Chairperson Handel - "Are you here to -- who's representing the City?"

Mr. John Dickerson - "I am."

Chairperson Handel - "Okay."

Mr. Dickerson - "Sure. I'll make it brief."

Chairperson Handel - "Are all of you with the City? Thank you."

Mr. Dickerson - "Thank you very much. My name is John Dickerson. I've been retained by the City of Mt. Airy to appear here with the Mayor, and with one of the Council Members. The allegations, as presented, are correct."

Chairperson Handel - "Could you tell us each individual's name just so we'll have it for the record."

Mr. Dickerson - "Absolutely. This is Mayor Gary Morris, Councilmember Ray McAllister, and they're both elected officials in the City of Mt. Airy."

Chairperson Handel - "Thank you."

Mr. Dickerson - "The allegations as set forth are accurate. We don't have a challenge in those allegations. I think just as a matter of letting this Board understand what happened, there was a new clerk in the City, and the new clerk contacted the probate judge, admittedly the City did not designate in its minutes a municipal superintendent, a probate judge gave names. I think that's reflected in the summary. Those persons conducted the election. Those persons did not know, and did not understand that they were to be considered as the election superintendent. The City of Mt. Airy has decided, and will certainly agree, that in the future it will contract with the Election Superintendent of Habersham County, and have those elections conducted properly. It was a mistake, but not a mistake of the mind. It was a mistake only in that they didn't understand that the person designated by the probate judge should have been an election superintendent. We're sorry for the problem."

Chairperson Handel - "All right. Thank you, we appreciate that."

Mr. Dickerson - "I'll be happy to answer any questions."

Mr. Evans - "Well --."

Chairperson Handel - "Mr. Evans."

Mr. Evans - "Oh, I'm sorry. Thank you, Madam Chair. My concern is we've not yet reached the point where this has become a priority, which is what we get is, and we've heard it three times, oh, it was a mistake. We're very sorry, it shouldn't have happened. But what happens is the what happens is this rough and tumble world of real world politics with the City

Council meets across the State, there's not enough of a penalty assessed or attached where people think to themselves, oh, this is the election area. We have really got to get this right. And part of our job is to figure out how we do that. How do we get to the point where this is important enough that it can't simply be glossed over, and then we deal with an apology after the fact, because we're dealing with votes, we're dealing with elections. And so, I'd appreciate your thoughts on how we, given that you're directly involved in the city government, and if you were sitting in our shoes, and you were trying to get mayors and city council to pay attention here so that when these matters come up it doesn't kind of get glossed over, what would that be?"

Mr. Dickerson - "I think probably the most appropriate response would be for a consent order to be entered in between the City of Mt. Airy and the Attorney General's office. And in that consent order outline specifically what had happened, outline specifically that it was not an intentional matter. The City Commissioners thought that they did the appropriate thing in having the Clerk contact the Probate Judge, and this is a small municipality. They don't have full-time city attorney, as I'm sure you're familiar with many other municipalities don't have full-time city attorneys, this problem just happened. We respect your position, we think you're absolutely correct. But in terms of what needs to be done, we need to enter into a consent order. I think the consent order needs to require that we contract with the registrar in Habersham County to conduct the elections, and we have already done that, and they've agreed to do it."

Mr. Evans - "Well, I think that will solve Mt. Airy. My worry is the other thousand-or-so municipalities. Let me toss this out since we're having -- as part of the consent order, would you agree to a provision that requires the mayor to send a letter to every other Mayor that says, I just want to tell you my experience with the State Election Board. They have a new initiative underway, and they're going to be all over us as municipalities. You better make sure you get all your ducks in a row on election matters."

Mr. Dickerson - "Sure."

Mr. Evans - "Would you agree to that?"

Mr. Dickerson - "I would certainly agree that we would like to join in with many of the mayors of the other municipalities --."

Mr. Evans - "The more Mayors you got to sign, the happier, you know, I think we would all be. But you understand my point, which is I want Mt. Airy fixed, but I also want to start thinking proactively of ways where before the next municipal cycle we can get the word out. And the best way to do that is where mayors respect mayors."

Mr. Dickerson - "I think you're absolutely correct, and if you're asking for a suggestion, this may be gratuitous, but I'll give it to you anyway. Perhaps working through the Georgia Municipal Association would be very helpful, also."

Mr. Evans - "Well, that may be how you implement it. But what I'm looking for is, from you, an agreement that is part of the consent order that we include the provision that you'll send a letter to every other mayor."

Mr. Dickerson - "We don't have a problem with that."

Mayor Gary Morris - "Could I speak to that."

Chairperson Handel - "Yes. If I could ask you one question, as well. We did do a training session through city and county attorneys, and I'm not sure if you participated or anyone from the City of Mt. Airy participated, but I do think to Mr. Evans point of working through the GMA, would you be willing to, because I attend those meetings and I try to sort of beat the drum about the importance of this, it would be really helpful in having an ally in delivering that message that this is important, and not so much about your case because I'm, you know, I won't be in a place of wanting to air any city's dirty laundry to the GMA or with your peers, et cetera, but to have an ally as we go out to deliver that message, and perhaps we could even work together to do some sort of a joint piece in one of the upcoming GMA newsletters that y'all get."

Mayor Morris - "Okay. I'd be glad to do that."

Chairperson Handel - "Because it would be really helpful to have a mayoral advocate on our side."

Mayor Morris - "In my response to this, we did try to get our clerk into the training, and still before she could get in, so we were not able to get someone in. We recognize that we were in a bind. We, like the majority of small cities here, and I realize it's not an excuse but I can tell you, it's going to come up the next year, and the next year, and the next year, because the laws that are placed down, we'd have a hard time in

small cities keeping up with all the things because it's not just the election, it's all the other things. And that's not an excuse and I acknowledge that. But it is difficult, and I think we do need to work with GMA, and we do need to have more training sessions because even though, in the future, we do not plan to conduct our own elections, I would like for my staff to be in a position to know the answers to these questions so that it doesn't come up again. And we intend to do that. We've got a very good clerk. She was new. We've not had an election since she has been appointed. Our election had no opposition so we didn't have to do that, but I do say we made an adequate attempt. We called the Office of the Secretary of State. They were very helpful to us in our answers. We tried to do it right. We made mistakes, we are sorry. We'll do better in the future. Thank you."

Chairperson Handel - "But I can count on you?"

Mayor Morris - "Yes, you can."

Chairperson Handel - "All right."

Mr. Evans - "I want to add one technical line. I think it's actually, Shawn, it should be the City of Airy. You have Mt. Airy City Council, that's not a legal entity. So it should be the City of Airy. So I would move that we refer it over for the negotiation of the consent order."

Mr. Dickerson - "I think it's Mt. Airy."

Mr. Evans - "Mt. Airy. I'm sorry, I misread it. Mt. Airy. City of Mt. Airy. I move that we refer over for negotiation of a consent order."

Chairperson Handel - "Is there a second?"

Mr. McIver - "Second."

Chairperson Handel - "All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "All right. I will be in touch."

Mr. Dickerson - "Thank you very much."

Chairperson Handel - "Ms. Compton, do we have a -- I'm going to re-announce the City of Greenville case, and Ms. Compton is returning to the microphone."

Ms. Compton - "I was able to reach Ted Meeker, and he said that because he has not had the opportunity to confer with council -- the members of the city council about a specific direction, that they wanted to state that perhaps it would be more prudent for the Board to make a motion to proceed with the -- naming the City as a respondent for your procedures, because there was not an opportunity for him to confer."

Chairperson Handel - "All right. Thank you. Well, with that I'm going to withdraw my second which -- and make a new motion. New motion is to name the City of Greenville as a formal respondent in the matter before us."

Mr. McIver - "Second."

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

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "And if I can instruct Inspector General LaGrua to assure that this case is indeed on our next meeting agenda, and if we can get -- Ms. Compton, if you would please deliver that, it will be our expectation that the appropriate individuals will be here -- I can't speak for the whole body, but I'm not going to be interested in another continuance on this so, for this one person, I'll be looking for a motion moving forward."

Ms. LaGrua - "All right. I'll make sure it's on the calendar, ma'am."

Chairperson Handel - "Thank you. All righty, then. Our next case, then, is City of Byromville with 2007-000042. Real quick, before we start, Chris, Member Evans of the newly appointed City Attorney for Greenville did not want to waive the hearing, so we made a formal motion to add him as respondent, and directed Inspector General LaGrua to get it on the next meeting agenda, and I asked Ms. Compton to -- I informed Ms. Compton of my personal viewpoint that we would like to move forward the next time. All right. Go ahead."

Mr. Evans - "And so, you'll issue a new notice?"

Ms. LaGrua - "I will, and city council was notified, just for the Board's notice. And I actually called Mr. Meeker in exchange."

Mr. Evans - "Well, having defended, and I don't know how new lawyers can sometimes pick and take legalities, I'd rather just take those off the table."

Ms. LaGrua - "We'll make sure it's ready at the next meeting, as well."

Chairperson Handel - "All right. We are looking at Case 2007, number four."

Mr. Chris Harvey - "This is the City of Byromville in Dooly County. The complainant is -- the complainants are Lynn Murray and Victor Clark. The respondents are Tanganyika Mathis, who's the election superintendent for the City of Byromville. The Dooly County Board of Registrars and the chief deputy registrar, and Elector Bobby Merrell. The allegations are that three voters, Bobby Merrell, Barbie Adams, and Debbie Merrell voted in the City of Byromville but did not live there. That the ballots had hindered numbers on the top of the ballots that corresponded to the number of listed voters, and therefore compromised the secrecy of the ballot. That voter was denied provisional ballot, and during the computation of the votes that numerous ballots were set aside and not counted. The investigative findings were as follows, that Bobby Merrell was the only person listed who actually voted in the City of Byromville. He had previously moved to another city, had a homestead exemption in another location, and voted in the election. The other two people named lived on the streets that comprise the boundary line of the City of Byromville. They were actually registered wrong -- they registered properly, they were not assimilated, essentially, properly, and that has been fixed. The election superintendent did not attend proper training, and did mark the top of each ballot with a number in ink corresponding to the number list of voters. An individual, Leon Clayton, attempted to vote and was told he was not on the municipal elector's list. He left the precinct. It was not clear that he had asked for a provisional ballot or that a provisional ballot was offered to him. And during the computing of the votes the election superintendent set aside ten ballots for extraneous marks and never counted those ballots even though the intent of the voter was clear. In this case, as was mentioned before, where the elector would check the name and then, also write in the name. That was true of nine of the ten ballots. The other ballot, I think, was unintelligible in terms of who the elector was

selecting. The recommendation is that all respondent's cases be referred to the Attorney General's office. In terms of respondent Bobby Merrell, it's recommended that he have a cease and desist order, and a fine be imposed. The registrar is recommended that training be mandated, as well as monitoring and other sanctions, as appropriate. And as for the election superintendent, a significant fine, training, possible referral to the AG's office for other action as appropriate."

Chairperson Handel - "Who's here speaking as -- on behalf of the City?"

Toni Sawyer - "I am."

Chairperson Handel - "Okay. Anyone else here as a respondent."

Ms. Sawyer - "Victor --."

Chairperson Handel - "Victor?"

Mr. Clark - "Victor Clark."

Chairperson Handel - "Okay. All right. Just so I can know everybody I've got here. All right. Thank you."

Ms. Sawyer - "Good morning, Madam Chair, Board members. My name is Toni Sawyer, I work at the Town of Byromville. I will be very brief, I don't want to sound like a broken record. We do acknowledge that the allegations are correct, and we sincerely apologize. Ms. Mathis was hired as our clerk with -- not with intentions of her being the election superintendent, she actually had to take the position by default. The town of Byromville attempted to find someone to contract with to act as election superintendent because at the neighboring counties, election superintendents in neighboring cities, as a result of previous complaints, this is not the first time here, no one wanted to act as election superintendent. At the time Ms. Mathis was actually appointed election superintendent we received the okay from the State office to allow her to be trained by the election superintendent in a neighboring city, which she did, and during the training she received some erroneous information which resulted in some of the acts that were alleged in the complaint. So we do apologize. We will make sure that Ms. Mathis receives training if she's, in fact, you know, still an employee with the City of -- excuse me -- with the Town of Byromville. We do not anticipate another election until next year, so we will do whatever is necessary to clear this up. Thank you."

Chairperson Handel - "All right. Just so everyone knows what I was chuckling at, there was a comment about how no one wants to be election superintendent, so it made me chuckle that so many people wanted to be Secretary of State. All right. Does anyone else want to comment on this case? Does anyone else want to say anything? Do you want to say something?"

Mr. Victor Clark - "I'd like to say something, ma'am."

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

Mr. Clark - "I'm the one that was running for mayor and got beat out by the votes and everything, which I don't have a problem with getting defeated. I think that's a stepping stone. My name is Victor Clark, and I'm (inaudible) Byromville, Georgia. But it's a learning experience for me. I had never run for any office before, and I was really shocked to be that close. They said it was one of the closest races in Georgia, so I was impressed with that. But what really upset me was when I went in there and found that the ballots had been numbered. That could be a coercion tool for somebody that used and had actually put there, and some of the people in -- I mean, I served 23 years of military, and I've worked for the Air Force almost 30 years. And I've dedicated my life to this Country to get my right to vote. And that upset me when I found all that out. So -- and I'd defend anybody else that's running. I'm getting ready to serve the people of the United States, and I love this Country. So when this happened it really upset me, and my wife brought it to my attention, also, that hers was numbered so we were both upset about it. I'm not here to try to get anybody in trouble, I just want it to be used right and things done the right way. I appreciate the opportunity to speak with you."

Chairperson Handel - "Well, thank you for being here and for your service. Just to clarify for myself, you do not have municipal elections until next year."

Ms. Sawyer - "No, ma'am."

Chairperson Handel - "All right. Wes, given that -- I want to make sure that we have the list of all of the cities that have been before us in the past year. And, I mean, we'll meet y'all halfway. We will do several medial training, and we'll run a special session for those counties -- or those cities, rather, that have been before us. Whether it resulted in a consent order, or it didn't result in a consent order, any city that's been before us that's run a special session, let us get through,

obviously, November, and then, we'll go ahead and identify a date in the next couple of weeks for y'all, and it will be, certainly, we are going to take a look at who attends and who doesn't. And I will bring that report back to the SEB. Any questions, colleagues, on this one?"

Mr. Evans - "I do believe, Madam Chair, that we should -- I think one remedy that other states use that we should think about using is under 21-2-33.1, three and five, and six. We have available to us the option to require specialized training in a city, and then assess the cost of that training to the municipality. And I think we should, and obviously, on various matters that have occurred today, the only issue before us is whether or not to refer it to the Attorney General's office for prosecution. These cases, for all of you in the audience, will come back to us in the penalty phase. There will be a recommended penalty, but ultimately, the penalty imposed is up to the Board to decide. And it would seem to me that we should so that -- so that the cost of the specialized training be borne by those who most need it start assessing the cost directly against the city. And in order to do that, legally, under Georgia's framework -- statutory framework, we would need Shawn and Wes to give us a calculation that reasonably approximates what cost of the specialized training would be, because they can't be a profit making venture. It can't be that this is the way to supplement the state budget, but it would strike me that in addition to a cease and desist, and in addition to what I believe should be a routine public reprimand so that we have a list of the reprimanded entities, is an assessment -- an assessment of the cost associated with the specialized training. So to the AG, when you get these consent orders, at least for me, that would be something that I would be interested in. The second thing which is of note, is the items of people filling out, falsely, their residence. And I personally believe that while I recognize we cannot predetermine matters in advance, that the at best we can give guidelines as to what violators can anticipate. I believe that we should adopt as a guideline, that if you fill out a false statement as to your residence, that the civil penalty should be \$5 thousand. And it is only that that will get the attention so that everybody will think to themselves, that is so big, that is so hard, I don't want to come near it. And it will only be at that moment that we actually get folks to the point where they stop taking chances on what I call the roulette wheel of whether or not they get caught. Because right now it's worth the investment to spin the wheel, and the wheel has to stop here. So subject to those ideas, which I recognize are not binding under the Attorney General's office, I would move that we refer these matters over

to the Attorney General's office prior to the prosecution or negotiation of a consent order consistent with the guidelines that we set."

Chairperson Handel - "Is there a second?"

Mr. Israel - "Second."

Chairperson Handel - "Got a motion and a second. And if I can just comment on -- I think in terms of the specialized training, I think that's a fine idea, but I will say that I am willing to give all the cities one more chance that we will run this first cycle of remedial training out of our office, and then, honest to pete, folks, back here again, there will be -- all excuses will be off the table. All right. I've got a motion and a second. All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All right. Next case. Mr. McIver."

Mr. McIver - "I have a request of General LaGrua."

Ms. LaGrua - "Yes, sir."

Mr. McIver - "It would be helpful to me in these reports, following the topic of potential violations, if you would set forth in writing the recommendations that you are making for us. They're being verbalized, and they're being said so quickly that I'm not able to write them all down."

Ms. LaGrua - "I'll add that to the report."

Chairperson Handel - "Did you want to say something, ma'am?"

Ms. Lynn Murray - "Yes, ma'am. Lynn Murray, 225 Thompson Avenue in Byromville. My concern is these eight ballots that were cast aside, and the three people that voted in the election was so close that one person lost by two votes, another person, Mr. Clark, lost by four votes, and another lost by six, and another by 12. This could change the outcome of the election were these counted -- were these election numbers updated. That's all I had to add."

Mr. Evans - "Yeah. But the remedy for that, by the way, is that the losing candidate if the margin of victory is less than the

contested ballots seeking judicial rebuke, that would not be something that we can handle."

Chairperson Handel - "For the individual who ran for mayor, if you ever run again, or for anybody in the audience who's thinking about running, just as it is imperative for election officials to know what their job is and know the code, as candidates, you need to know what the code says and what your rights are so that if there's a circumstance of the issue, you have the ability to avail yourself of whatever the path is. All right. Next case is 2007-000043. Buena Vista."

Mr. Harvey - "City of Buena Vista in Marion County. The complainant was Anthony Murray, a candidate for mayor. The respondents were Ralph Brown, who was the current mayor, Norman Royal (phonetic), who was the election superintendent, Brenda McAllister, who is the city clerk, Marie Brown and Kevin Brown who were related to Mr. Ralph Brown. There are three allegations. The first was that the mayor's mother, daughter and brother took the ballots to the electors, and took the ballots to be mailed. It's a violation of State Law. The second was the election superintendent tried to impede the regular mail flow with the absentee ballots, or tried to interfere with the flow of mail with the absentee ballots, and the third was that the ballot was not secure. The investigative findings found that the only thing that approximated assistance was that the mother, Marie Brown, of the mayor did assist five voters that were either disabled or illiterate. She did sign as assisting properly, there's no violation there. The other family members mentioned by the complainant denied any wrongdoing and there were no witnesses that were provided that were able to corroborate any legal assistance. There was no interference with the mailing of the ballots. The postmaster had indicated they had a local mail delivery, and then an outside-of-area mail delivery. And the election superintendent had mentioned that if they put their -- any mail that was put in the local mailbox, it would be delivered more quickly than if it had to go to another city and be processed. The ballots have removable stubs, and there's no indication that there's anything wrong with the form. And the ballots, themselves, were picked up and they were locked securely at the day of the election and there's no evidence there was a violation of ballots."

Chairperson Handel - "Your recommendation?"

Mr. Harvey - "Recommendation is case be closed."

Chairperson Handel - "Questions or comments, colleagues?"

Mr. Evans - "So move."

Mr. McIver - "Second."

Chairperson Handel - "All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All right. Thank you. I assume since that one was closed -- is there anybody here on that? Okay. Next case is 2007-000045. City of Plains."

Mr. Harvey - "City of Plains in Sumter County. The complainant was Andrea Oates who was a city council candidate. The respondents were Willette Smith, who is the election superintendent, and the allegations were that the election superintendent, during advance voting and absentee voting, used Election Day voter certificates. And after she found out she couldn't do that she contacted the relatively small number of people who voted absentee, asked them to return to complete the proper absentee ballot voter certificate, and they all did that. There was one case where a voter who was an out-of-town truck driver was contacted and the -- what happened is he had told her he wouldn't be back in town until Monday. She went ahead and mailed him an absentee ballot on Friday before the election. He then came in on Monday and filled out an absentee ballot application even though she already mailed him the absentee application. When the investigation was commenced, both the election superintendent and the elector gave misleading statements to the investigator in terms of how that had happened. The facts and the paperwork did not correspond with their stories. They ultimately admitted that they had not been completely forthcoming on how that absentee ballot application and voter certification took place. Another allegation was that the election superintendent failed to hold a hearing on electors challenged by a candidate. That was sustained. There was a number of procedural violations in terms of the tallying of the votes that are reporting. The election superintendent failed to properly prepare a list of numbered voters for certified absentee voters. She failed to prepare a numbered list of voters for rejected absentee voters, she failed to sign the paper ballot recap sheet, and she failed to prepare a provisional ballot recap sheet. And it's recommended that Ms. Smith, the election superintendent, be referred to the Attorney General's office for sanctions, including substantial fines, mandated training, and ongoing monitoring."

Chairperson Handel - "Is there anyone here? Come on forward, please. All right. Who's here representing the city?"

Ms. Andrea Oates - "I'm Andrea Oates, I'm the complainant."

Chairperson Handel - "Okay. Hang on for one second. I need to know, first, who's here representing the City of Plains?"

A.B. Jackson - "Okay. I'm A.B. Jackson, Plains City Council."

Chairperson Handel - "Okay. Why don't you come up, and then I'll let them respond to -- and then I'll hear from you, okay?"

A.B. Jackson - "Okay. I am A.B. Jackson. My address is 204 Jackson Street, Plains, Georgia. And the thing that I observed before the election was the fact, like it was mentioned earlier, the wrong forms were given and I, in turn, asked the young lady that was working in the office that day how was they going to get in touch with all the people that hadn't voted, and whatnot. I'm not real sure they got in touch with everyone, but when I went in, since I was one of the early voters, I went in to fill out the forms and the election -- the lady that was working the election informed me that I did not have to fill out the envelope, or anything. And I know, being on Plains City Council or being an official, that was illegal right there. And that's what made me, you know, want to challenge that everybody go back in and vote, or if they went back in to vote, that they fill out the proper paperwork. What happened to the early ballots? What happened to those, because there was a lot of discretions that came up. Yes."

Chairperson Handel - "And let me make sure I'm clear. You are representing the City of Plains -- is their attorney before us?"

A.B. Jackson - "No. I'm just representing as a citizen on Plains City Council. I'm not representing the City of Plains."

Chairperson Handel - "Okay. Again, let me ask this because it's very important to our procedures here. Thank you very much. Is anyone in this room the official representative, from the legal standpoint, for the City of Plains? Let the record show that the City of Plains does not have legal representation here to discuss these allegations. Okay. Now, come on forward."

Ms. Oates - "Good morning, if it's still morning/afternoon."

Chairperson Handel - " -- in the morning."

Ms. Oates - "Yeah. We're all going to stay here. I think it's very sad. I think that the things that happened cost me the election, and unfortunately, like some of the other things presented, I don't think it was simply an error. And the reason I say so, there are others that can attest that when I asked for a recount, the seal on the ballot box literally fell off. You know, it was obvious that it had been tainted with absentee ballots and early voting was an issue. There was one lone person in there. You know, who was quote, unquote, assisting people. She's foiled ballots, didn't label them, you know, just so many discrepancies it was ridiculous. There was a total of -- excuse me -- when the final vote came in from absentee and early voting on Tuesday, it was a total of 63 ballots. And that was for the two posts. Post three, which is what I was running for, and for post four. During the recount there was a total of 66, and during the recount they had it separate where you knew the number of people voting in person, what their votes were, and the number of people for absentee. And there were several of them where they only voted for only one post. So how could both tallies be the same when, you know, when there were actually people that didn't vote for both. So just to reiterate, you know, I think it was calculated and, you know, I hate to have to say that, but for those things that happened, it just doesn't happen. You know, I can understand maybe issues with paperwork, but not when there are issues with ballots that weren't there, and all of sudden now they're there, and no explanation given. When the discrepancy was found, they closed down the recount. I was told we're going to call the State, we're going to find out what to do. I don't know what to do. And then, all of sudden, I read in two local papers that the victors had -- there was a recount and that the victors had been declared. And so, I believe that there was also a recount that was done while I wasn't present. I would know that there's an election committee member who had been contacted by the election superintendent saying, come, you know, we need you to vote -- to help recount votes. And when she returned that call, all of a sudden they didn't need her anymore. They said they had found out what the issue was. So it's just several issues. When that, and I'm going to also say, too, when I know it was found, the person that I ran against worked at the post office, there was several absentee ballots that were postmarked in Plains for November 5th, which is Monday, postmarked in Plains. Now you know, those election envelopes, they're not the typical -- they're yellow. They're not a normal size, but yet it still never made it until several days later after the election, for no apparent reason. So unlike the others, I don't think it was simply error or, you know, lack of knowledge or ignorance, I believe it was calculated, and I think it cost me that election.

And I would like -- I agree with the recommendation. I'm thankful for it because we don't need this to happen again."

Chairperson Handel - "Thank you."

Ms. Oates - "Thank you for your time."

Chairperson Handel - "Thank you. Did you want to speak, ma'am?"

Ms. Clara Shenault - "Good morning. My name is Clara Shenault, and I live at 326 Wayland (phonetic), Plains, Georgia. I'm here to backup what Ms. Oates was saying. What's she saying is true. I was one of the poll officers. The day after -- we counted three times, and the second date they had the vote, the ballot box, they brought it out. And as Ms. Willette, the clerk's officer, was saying -- she was giving us an example on how you do it and how many people had to keys, and whatnot. So, okay. If they're supposed to be secured, then why wasn't the lock locked. You know, just little instances and stuff like that was going on. And also, like she said, the newspaper. Now if I was one of the poll officers and we was called to have a recount, then why wasn't we notified to have the recount. They had put in the paper stating that who won two days later, afterward, and we had no knowledge of it. So, you know, just little instances like that in town that are happening that we should bring forward. You know, it's not out of ignorance, it's just meant to be."

Chairperson Handel - "Thank you. It takes a lot of courage to speak for that, so thank you. Mr. LaGrua, did we hear back from anyone from the City of Plains?"

Ms. LaGrua - "We did not, Madam Chair, and I wanted to let Madam Chair and the Board know that we contacted the city, the city council, and the mayor, and notified that they have one of their people on our calendar, and would the county -- we notified the county commission that one of their elections personnel is on the calendar. I've already confirmed with Mr. Brown that, in fact, the City of Plains City Council and Mayor were notified about this being on the calendar this morning, as the other cities have been. I'm certain Ms. Smith was notified as the respondent."

Chairperson Handel - "Is Ms. Smith here? Okay."

A.B. Jackson - "I would just like to add that y'all said you contacted the mayor, the council, and you probably did. I received a letter. I got my letter, and I decided to come. As

Ms. Shenault was saying just a while ago, she set the lock. But actually, when they went to do the recount, the seal was broken and we knew that that wasn't supposed to happen, meaning that someone had tampered with it. So -- I'm sorry, you were about to say something -- okay. I thought you pointed at someone."

Chairperson Handel - "No. Thank you."

A.B. Jackson - "But we would just -- we appreciate what y'all are doing because we feel that in a time like ours we're very proud to live there. We have a former president that comes from that town, and we hate to see that kind of thing happen. And we really appreciate what you all are doing, so we can lay the groundwork and make sure that that doesn't happen to another candidate. So we thank you so much."

Chairperson Handel - "Thank you. I think you see from this body that we take all of this extraordinarily seriously. Questions?"

Mr. Evans - "Did I understand that there were issues concerning the reliability of the information that was given us in the context of the investigations?"

Mr. Harvey - "That's correct, sir."

Mr. Evans - "If that's true, then we have a violation of 21-2-560."

Mr. Harvey - "I believe 560 requires a sworn statement. I'm not --."

Mr. Evans - "All right. So did you take -- did you solicit information that was not taken under oath?"

Mr. Harvey - "No, sir. These were investigative interviews that were done by our investigators. It might not preclude the criminal Title 16.

Mr. Evans - "Yeah. But 16-10-71 still require -- it may be something that we need to address."

Mr. Harvey - "I think 16-10-20 is false statements. It might be something that --."

Mr. Evans - "That may be something we need to just address in our -- if you don't think 560 is correct. I agree on that, but I assume that we were eventually -- or that we were taking the statements under oath, but if not --."

Chairperson Handel - "Mr. Worley."

Mr. Worley - "I would just want to state that the allegation about Ms. Shenault not being truthful with the investigator is something that I think is very, very serious. I -- it would be my desire to refer this over to the Attorney General's office. We cannot afford the entry of the consent order, but to have a jury or a judge, and flesh out all these allegations."

Chairperson Handel - "I'd like to concur with Mr. Worley, particularly given the lack of forthrightness and perhaps deceptive statements made to the investigators and also, in light of some of the other details in the investigative report around potential tampering, et cetera. It just appears to be based on what was brought before us that we do have something that rises above the level of lack of information or lack of knowledge, lack of expertise, just being ignorant of the law seems to be a little bit -- I'd like to see this fleshed out further as well. So maybe if you want to try a motion, and make sure I get the right motion for this."

Mr. Worley - "Well, I would just make a motion that this be referred to the Attorney General's office."

Chairperson Handel - "Second. Any other questions or comments for folks? All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "And Ms. LaGrua, when we do the communication to the City of Plains on this one, I would like to be able to express our extreme disappointment that no one in the official capacity came from the City of Plains in light of the most seriousness -- the level of seriousness of these allegations."

Ms. LaGrua - "Yes, ma'am."

Chairperson Handel - "All right. Let's try to get one more in, because I think the next one is a pretty straightforward one. Next case is 2007-000047. City of Darien, McIntosh County."

Mr. Harvey - "This case, the complainant is Keith Davis, the respondent is Nathaniel Grovner, who is a candidate for county commissioner. He filled out his candidacy -- declaration of candidacy and affidavit swearing and posing that he was not a defaulter of any state or federal taxes. He did that in April

of 2006. A state tax lien was filed on him in October of 2006, after he had filed his paperwork. The lien was satisfied in July of 2007, prior to any type of court action. The issue arose after he filed his candidacy. It was satisfied prior to the election, and it's recommended that this case be closed."

Chairperson Handel - "Questions or comments? All right. Do we have a motion?"

Mr. Worley - "I would move that we close this case."

Mr. Israel - "Second."

Chairperson Handel - "I have a motion and a second. All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "All righty. I think the next couple of cases might take a while. It's ten after 12. Let's break for lunch, but as we do lunch we do have some litigation matters, so I'd like to entertain a motion for Executive Session for the purpose of litigation."

Mr. Evans - "So move."

Mr. Israel - "Second."

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

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "And let's call it one o'clock, folks, if everyone can be back so we can start the cases."

(Whereupon, the meeting broke for lunch and Executive Session at 12:20 p.m., and reconvened at 1:10 p.m.)

Chairperson Handel - "We are back, and the first thing I'll do is ask for a motion to come out of Executive Session and reconvene."

Mr. Evans - "I so move."

Mr. Israel - "Second."

Chairperson Handel - "All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "All right. We do have a couple of action items out of Executive Session, with the first involving some possible motions that I think a member wants to offer surrounding the photo ID litigation. Mr. Evans."

Mr. Evans - "Yes. Thank you, Madam Chair. I have two motions to make. The first motion is a motion that the State Election Board direct and authorize the issuance of a letter pursuant to 9-15-14 of the Georgia Code, directed to the Democratic Party of Georgia, providing that the current photo identification litigation is frivolous and is without merit, placing them on notice that they have 30 days to dismiss their suit or in the failure to do so, we will have the ability to seek to recover any and all attorney fees and costs that may be incurred by the State in connection with that allegation."

Chairperson Handel - "I have a motion."

Mr. McIver - "Second."

Chairperson Handel - "A motion and a second. All in favor, please --."

Mr. Worley - "I'm sorry. Can we have some discussion?"

Chairperson Handel - "Go ahead."

Mr. Worley - "Thank you, Madam Secretary. I am opposed to this motion. As I've stated in Executive Session, the litigation that has been brought is not frivolous because it's based on Supreme Court's decision on photo ID in the Rokita Case, which gave the State parties standing to bring these claims. The previous State litigation in this action, the merits of that litigation were not reached by the Georgia Supreme Court. They only dealt with the standing issue. Now, the Supreme Court has told us that State parties do have standing, and therefore, it's entirely valid and appropriate for someone -- for a State party to bring a claim, which eventually will reach the State Supreme Court so that they can rule on the merits of the action. So it is entirely wrong to suggest that this is frivolous litigation. To in additional legal fees and expenses for the State, and therefore, I'm opposed to sending the letter. And I'll leave it at that."

Chairperson Handel - "Are there any other comments on that? All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed?"

Mr. Worley - "No."

Chairperson Handel - "The record will show that Mr. Worley did vote no, and the remaining members voted yes. The second issue was not discussed in Executive Session."

Mr. Evans - "I have a second --."

Chairperson Handel - "I'm sorry. Do we have another one?"

Mr. Evans - "I have a second motion."

Chairperson Handel - "Oh, I'm sorry. Go ahead."

Mr. Evans - "Thank you. My second motion is that in the event that the Attorney General declines to send the 9-15-14 motion for our letter as authorized and directed by this Board, that this Board authorizes the Secretary of State, as the Chairman of the State Election Board, to send the 9-15-14 letter on behalf of the Board to the plaintiff Democratic Party of Georgia."

Mr. McIver - "Second."

Chairperson Handel - "A motion and a second. Any comment on this one?"

Mr. Worley - "Yes. I would oppose this motion because under established State Law it's in the purview of the Attorney General to make the decision to send that letter on our behalf or not. And should the Attorney General choose not to make that determination and send that letter, then we don't have any ability to do so."

Chairperson Handel - "Any other comment?"

Mr. McIver - "Other than I respectfully disagree with my colleague, Mr. Worley, on that point of law."

Chairperson Handel - "I'm sorry. Disagree or agree?"

Mr. McIver - "I disagree with him. I think the SEB has the authority to do that statutorily, it can and should."

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

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed."

Mr. Worley - "No."

Chairperson Handel - "Let the record show that Mr. Worley voted no. The remaining members voted yes. The third issue involves a possible conflict of interest issue, recusal issue, involving potential litigation, which we cannot discuss, obviously, recusal issues in Executive Session. I want to caution my colleagues that we should not discuss any of the elements or merits or lack thereof of the potential litigation. But if anyone wants to comment on the recusal issue -- I believe you wanted to."

Mr. Evans - "Well, I don't have that much data, but my understanding what we have before us is correspondence that was directed to the election division of the Secretary of State, which is now under consideration of the State Election Board. The correspondence signed by Board member Worley in his capacity as counsel in connection with litigation against the State, including the Election Board. And I don't know how it is that you simultaneously can be both the plaintiff's counsel and the respondent. And so I think that's an issue that we should have to discuss completely and fully in open session, so that we can surmise the extent of matters to that. We've all been very sensitive. We know these issues arise in connection with dual capacities. And that's why we take extraordinary measures like was done at the beginning of this meeting where we follow a protocol that have been thoroughly embedded and discussed with various Constitutional officers to make sure that those boundaries are met. But there is no protocol other -- either under the Bar rules or under government rules that permit you to sue yourself, or to threaten to sue yourself. And so that's kind of the issue at the forefront of what we have before us. So I will defer and yield to Mr. Worley to walk us through, in some detail maybe, the explanation of the permissibility of being able to sue himself."

Mr. Worley - "Well, let me be very clear. You'll see that the letter on behalf of the Obama campaign is -- makes no threat to sue the State Election Board. What it does is it raises an issue relating to the internal administration of the Secretary of State's Office. And I would point out to the members of the

Board that prior to 2008 the Georgia Code in listing the duties of the State Election Board in section 21-2-32(a). Actually, that's 21-20 -- that's 21-2-31(1). It says that it shall be the duty of the State Election Board to supervise and coordinate the work of the Office of the Secretary of State. The Republican General Assembly in its infinite wisdom struck that language from the Statute, so that the State Election Board no longer supervises the work of the Secretary of State. Therefore, as my complaint's related to an issue relating to the administration of the Office of the Secretary of State, it was outside the purview of the State Elections Board, and is still outside the purview of the State Elections Board. And, frankly, there is no necessity for this Election Board and no requirement for this Election Board to consider the matter raised in the letter. This Secretary of State, to my knowledge, has not asked for the advice of any members of the state Election Board as to how to handle this issue. If the State Election Board was to vote to instruct her how to handle this issue, she would be entirely within her rights to ignore that instruction. And unless she's here today to say that she is going to ask the State Election Board to instruct her in how to respond and handle this issue, then we don't have any responsibility for it, and therefore there's no possible conflict in me raising this issue with the Secretary of State."

Mr. Evans - "So will you commit that you --."

Mr. Worley - "And let me -- let me add one further point. This is particularly true because both Mr. Evans and I are the representatives of our party, by virtue of Statute. We just considered two motions relating to whether this Board should send a frivolous litigation letter to the Democratic Party of Georgia. I didn't hear Mr. Evans, I didn't hear Secretary Handel, and I didn't hear any other member of this Board complain about me voting on these motions. There has been no effort in Executive Session or in open session at any point since the Democratic Party of Georgia joined that litigation to attempt to force me to reclude myself from any deliberations relating to those cases. So I think it's unfortunate that anyone is going to take that position at this point. But the Statute is clear, this Board does not supervise the Secretary of State anywhere there's not a conflict."

Mr. Evans - "So will you admit that you will not be planning to seek legal relief or regress from the State Election Board?"

Mr. Worley - "I will not."

Mr. Evans - "And so will you agree that you won't seek regress or relief from any member of this Board?"

Mr. Worley - "In their capacity as a member of the Board? Yes."

Mr. Evans - "And so that wouldn't --."

Mr. Worley - "That does not include the Secretary of State in her capacity as Secretary of State."

Mr. Evans - "And who has the ultimate responsibility for the overall procedures with regulations, relating to State Elections?"

Mr. Worley - "We have the authority to promulgate rules and regulations. But this is not an issue regulating to a rule or regulation or the promulgation of rules and regulation. This is an issue relating to, for the benefit of the audience, this is an issue relating to whether the Secretary of State's Office has complied with federal law in its internal administration of the registration of voters. And just to be perfectly clear, the letter was directed to Mr. Taylor, the head of the Elections Division. It was copied to the U.S. Department of Justice. And I believe, from what I understand, the United States Department of Justice has been in contact with counsel for the Secretary of State over the appropriate handling of this matter."

Mr. Evans - "And so any relief that you would seek would be ministerial, which is not involving the policy, practice our procedure, but instead would only be in connection with implementation and administration of the Georgia Election Laws?"

Mr. Worley - "It would be in -- it would be as to whether the Secretary of State is complying with HAVA and the Voting Rights Act."

Mr. Evans - "But don't we, the Board, have the obligation to promulgate the rules, regulations and policies for the client, the public?"

Mr. Worley - "We don't have the authority to supervise the Secretary of State's Office."

Mr. Evans - "Well, not the supervision. I'm just talking about the policies. I'm trying to understand how it is that one member of this Board can sue another member of the Board. And as I understand it, in true lawyeresque form it is. I can think of a way that I should be able to sue my colleague on the Board."

And the way I should be able to sue my colleague is I'm going to sue my colleague by saying it doesn't involve anything that she's doing on behalf of the Board. And as long as you limit your relief, that would fly I guess depending on your own personal standard of ethics and professional responsibility. But what I don't quite understand is how, if this involves a decision that involves a practice or procedure that is a change from 2008 that would not implicate the jurisdiction of the State Election Board. Now, if you're going to say on behalf of your client, you will not pursue any such plans, which, of course, would doom your lawsuit, then that's fine. You just need to do that on the record. But you can't have it both ways. You can't say no I want to sue her. I want to be able to sue the chairman of the Board I sit on because she's had a change in policy, but I am not going to assert a claim based on policy."

Mr. Worley - "And that's not what I said. And that's an issue that will be dealt with later. What I'm saying, at this point, is that there is no conflict in raising this issue."

Mr. Evans - "Maybe I'm missing something."

Mr. Worley - "You know, we can agree to disagree. There's not a conflict. It's my decision to make, and it's been made."

Mr. Evans - "Do you serve as counsel to the party?"

Mr. Worley - "No. I'm sitting counsel to the opponent."

Chairperson Handel - "And if I might, that is the distinction between the issue of recusal over the photo ID litigation, because I've never gotten any correspondence from you on behalf of the Party around the Litigation."

Mr. Worley - "Well, I think -- I think that's a false distinction...."

Chairperson Handel - "I'm sorry."

Mr. Worley - "...because you know that I sit here as the representative of --."

Chairperson Handel - "Mr. Worley, excuse me."

Mr. Worley - "If I could, Madam Secretary, if I could just --."

Chairperson Handel - "I was not -- I'll be happy to yield to you. But please don't -- please don't interrupt."

Mr. Worley - "I'll wait until you're finished. Excuse me."

Chairperson Handel - "And I -- We can agree to disagree, but that is a distinction, a very specific and direct distinction in the minds of both myself and lawyers who represent us."

Mr. Worley - "May I respond to that?"

Chairperson Handel - "Yes. Please. And then I'll come to Mr. McIver."

Mr. Worley - "You have never had any doubt that I sit here as a representative of the Democratic Party. And the fact that I tell you something to your face in words is no different than sending a letter. And I've made it very clear in all of our meetings about my position on the photo ID litigation. So the fact that I sent you a letter in this case is no different than telling you my position and voting on issues in the photo ID litigation."

Chairperson Handel - "Well, with all due respect, I would certainly hope, then, that if you are -- you are appointed, if I understand the law correctly, by the Democratic Party you are not sitting there to be their legal counsel on any matter for the SEB, as I understand it. And if indeed you are serving in the capacity as legal counsel for the Democratic Party then please know that I will have a conversation with my lawyers around this issue, because that would be deeply disconcerting. And I would certainly hope that based on what you just said, that that does not mean that when we are having strategic legal discussion that our legal strategies and such are being discussed, since you are also on the other side of those lawsuits as a member of the SEB with the opponents of a lawsuits."

Mr. Worley - "And I think I've made it clear at every opportunity to make it clear that I have never discussed the photo ID litigation with counsel for the plaintiffs or counsel for the Democratic Party."

Chairperson Handel - "And yes you have. And that's why this is a distinction because you are not the counsel for the Democratic Party, and you have been very clear about your commitment to keeping the confidence of our litigation strategy. In this instance that we are discussing now, that would not be the case

because you would be the lawyer for the litigation. And I'm sure everyone can appreciate that, I mean, I'm simply not going to engage in conversation around litigation strategy with the individual who is suing me. It's just -- that just cannot happen for this one individual. Mr. McIver."

Mr. McIver - "David, you may recall, with as much respect as we have for each other, you and I went at it pretty strongly over photo ID. And I was the designated member of the SEB with photo ID in place at the direction of the Legislature, and that was accomplished. And much of that was done over your very strong objection. In many, many respects you and I had our debates in this very room, as a matter-of-fact, with all the press here and everybody else. In this particular instance, though, I just have to tell you that based on the nature of this letter, and what clearly is the Election Code having to do with our requirement on the SEB to promulgate rules, there just can be no doubt that you put yourself directly in the middle of what would be a conflict in this regard."

Mr. Worley - "Mr. McIver, if you could cite me to a rule, one of our rules, that deals with the issue that I have raised with the Secretary of State, which is the processing of the particular processing of voter registration form, you might have an argument. But you don't, because there is no rule that deal with that. This is a matter left entirely to the discretion of the Secretary of State. And I have raised an issue as to whether her discretion purports with HAVA and the Voting Rights Act. I don't believe it does."

Mr. McIver - "-- works the same way. I don't see it that way."

Chairperson Handel - "No. Everyone before us --."

Mr. Worley - "Again, let me just --."

Chairperson Handel - "Please."

Mr. McIver - "I'll yield to you, Mr. Worley."

Chairperson Handel - "Okay."

Mr. Worley - "Thank you, Tex. I appreciate that. Let me just make one further point, which is that the Secretary of State was not asking this Board to make a decision in this matter. I don't know why she brought it up in Executive Session. I don't know why she's bringing it up here, unless she intends to ask this Board to do something on this issue to make a decision, and

I don't believe that she's doing that. And, therefore, it's not a conflict."

Mr. McIver - "Well, I suspect as this process moves forward, there will be a number of rules, David, where you will be directly in conflict, and that's a very, very concern of mine. Although, I admit, having heard about this less than 15 minutes ago, I couldn't cite you to the rule. But you and I know, as practicing lawyers, there has got to be a significant conflict here. The wording that you chose to use in this letter truly puts you in harm's way. And I have to tell you by way of conclusion, if I had signed this letter on behalf of whomever it is that I might have been representing at the time, today you would be calling for my recusal. I know you well, and you would be doing that. And that's the reason I enjoin Mr. Worley -- pardon me -- Mr. Evans, in this instance in calling for yours. Now, clearly we know it's your decision. And you only recuse yourself if that's the decision that you make or your clients dictate, or in this case the Democratic Party, which might want to consider this discussion. I understand that well. But you are too good a lawyer, and you've been an excellent member of this Board in so many of the cases we've dealt with that I'm disappointed to see you place yourself in this position. And I wish you would heed the remarks of your fellow Board members."

Mr. Worley - "Well, again, I don't believe it's appropriate or necessary for me to recuse myself in discussions of this issue at this time."

Mr. McIver - "I have no other -- Thank you, Madam Chair."

Mr. Evans - "I just have --."

Chairperson Handel - "Mr. Evans."

Mr. Evans - "So if I understand correctly, the premise of your distinction is that the State Election Board does not have the authority to supervise the Office of the Secretary of State?"

Mr. Worley - "That has always been my position. Actually, prior to the time the Statute was changed. It is certainly the law now that that language was specifically struck out of the Statute, and again, by the Republican General Assembly."

Mr. Evans - "Well, I happen to be looking at the latest version of the Code, which is 21-2-31. And it says it shall be the duty of the State Election Board to supervise and coordinate the work of the Office of the Secretary of State."

Mr. Worley - "No. You are not looking at the latest version of the Statute. If Mr. Dunn, who has the latest version of the Statute, could bring it over here, I'll be happy to read it specifically."

Mr. Evans - "And then if we would look at 21-2-31. And if we look -- No. I know exactly where to look. If you look at -- because I think you overlooked section five, which was then to move the power to investigate and/or authorize the Secretary of State to investigate where necessary advisable the administration of the primary election laws and frauds. And it was the whole reason I walked you down the path, which was that your claim was an administration claim. That you weren't focused on policy and procedures, that instead you were limiting yourself to the administration. And in fact, if you look at paragraph five, which I'm sure you're now reading and thinking to yourself because I've had that feeling in the pit of my stomach before."

Mr. Worley - "Screw you."

Mr. Evans - "Exactly. Is that on the record?"

Mr. Worley - "Yeah, put it on the record."

Chairperson Handel - "Come on, Gentlemen, let's not -- that's not necessary. I'm not going to have that kind of language in the SEB meeting."

Mr. Evans - "So the point is that in fact the very basis of your distinction is in fact addressed by the Code, which is the State Election Board has the authority to regulate the administration of the laws, which is the subject matter -- it happens to be the subject matter of your letter. I don't know -- I don't what wriggle room is left. And sometimes wriggle room is best left when the worm wriggles around because eventually you figure out you're on the hook. Here, I think the Code makes it pretty clear that you're on the hook. Now, you are correct, in the end it is your decision whether to recuse or not recuse. I don't think there's any legal distinction that will allow you around that issue. You can still decide what you want to decide. But I will say in light of what you said today, I believe that not only should you recluse yourself from the consideration of the matter the Secretary has brought to our attention, but I can't imagine how you could participate in the decision on the 9-15-14. How could you participate in a decision as to whether or not the Democratic Party of Georgia should be held responsible

for attorney's fees that frivolously incurred for the State when you are counsel to that very party? Why would your obligation as a lawyer to fully and completely protect them would not take precedence over protecting them against a fee award based on their own conduct?"

Mr. Worley - "For the same reason that you, Mr. Evans, have participated in discussions of issues where, before this Board, where the Republican Party of Georgia was on the --."

Mr. Evans - "On the contrary."

Mr. Worley - "Oh, yes. We can go back and look at the minutes and they'll indicate that. But again, I just want to make this final point, which is very simple. The Secretary of State is not asking this Board, unless -- unless she's changed her mind or is going to present this issue. The Secretary of State is not asking this Board to deal with the issues or decide the issues that are raised in the letter. And this Board does not have the legal authority to supervise her in that role. And unless I'm wrong, Madam Secretary, are you asking this Board to make a decision on the issues that I raised in my letter?"

Mr. Evans - "I think she was seeking our advice and counsel."

Chairperson Handel - "Absolutely. And if I might, the issues raised in the letter involve voter registration and whether or not the county elections officials are following not only State Law, but the federal HAVA Law surrounding voter registration issues. And that clearly, any violation thereof, clearly falls under the purview of the State Elections Board. I think, again, we've had our say, unless Mr. Israel had or Mr. McIver has anything else they'd like to add. And just so everyone in the audience and the record can show that there is no legal ability of the SEB or authority of the SEB around recusal. There is no rule. It is specifically up to the individual's personal discretion and personal code of ethics and how he or she chooses to handle recusal. So just if you're wondering if we have a rule around this, we do not. It is specifically in the purview of the individual."

Mr. Evans - "Madam Chair, could I just do one thing for the minutes? I have recused myself three times over my ever-how-many years I've been on the Board. All three times were where the Republican Party was a party at interest. I recused myself

once when we were in Savannah. I think that's where I literally got up and left the podium and left the room. So --."

Mr. Worley - "And just for the record, there are also occasions where Mr. Evans prior to recusing himself or prior to not voting, even if not formally recusing himself, participated in discussions of issues in which the Republican Party was a Party. And I know Ms. Lewis is here today, and this is an occasion where she represented the Republican Party in that hearing in the State Capitol."

Chairperson Handel - "Mr. McIver."

Mr. McIver - "Madam Chair, not to be keeping on, but there's been an occasion where the county in which I reside was involved. And I recused myself on that matter for fear of what I thought had the color of a conflict, if not a direct conflict. So I think many of us here are acquainted with the concept of recusal, and not wanting to in any cast dispersions upon the group that we represent, in my case, the Senate of Georgia. And it was my judgment then that I didn't want any criticism of the Senate to be made or of me as their representative in that case. And I recused myself. I did it voluntarily, I think at the surprise of all the members of the Board on that particular occasion. So it's obvious many of us have a very pristine view of conflict and recusal and not wanting to in any way impede the effectiveness or the efficiency of this Board. That's the position from which I come."

Mr. Worley - "And, Madam Secretary --."

Chairperson Handel - "Mr. Worley."

Mr. Worley - "If I might, I would just point out for the record that I, too, have recused myself on a number of occasions when I thought it was appropriate. In this case, I do not believe it's appropriate."

Chairperson Handel - "All right. I believe that concluded any of the actions out of the Executive Session. With that, we will continue with our cases. I have Case No. 2008-000001. The City of Arlington, Calhoun County."

Ms. LaGrua - "Madam Chair."

Chairperson Handel - "Yeah."

Ms. LaGrua - "If I could, just for the record, on the last case before we recessed into Executive Session the City of Darien, McIntosh County, Mr. Coppage (phonetic) was the attorney for Mr. Grovner in that case, and he was here."

Chairperson Handel - "Okay. Great."

Ms. LaGrua - "And he's still -- I don't think he wants to say anything. I just want the record and this Board to know that they took it seriously and appeared."

Chairperson Handel - "Great. Thank you so much. Did you want to say anything?"

Mr. Coppage - "I do not."

Chairperson Handel - "All right. Thank you so much. All right."

Mr. Harvey - "Case No. 2008-000001 is the City of Arlington in Calhoun, County. The complainant is Mary King, the City clerk. Respondents Turner Bostwick, William Clark, Raymond Williams and Marla Sheffield, who is the deputy registrar in Calhoun County. And the allegations made by Ms. King are that when she received absentee ballot applications, she noticed very consistent handwriting on them. She believed an unqualified persons were assisting with that City ballot and not signing assisting. One elector might have been duly pressured to vote absentee, and that the county Board registrar failed to properly purge the voter list when asked to by the City. The investigative findings showed that one candidate, Mr. Turner Bostwick admitted that he improperly handled absentee ballots and applications. He had completed ballots delivered to his home where he took possession of them. He mailed them. On two occasions he marked ballots for two electors. He said he didn't know that that was wrong. He didn't think that constituted as assisting, and that he also marked absentee ballots that were brought in -- correction -- he marked the envelopes on that city's ballots brought into his campaign meetings and mailed them out. Mr. Clark was also a city council candidate. He had one case where he did not sign as assisting one illiterate elector named Jimmy Davis. There's no evidence that he handled any absentee ballots. Mr. Raymond Williams assisted two illiterate electors, Willy Barnes and Emma Barnes perhaps invalid applications. He did not sign as assisting, there's no evidence that he took possession of any ballots. As far as the elector Marvin Hughes, he complained of Mr. Bostwick had been harassing him about

picking up his absentee ballots, and he actually recorded a phone call from Mr. Bostwick. And the phone call, I think, is short of harassment or intimidation. Mr. Bostwick is just asking that if he has not mailed his absentee ballot, please hold it and he'll come get it, which is further corroboration that Mr. Bostwick was, in fact, taking possession of absentee ballots outside of the polling place. The last allegation about the purging and the changing of the elector's list, is an irresolvable dispute between the City and the County. The city alleges that they made the request of the county prior to the October 9th deadline. The County Deputy registrar says that she didn't receive the list until October 18th, which is nine days after the deadline. There is no documentary evidence that shows when it was sent, when it was received, so there's no evidence that there is a violation or that there's not a violation. Yesterday our office received a fax from the Calhoun County Board of Registrars, which they state that the Calhoun County Board of Registrars has corrected the county voter's list sent to your office by Ms. Mary Jane King, City Clerk in Arlington, Georgia. Calhoun County Board of Registrars cooperates with all cities in our county with our problems. They have voter registration. We have no problems or complaints at this time. The recommendation is that Mr. Clark and Mr. Williams be referred to the Attorney General's Office for fines consistent with the Board's recommendation. And it's recommended that Mr. Bostwick be the subject of significantly greater sanctions as SEB deems appropriate."

Chairperson Handel - "Are any of the respondents here?"

Mr. Turner Bostwick - "Yes, ma'am."

Chairperson Handel - "Okay. Anyone else, other than this gentleman? Anyone else? Okay. Mr. Bostwick, right?"

Mr. Bostwick - "Madam Chair, good afternoon. Secretary of State, members of this Board, my name is Turner Bostwick. I reside at 151 Pioneer Road. My mailing address is 158 Arlington, Georgia. I'm honored to be before this Board today. I'm not happy to be here, but I'm honored. And I come before you as a result of Ms. King's letter, which I think maybe you would have in your packet. Our little community is a unique community in that we are the only city in the State of Georgia that is divided by county lines. So some of our voters reside in Early County, others reside in Calhoun County. We have a total of some 972 registered voters out of 1600 people that reside in our community, so 57 percent of the people that live

in our community are registered to vote. Ms. King pointed out that of the 1601, I think, she mentions that 419 absentee ballots were received. I would just call to your attention that of those ballots, 170 of them were white applicants, 246 were black applicants. Of the breakdown of the 972, we have 675 black voters, we have 246. I've had the privilege of serving the citizens of Calhoun County for some 30 years. I've served as mayor on three different occasions. I've served in the city council on four occasions, and I've served as a county commissioner for eight years. The allegations that have been made, I accept those as being correct. I would say this, in reference to Ms. King's allegations, I visited the city hall if not every day, every other day to get an update of the absentees that have been mailed out, if they've been mailed out, that they mailed out properly, and the absentees as they came in. At no time in the five weeks prior to the election, Ms. King saw every one of my applications. They were in my handwriting. She never said to me this is not correct, Turner. You can't do this or this is not right on an absentee ballot that came in. You need to sign this. I would ask her jokingly from time to time, if we were okay, and I was referring to is everything going okay with the part of the election that I'm doing. It was not until after the election that she filed a complaint or noted that for five weeks, six weeks, whatever the period of time was that I was doing these violations, she never said to me. She has been our clerk for 10 years. She has handled five of our city elections, so obviously she knew the law better than I did. My apology is all I have at this point. Ms. Dyer did, I thought, an adequate investigation. And I candidly answered all of her questions, I think. I tried to. So I just came really today to let you see the face behind the guy that, as Mr. Evans says, are you guilty of those things? Yes, I am. I don't know what beyond that I can say, but I'll be glad to try to answer any questions."

Chairperson Handel - "All right. Thank you. Is Mr. Williams or Mr. Clark here? Mr. Williams or Mr. Clark? How about Ms. King or anyone from the City of Arlington?"

Mr. Coleman - "Tommy Coleman. I work for the City of Arlington. We didn't prepare a response, so we're not citing with any potential violations. I did tell Ms. King, if you have any questions or if I can answer any questions or anything about her activities, I'll attempt to do so, or at least bring the message back to her. She felt that there were multiple violations by multiple candidates regarding with regard to absentee ballots, an issue I've heard you take up many times before. And she felt compelled to file these complaints in an effort to straighten it

out. So the city is prepared to cooperate with the Board in any way that we can to rectify this matter in the City of Arlington."

Chairperson Handel - "Colleagues. Do we have a motion? We need to deal with all three of the respondents. We can take them as one motion or separately."

Mr. Evans - "I move we refer them all over."

Chairperson Handel - "Second. A motion and a second. Questions? All right. All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All right. The next item is Case 2008-000051. And I do want to just before you start, real quick, Chris, is make a note that this involves a November 6, 2006 city council election with the complaint being received in our office in January of this year. Okay."

Mr. McIver - "That's 2007, Madam Chair. November 6, 2007."

Chairperson Handel - "Thank you."

Mr. Harvey - "The complainant is LaToshia Grey who is a candidate for city council in the City of Lovejoy. The respondents are Maria Burnham, the city clerk for elections Mr. Avery Smith, who is Butts County election superintendent, Laterrial Frances with the Clayton County Election Office, Mayor Joseph Murphy of Lovejoy, his family member Cheryl Murphy, Ron Singletary, Cheryl Singletary, and poll manager, Billy Williams. The allegations are several. The first is that at the polling place the voter certificates were destroyed. Secondly, the sample ballot as put forth before the election was improper. Thirdly, that the Mayor and his family have moved from their previous residence and had not made proper notification or changed their registration before this election. And lastly, that Marie Burnham had not attended the required training since 2005. The investigative findings are that Ms. Smith who was running the election admitted to destroying voter certificates for voters that were denied voting. She also admitted that she would ask people -- whether or not they were registered, checked them and then if they were registered, she would have them fill out the voter certificate in contradiction of Georgia Law. The sample ballot that was originally put forth was improper. It did not have the candidates listed underneath the post they sought. That was

brought to the attention of the Secretary of State's Office. It was corrected prior to the election. The record is that the Mayor and his family did move prior, almost a year prior, to the election, and never notified the elections office. And the evidence is that Ms. Burnham had not attended training since 2005. I believe that's the summation of the investigative findings. The recommendation is that all respondents be forwarded to the Attorney General's Office for appropriate finding sanctions."

Chairperson Handel - "Who's here on behalf of the City of Lovejoy?"

Mr. Martin - "Madam Chairman, I'm Keith Martin. I represent the City of Lovejoy."

Chairperson Handel - "All right."

Mr. Martin - "Although we are not named as a respondent, we are treating ourselves as such. And I'd like to take a moment --."

Chairperson Handel - "Can I just for the -- just to confirm that are you indeed representing also Ms. Burnham as the city clerk and elections --."

Mr. Martin - "In her -- Yes."

Chairperson Handel - "In her capacity? Yes."

Mr. Martin - "Yes, Madam Chair."

Chairperson Handel - "Okay. Thank you."

Mr. Martin - "Chairperson. I'm sorry."

Chairperson Handel - "Chairman is fine."

Mr. Martin - "And also Mr. Matt McCord is here. He represents Ms. Smith. And Ms. Pamela Edward is here, I believe she represents Ms. Bright, in her official capacity."

Chairperson Handel - "Okay. I'll come to each of you all in a moment."

Mr. Martin - "As Mr. Harvey said, Madam Chair, the ballot was fixed. We had learned that lesson prior to the election. And I'm going to defer to Mr. McCord as to address the issues of the

ballots and provision of provisional ballots to the potential electors. And I'm going to -- Ms. Edward, I believe, in a very brief discussion with me has proposed a prophylactic measure to be employed in the future in making sure that all of our electors or potential electors are included on our rolls. Where in this instance there was one street, Nicole Drive that was not. And we certainly join her in saying that providing a base map quarterly to the County Board of Elections is a great step forward and certainly we'll do that. My investigation on behalf of the city has shown that Ms. Burnham had not -- and Ms. Burnham is present back here, with Mayor Murphy and Ms. Smith is here. That Ms. Burnham had not attended the training as mandated. For that reason the city went outside and contracted with Ms. Smith to perform the duties as elections superintendent. Okay. There was also another attractive reason for doing so. We had several incumbents that were opposed in that November election. And the clerk, Ms. Burnham, the city clerk, worked for those incumbents, so we wanted to push it away. In the first place, Ms. Burnham's training issues gave us the absolute need to do so. We did things as diligently as we knew how to do them at the time. As for my investigation has shown this as the mayor and his family's residence. In the early part of 2007, this is my belief right now. The early part of 2007, the Mayor lived on Talmadge Road. His property not only enjoined the city limits, they enjoyed county line. He sold most of that property for development and moved to an area approximately 2,000 feet away, inside, closer to the center of the city. His son-in-law and daughter had lived next to him, still within the city at the first address. They lived on the other side of the duplex from him and his wife in the second address. That address or that duplex faced Hamilton Street, had never had a street number assigned to it. The back lot contained a house that had burned down. It did have a Talmadge Road address. And he had a different Talmadge Road address at the original place. He, his daughter, his son-in-law signed the voter certificates with the old address. They you were all qualified electors in Lovejoy, and it was a single -- Lovejoy is a single precinct city. So he was qualified to hold the election. They were all qualified to vote. Did they do wrong? Yes. And we understand that that isn't going to happen again. But anyway, in all candor, I think that I have to say this, we did what we thought was right in stepping away and hiring people that were qualified and that could do the job. But what we didn't quite understand, and what we didn't quite quantify at the time was the fact that we were taking qualified players, if I may use a metaphor, and putting them into an arena they hadn't been with before and they didn't know the procedure. Okay. And

these folks had never worked together before. And during those 12 hours on November the 6th, I don't know that everything went as right as it could have, from my client at the city's standpoint. I do know this, that we started undergoing training. We're going to keep it up. Madam Chair, we welcome the opportunity to train more and more. I think that we need, that we as a city are going to do something to make sure there's cohesion and familiarity between the folks that are being challenged and pass with discharging our elections next November. We're going to make sure that that's a well-oiled wheel. Sometimes -- That scares me, too."

Chairperson Handel - "We're going to make sure of that, too."

Mr. Martin - "That scares me too that they might all cooperate in a bad way. But please believe me that through the challenge to that election that the city tried. And everything else is -- There's nothing lost or less lost on me or any member of that city than the fact that this was a about vote. And I don't think there's anything more sacred to us."

Mr. McIver - "I have a question."

Chairperson Handel - "Sure. Tex and then -- Mr. McIver and then Mr. Evans."

Mr. McIver - "Slightly off the subject, Mr. Martin, but what is the service ribbon that you wear?"

Mr. Martin - "(Inaudible)."

Mr. McIver - "Thank you for your service to America."

Mr. Martin - "Thank you, sir."

Mr. Evans - "So did the Mayor have a different address?"

Mr. Martin - "Mr. Evans, he lived -- he did not live at that address. Okay. He did not have a different address because there had been no street number assigned to Hamilton Street, and he uses a post office box. And the same thing applied to Cheryl Murphy and to the Singletarys. Now, in the addresses of the -- in the summary report you will notice the -- for the Singletarys, they moved the Monday after the election to a home they had been building in Zebulan, in Pike County and did not vote in the runoffs. So to answer your question, absolutely, he did not have another address. To answer your question equally

absolutely, he did not live in 2366, I believe it was, Talmadge Road, neither did the Singletarys or Cheryl Murphy. But they did own a parcel of that property, still they didn't live there."

Mr. Worley - "Madam Secretary. But there was no Hamilton Road address that they could put down?"

Mr. Martin - "Right. No, sir. To my understanding, no. And the reason was that Hamilton Road, that lot went through to Talmadge Road. Okay. There was a burned house on the Talmadge Road side of that lot. He built a duplex behind the burned house on Talmadge Road."

Mr. Worley - "I'm sorry. Can I ask Mr. Martin another question?"

Mr. Martin - "Yes."

Mr. Worley - "Mr. Martin, do you know if when he went to vote, it says from the report --."

Chairperson Handel - "Sorry. He, meaning which he?"

Mr. Worley - "He, the Mayor, went to vote it says that his old address was in the system there, on the voter rolls."

Mr. Martin - "Yes, it was and he had never voted, is my understanding from having spoken to Ms. Burnham on the issue. I don't know that had actually spoken to the Mayor. He had never voted in another precinct or at another address, other than the 2366."

Mr. Worley - "And if I could ask you about Ms. Burnham. Did she conduct any elections after her training had lapsed?"

Mr. Martin - "No, Mr. Worley, she has never conducted an election. She has not ever gone to training. And then it had expired, because what had happened, was upon until we amended the charter for -- we had four councilmen and the Mayor all standing for election the same time. So we shortened Mayor Murphy's term, and one other term to two years this time to odd-man-out. And so they had four year cycles and it had never fallen to where Ms. Burnham had to have one. Okay. And I don't know. We're going to explore all possibilities in what to do in the future, and the most efficient and effective way to do it. She has never conducted one to this day."

Chairperson Handel - "I'm sorry. Now, I have a question. So are there not -- are there two residences, one at 2126 Talmadge and another at 2366 Talmadge?"

Mr. Martin - "Madam Chair, there is not a residence at 2366 now."

Chairperson Handel - "Well, then how could have on --"

Mr. Worley - "Well, is it because he sold that property?"

Chairperson Handel - "Mr. Worley, if I might finish."

Mr. Worley - "I'm sorry."

Chairperson Handel - "Thank you. I really will come to every member if --."

Mr. Worley - "I apologize, Ma'am."

Chairperson Handel - "Thank you. Then how come Mr. -- the Mayor advised the investigator that his family moved the first of 2007 and stated that he closed on his current residence at 2366 Talmadge on January 4, 2007? So --."

Mr. Martin - "He closed on a lot. That 2366, Madam Chair, was actually I believe 11 acres he sold most of it for development. He still owns some of it. Okay. But he does not live at 2366, and did not after the date you just mentioned. 2126 is the address of -- or 2162, whatever that other one was."

Chairperson Handel - "There's 2126 and 2366."

Mr. Martin - "2366 is the one that he sold most of, and the one he and his family had lived in. 2126 is the address of the burned-out house that backs up to Hamilton Street."

Chairperson Handel - "I mean, I'm just looking at the report from the investigator. I'm not sure that's exactly what was conveyed to the investigator."

Mr. Murphy - "Can I --."

Chairperson Handel - "Are you the mayor?"

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

Chairperson Handel - "Can you come tell us where you live? That would be great."

Mr. Murphy - "Thank you. I'm Mayor Joe Murphy of Lovejoy."

Chairperson Handel - "Thank you, Mayor Murphy."

Mr. Murphy - "I own a piece of property at 2126 Talmadge Road, since 1978."

Chairperson Handel - "Great."

Mr. Murphy - "I raised my family there. My daughter and my son both live on the property, which was 11 acres."

Chairperson Handel - "And how many residences were -- did 2126 equal? Did it equal your residence?"

Mr. Murphy - "It was actually one residence."

Chairperson Handel - "Got it. Which was yours?"

Mr. Murphy - "Right."

Chairperson Handel - "Okay."

Mr. Murphy - "And my daughter and my son-in-law actually live in the house with me. And there was a detached apartment that my son lived in."

Chairperson Handel - "Okay."

Mr. Murphy - "On this piece of property. Okay. In 2007, January, I closed part of the property, which was an eight-acre parcel that sold off to a developer."

Chairperson Handel - "So you -- in January of '07 you sold off eight of the 11 acres."

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

Chairperson Handel - "Okay."

Mr. Murphy - "And I had purchased the property at 2366 in the year of 2000 -- I think it was the end of 2005 or the first of 2006, I purchased this property. Which the house had burnt. We

began construction in 2006 on a duplex on that parcel of property, which like he said adjoins the -- it was a property that went all the way through. And it was actually -- the duplex faced Hamilton Street instead of Talmadge Road. But we used 2366 Talmadge Road because that was the address the tax department had assigned to the parcel."

Chairperson Handel - "Okay."

Mr. Murphy - "So that's the address we used, even though the house faces Hamilton Street."

Chairperson Handel - "Okay."

Mr. Murphy - "And we moved -- me and my wife lived in one side in January of '07. And my --."

Chairperson Handel - "One side at 2366?"

Mr. Murphy - "Right."

Chairperson Handel - "Okay."

Mr. Murphy - "And my daughter and my son-in-law moved in the other side of 2366."

Chairperson Handel - "So you did move from 2126 to 2366?"

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

Chairperson Handel - "Got it."

Mr. Murphy - "2126 is the address that we lived in for basically 30 years, then we moved to 2366."

Chairperson Handel - "And what was the address that was used to vote from?"

Mr. Murphy - "2126."

Chairperson Handel - "But you lived at 2366?"

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

Chairperson Handel - "Got it. Okay. Thank you."

Mr. Matthew McCord - "Madam Chairman, could you arrange a ride back to Lovejoy for me?"

Chairperson Handel - "Thank you very much, Mr. Mayor."

Mr. McCord - "Madam Chair, I will be, after that, typically short winded. I represent Ms. Smith. Ms. Smith served as the superintendent that day. Much of the question or many of the questions I think you would have for my client today are question she may not have answers for. These were actions that a gentleman, Mr. Williams, who was actually working the poll. In that regard, what I would say to the commission is I would ask you to follow the Inspector General's recommendation."

Chairperson Handel - "Okay. Any questions? Would you state for the record who you are and who you represent."

Mr. McCord - "My name is Matt McCord. I represent Ms. Smith."

Chairperson Handel - "All right. Thank you. All right. Anyone else to speak?"

Ms. Pamela Everett - "Good afternoon, Madam Chairman and the Board. I represent Clayton County and Ms. Ann Francis from the Board of Elections. Basically, Ms. --."

Chairperson Handel - "Would you tell us your name."

Ms. Everett - "Pamela Everett."

Chairperson Handel - "Thank you."

Ms. Everett - "Ms. Francis was charged with leaving off an address in the City of Lovejoy. What actually happened is there are two Nicole -- there's a Nicole Drive and a Nicole Court in the county. When Ms. Francis looked at the map that the county has, their base map, there was no Nicole Drive. She found a Nicole court. She contacted the tax assessor's office, contacted the planning and zoning department, no one saw a Nicole Drive. So she put the voter in Nicole Court. It wasn't until later that we determined there was actually a Nicole Drive and a Nicole Court. She had sent information over to the Lovejoy -- Excuse me -- city clerk -- I apologize -- asking her to check the voters registration to make sure all the voters were on there. She did that twice, nothing happened. What the county has done so this doesn't happen again, they have developed what they're calling a street naming task force,

that's comprised of members of the planning and zoning department, members of the tax assessor's office, members of the law department, and also, eventually, I guess we'll -- so that we can ensure we're getting the correct information from the cities. I talked to Mr. Martin. Mr. Martin has agreed with me that we'll send this list out quarterly and ask the cities to update their streets and addresses, and make sure that anything that is no longer there is taken off. And things that are there are put on so that this error doesn't occur. Ms. Bright is here. Ms. Francis is here if you have any questions of them, they're willing to answer."

Chairperson Handel - "Okay. Colleagues, any questions? Mr. McIver, questions?"

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

Chairperson Handel - "No? All right. Do we have a motion?"

Mr. Worley - "Madam Secretary, in looking over these allegations, there's an allegation No. 5 that the Election Superintendent, Ms. Burnham hadn't attended training. It seems clear from what we've heard that she was not really the election superintendent, and never superintendent any elections. So I'm having a little trouble understanding how this is a violation of the Code."

Chairperson Handel - "Do you have anything on that?"

Ms. LaGrua - "I think the thought of this process was that she couldn't be the elections superintendent because she hadn't attended training, and that's why they -- technically be --."

Chairperson Handel - "And I believe, Mr. Worley, she didn't attend the August training."

Mr. Worley - "Okay. Then I would make a motion that we dismiss that allegation No. 5."

Mr. McIver - "Second."

Chairperson Handel - "All right. A motion and a second on that one. Questions, anyone? All in favor."

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? Okay."

Mr. Worley - "And I think we know from this report that allegation No. 1 was not an allegation or -- found to be invalid. Is that correct?"

Ms. LaGrua - "It was founded to be correct. but the court did it before the election speak to sell and meet were."

Mr. Worley - "Oh. All right. So do we know how many sample ballots were given out?"

Unknown Male Speaker - "I'm sorry. You might need to correct me. You said something about allegation No. 1, voter certificates were destroyed?"

Mr. Worley - "No. The report that I have says allegation No. 1 is -- appearance of the sample ballot she received from Ms. Burnham was confusing."

Unknown Male Speaker - "No. It's not known exactly how many were found. It was corrected before the election."

Chairperson Handel - "So now we have remaining that the voter certificates were destroyed, and not issuing them in the runoff. And then the issue of the residency. Are those the remaining two?"

Mr. Harvey - "And the failure to provide provisional ballots to the two individuals, I believe I discussed, 21-2-4-18, a, Billy Williams, with Ms. Torbert and Ms. Cluster who were part of the -- that left off, they were not offered provisional ballots."

Chairperson Handel - "And we confirmed that?"

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

Chairperson Handel - "Okay. So three things, failure to provide -- to offer two voters provisional ballots, destroying voter certificates, and not issuing them in the runoff until the voter was determined eligible. And then the residency issue for the mayor."

Mr. Harvey - "Correct."

Chairperson Handel - "Is there a motion on any of those three?"

Mr. McIver - "I move all three."

Mr. Israel - "Second."

Chairperson Handel - "A motion and a second. Questions? All in favor."

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed. All right. Thank you. Next item is 2008-000003. City of North High Shoals."

Mr. Harvey - "The complaint in this case is Mr. Fred Johnson, who is a city councilman and Mr. Eddie Cape, who is also a city councilman. The respondents are Sandy Brooks, who is the elections superintendent. And Mr. Steve Holzman who is a city councilman and Mr. Don Walter who is a city councilman candidate. The allegations are that Ms. Brooks did not receive proper training prior to the election. That Ms. Brooks did not post proper qualifications necessary to seek office for the candidates, and Ms. Brooks mishandled absentee ballots by delivering absentee ballots to electors. And Mr. Holzman returned to the polling place after he had cast his vote on two occasions, and Mr. Holzman took a photograph of his ballot in the voting area. The investigative findings are essentially all the allegations are true. Ms. Brooks had not received training prior to the election. Ms. Brooks posted candidate qualifications with an elector. She confused the candidate qualifications with elector qualifications. Initially, it was brought to her attention and she corrected it. That allowed Mr. Don Walter to put in an affidavit saying attempting to run for city council it appeared that the only requirement was the one to be a registered voter. When it was corrected it was learned that he actually had to be a registered voter in the

City of North High Shoals. He withdrew his affidavit of candidacy after being notified of that. Ms. Brooks admitted that because the City of North High Shoals does not -- the city hall does not have regular business hours, she often received absentee ballot applications at her home mailbox. And she admitted that she personally delivered five ballots to electors' homes and returned five ballots to electors' homes. Mr. Holzman admitted that he took a picture of his ballot after he voted. He said that he was just sort of doing it for nostalgia. He claims that he asked the elections superintendent who didn't give him a definite answer about whether or not he could. And Mr. Holzman did return to the polling place after casting his vote to speak with one of his poll watchers. And it's recommended that this case be forwarded to the Attorney General's Office. In regards to Mr. Holzman, I'm recommending the consent order and fine be imposed. In regard to Ms. Brooks that a consent order and training is recommended."

Chairperson Handel - "All right. Anyone here, either Ms. Brooks, Mr. Holzman, or anyone on behalf of the City of North High Shoals? All right. Everybody come up. Tell me who everybody is. Let me know who's here from the city. You're -- okay. I want to hear from you first since you're the subject of one of the complaints. Are you Mr. Holzman? Who's Mr. Holzman?"

Mr. Holzman - "I'm Mr. Holzman."

Chairperson Handel - "Okay. We'll hear from you second. Anyone here from the City of North High Shoals? Let me just ask you real quick, Ms. Brooks, since you are a city employee."

Ms. Brooks - "I resigned."

Chairperson Handel - "You did. Okay."

Ms. Brooks - "I'm not actually representing the city by being here. I'm defending the accusations, I guess is what I'm here for."

Chairperson Handel - "Okay."

Mr. Fred Johnson - "I can -- you have -- there are three members of the city council here and none of them are here representing the city. I'm Fred Johnson."

Mr. Eddie Cape - "Eddie Cape. But I did talk with the mayor who has an e-mail correspondence here that he forwarded to me from Mr. Chris Brown, I believe is one of your associates, who said that no one -- attend who wish to have legal representation, then you certainly may bring someone. Our city attorney, which was not city attorney at the time, but has been since the first of the year, was due in court today. That's why we do not have legal city representation today."

Mr. Evans - "Madam Chairperson, if I could."

Chairperson Handel - "Yes."

Mr. Evans - "There's no requirement that you have a lawyer. I don't want anybody misled. If you want to have your lawyer here, you are entitled. The Secretary -- good policy which is anybody who wants a continuance, you get one free, which means if you think to yourself, in light of what you've seen today, we better have our city attorney here. All you have to do is request a continuance. I can't speak for the Chair, but my suspicion is the Chair will entertain that."

Chairperson Handel - "Certainly."

Mr. Evans - "But if you want to have the case heard today, we can go forward, as well."

Chairperson Handel - "Okay. I just want to make sure that everybody -- Mr. Evans is correct, but also be mindful that what you say up here is in the record and will go forward. Okay."

Ms. Brooks - "Just to make sure this is on the record. I don't have the exact date, but I know it was less than two months before the election was to be held that I was unanimously voted in by the city council to be the superintendent of elections. At that time, I didn't know what I was getting into. So I made many, many phone calls with the State to the Board of Elections Office in Oconee County. I corresponded a lot with other city clerks, superintendents, anybody I could get any kind of information from. One thing that I had a problem with is that by e-mail and by phone call I had requested -- I didn't even have an elections code manual to go by. So I had to do a lot of stuff online, which I spent many hours self training, is what I had to do in the short period of time to -- election. When I requested from the State, I actually did not get an updated book, code elections book until after the election. And the one book that I did receive, which was the red book which is the

older book, I received from Julie Sanders, which is a city clerk for Watkinsville. As far as holding the election, I did everything that I knew to do by the book, by law. I mean, I made numerous phone calls throughout the day. I've worked in law-enforcement. My husband is in law enforcement. I know -- I've been under -- I've gotten audited GCI, NCI, I know the importance of following the law. So I did everything that I possibly could do to make sure I did not get any infractions and do everything I was supposed to do. So I understand that ignorance is not an excuse. I've heard that many times today. So I'm not going to stand up here and say, well, I didn't know. But, you know, honestly I self trained myself in less than two months to hold an election that I had never held before, and tried to make sure that nobody falsified anything and that we did everything by the book. So that's the only defense that I have is that I definitely did not have any training. I was not sent to any training. And quite honestly, if I would have known the whole spectrum of the elections, I don't know that I would have put myself in that situation less than two months before an election."

Chairperson Handel - "All right. Mr. McIver."

Mr. McIver - "Did you seek the assistance of your --?"

Ms. Brooks - "Yes, I did many times. Even at one point, when I found out how, you know, how strenuous this was going to be to hold this election and to go by the code manual that I had no clue about when I started this, we asked if we could contract the county elections office to hold it. They refused because there were controversies. We had a lot of controversies about this. Like I said, I was unanimously voted in as superintendent of elections. And then my city council members, not all, I was accused of not being trained. Well, of course, I wasn't. At the time they elected me I wasn't. It was in the paper how unqualified I was to hold this election, and not enough training. And I did -- We don't even have office hours. We do not have a restroom at the town of North High Shoals. So the day of the election, I left one time for probably five minutes to go use the restroom next-door at a church, because I was so worried about leaving, and making sure that everything was done correctly between six o'clock in the morning until eleven o'clock at night, because I wanted to make sure that I did my job correctly. So, I mean, there's no office hours. And as far as the absentee ballots go, no, I did not know that was not the way to do it. I received phone calls at home. I received phone calls from my -- children, you know, that they needed absentee

ballots. So I did everything in my power to make sure that the citizens of North High Shoals who wanted to vote, could vote. So I went by what I knew. And at that point, prepared to -- from what I've heard today, I did not know the correct laws."

Mr. McIver - "Thank you."

Chairperson Handel - "Mr. Evans."

Mr. Evans - "So the four absentee ballots that you had, were those just people who called and you took them a ballot?"

Ms. Brooks - "I did receive a couple of, I think, if I remember correctly I would get calls for the ballot. I explained to them that they had to fill out the application first. So I mailed the application where the time frame was in a period where they felt like they were going to get the ballot in time to get it back to me. So not knowing any different, I would once I received the application, I would hand deliver, go to their mailbox in person a ballot with all the paperwork. Every single ballot -- We had 13 total absentee ballots. Every ballot was sealed in a fire-safe box, locked and would not open until it was time to count them. And they were signed, and in the proper envelopes."

Mr. Evans - "Did you mail any of them or did you deliver them all?"

Ms. Brooks - "I mailed -- I did mail some."

Mr. Evans - "How did you decide which ones to mail versus deliver?"

Ms. Brooks - "Depending on when they asked me. People that I delivered to would -- short period of time before the election."

Chairperson Handel - "All right. Thank you."

Mr. Holzman - "Thank you, Madam Chair and the Board, my name is Steve Holzman. I live at 349 Jefferson Road, North High Shoals. My mailing address is Bishop, Georgia. The two potential violations, I'll just start with the first one about taking a picture. When I went in to cast my vote, I had my camera with me and I asked Ms. Brooks whether it be okay if I would take a picture by ballot, because I would like to send it to my mom because she be proud to see her son's name on a ballot. And so I said would that be okay. And I distinctly remember her saying

that would be fine. And so I took a picture of my ballot. And I did use a flash. And I have the information of the properties of the picture that shows that I used the flash. And the reason I say that is because if she had said no, like she has said in the investigative report, and I really, really wanted a picture I wouldn't have taken it with the flash. That would have been ridiculous on my part. So I wasn't aware that that was illegal. The first time I noticed that that might be an issue is when I came back in the evening for the vote count, I noticed two signs up behind the -- behind where you go to vote. And one of them said no photography. That was the first time I ever saw a sign at the polling place, and that was in the evening. But as far as the second one goes, this was my first election for anything or an award or anything. I didn't have any information about what sorts of rules were governing me, none were handed out to me or anything like that. And I knew about the rule about campaigning, because, I mean, it's obvious, you know, you can have these signs up that say no campaigning. But I had a poll watcher, somebody suggested that I have a poll watcher. And I guess the reason why I thought I might need one is that the clerk, and I know it's within her rights, she had signed up for my opponent on the street in front of her house. So I thought well, you know, maybe I should have somebody in there to kind of keep an eye on things, just to see that everything is going right. And then in the middle of the day I got to thinking, what if something is going wrong, how will I ever know about it. So I walked up on the porch of the polling place and I stuck my head in and I said how do I get a hold of my poller or how do I contact -- and she came out and she said you're not allowed in here. I said okay, I just wanted to know -- she said you're not allowed in here, so I left. The other two times I was near the polling place was across the street is our post office and I saw my opponent, the mayor's brother, in the parking lot. And so I just pulled up next to him and I shook his hand and I said, thanks for running a nice, you know, clean race. And then another time, the wife of my friend was in the parking lot. I stopped her and I just said hi, how is it going. And then I left. So those were the times that I was too close to the poll -- polling place. Like the guy said, ignorance of the law is no excuse. The one thing I'm going to institute in terms of being on the Council is a little packet that we can give to potential people who are running that will kind of have all of these sort of rules that I wasn't aware of about. And I think that might help in terms of stopping something like this from happening again. That's all."

Chairperson Handel - "All right. Let's let the other folks go. We do have your -- and I think everybody saw that you disagreed with the comment. We do have the investigation report. Thank you."

Mr. Eddie Cape - "My name is Eddie Cape. I'm on the city council for the town of North High Shoal. My address is 201 Hillsboro. And I raised the -- I do have a poll watcher and heard the report from my poll watchers is what brought me to raise the complaints against Mr. Holzman. And I will refer back to the report that Mr. McBrayer here has put together."

Chairperson Handel - Thank you. Anyone else? Does anyone else want to speak?"

Mr. Fred Johnson - "I appreciate you all for doing this. As a high school government teacher, I'm getting quite an education. My name is Fred Johnson. I live at 1191 Falcon Ridge Drive. I'm also on the city council. My first time in politics at the local level and I recruited a couple of candidates to run. And this got -- with a national election ballot. It's a small town, with only about 600 people who live in the town, 350 or so active voters. And in this election, 162 people came out to vote for -- what ended up then being one post on the city council. And I became concerned the month before the election that things -- there were lots of questions going on. And I didn't know what I was going to do. Our clerk had a lot of questions, and I knew our mayor was very involved in helping her answer those questions. It's a small town, we all pitch in. And so I asked the questions. I met with the mayor. I also talked to the election superintendent for Oconee County, her name is Pat Hague (phonetic). And I went to her office and I asked her I said okay, are you giving -- is everything going okay. I had some questions of my own about the election, about -- of our mayor who was on the ballot. And he was campaigning for himself and his brother. And he was helping run the election. I had some concerns that he was too involved. I was asking her and she no, they're asking all the right questions, - - trying to figure things out, they're learning how to do this. And then she said, by the way the mayor was in here yesterday. And the mayor asked me some questions, trying to clear things up. And she called the Secretary of State's Office and talked to Carol, who said I really think you should -- you don't have a person that basically the Secretary of State's office should or advise Pat Hague maybe you should contract with Pat Hague to run the election. So then the mayor at that moment in office said no, Sandy and I will run the election, and that was without

consulting the council. So we went on and we had some problems as you've seen with the election. And the biggest problem I saw is that Colonel Don Walter, recently retired from the Marines -- he was confused by the instructions given to him. And I assume you all have a copy of those instructions, is that right? Were you given a copy? Is it in the packet? The copy of the instructions that were given to the candidates?"

Chairperson Handel - "From whom?"

Mr. Johnson - "From -- they were posted in front of the town hall, and they were posted and I have copies of those if you'd like to see them. And it clearly was -- didn't coordinate with State law. And -- letter that Don Walter thought, you know, you had to be a registered voter by the time the election. And he was in the military and he was transferring his voting registration over, and voted in his home town until he retired and now he was transferring over. So Don Walter was not -- according to his instructions he had to be a registered voter by the time the election, which he was. So he followed the instructions given by the town, which then he consulted his attorney and he was -- gee, you know, the town gave me the wrong advice. Which is the biggest problem I have with the election is that there is someone running who was given the wrong instructions from the town because we didn't have the right information, and this resulted in a candidate being disqualified. And that's one of the things I also noticed in the letter is that you can see clearly that from the election results, my biggest concern is that the voters weren't given what they want. And here's a copy of the election results. I noticed in the letter that they hadn't been provided at the time the letter gone out, that you had not been provided with the election results of the 162 voters. And it clearly shows that people want a change. They expressed their dissatisfaction with the election, not being able to vote for Don Walter by writing in his name, which was -- or not voting for the two the people who ran on the post. So you had a situation in the election, two people running on a post who both got about 40 percent of the vote. And the one person who ran got about 70 percent of the vote. So that was my biggest concern. I was told that this was probably something that can't be addressed here. Don Walter followed the city's instructions. The city made the mistake giving the instructions because of -- for whatever reason. Whether it was the mayor's doing or the election superintendent. That was my biggest concern with the election I was told like nothing could be done about it."

Chairperson Handel - "Can I ask, when did you join the city council?"

Mr. Johnson - "I'm in the middle of my second term, so six years. This will be six years. So I joined in, I think, in 2002."

Chairperson Handel - "So you were one of the individuals who voted in support of this individual? Does your city department heads report up to a city manager?"

Mr. Johnson - "No. We have a mayor, and we have five council members. And she was brought forward, as she was our internal clerk at the time. And the mayor recommended, it's been policy, the tradition that we would just -- you know, he recommended her as --."

Chairperson Handel - "That's not at all what I was asking. I think you know precisely what I'm getting at, that you are the sitting city councilmember throughout all of this."

Mr. Johnson - "Right. I am."

Chairperson Handel - "As a former local government official myself, I can assure you that I never would've gotten away with sitting up on the Fulton County Commission, throwing everybody else under the bus. Some of the responsibility does rest with you, sir."

Mr. Johnson - "Right. I understand. And that's why I was visiting the election officials and that's why I took the actions before the election that I did, and tried to correct some of those --."

Chairperson Handel - "Okay. Well, we really kind of heard from folks, so unless there's something new, really, we're not going to get into I don't like what he said, or whatever. So is there anyone else who wants to talk? And two minutes, folks. I'm really going to hold you all to that, because we got to get through these cases today."

Ms. Beita Bell - "My name is Beita Beall, B-E-A-L-L (spelling). I live at 2112 Jefferson Road, P.O. Box 115, North High Shoals, Georgia. I served as the pollman -- poll watcher for the general election, and I was surprised to hear about the complaints that were against him. I was sitting in the corner, and when Steve wasn't -- didn't even walk into the building the

second time, he just stuck his head in, and he returned and he asked Ms. Brooks if he could talk to me, and she said no. She got up and told him he had to leave, he could not be in there. And that was the end of that. So I was surprised that there was a complaint about that because there was no other conversation. As far as the photo, I don't even remember him taking a photo. So -- but there was no conversation after Mr. Holzman left as far as he took a photo."

Chairperson Handel - "Okay. So your point is that you disagree with the work in the investigation?"

Ms. Beall - "Yes, ma'am."

Chairperson Handel - "Okay. All right. Questions, folks?"

Ms. Brooks - May I just say one thing. And this is not -- just it's really quick. As far as posting what the requirements are, we went, you know, got help from a different city that helped us with that. The fact is that Donald Walters signed an affidavit to run for council. And it says on there you must be an elector. So that's my only thing to say. He signed an affidavit saying that."

Chairperson Handel - "Okay. All right. This is another situation where, once again, we've had individuals either willingly or unwillingly thrust into a position that, in all candidness, you clearly were not prepared to take on. And I'm just going to say again, some of that rests with the mayor and the city council. It's you all's responsibility to ensure that you have qualified individuals that you're appointing to these positions. Any questions?"

Mr. Evans - "Madam Chair."

Chairperson Handel - "Yes, go ahead."

Mr. Evans - "It comes back to what we talked about this morning, which is what I'd like to see we could get from maybe Wes or Shawn is a proposal to consider at the next board meeting, which is we have to figure out a way where it is cheaper to train than it is to appear before us. Because currently the cheaper, less expensive action item, is to spin the wheel. And so what we may want to do is to say that the cost of going to training is -- what is our current cost to go to a conference, a few hundred dollars or something like that. The other option is you don't train. And if you don't train it's going to cost you \$25

thousand because it's going to cost you this to do specialized training, which will be imposed. Because until, and you know this because you perfected this when you were on the commission, which is you make the lesser -- you make a choice of two budget priorities. And the two budget priorities are -- more often than not make the right decision. But it does strike me. And it doesn't affect this particular one but this pattern makes it clear that cities just really don't have a reason to elevate because there's no other alternative. I think on this one, we just need to refer it over and let the AG sort it all out for us and give us recommendations. So I would move that, but in the context of that I think this idea of this specialized training which you will be required to pay for in the event you plead. If you assert the defense of, I didn't know, this is what it will cost you, this is the ticket."

Chairperson Handel - "I'll second the motion. I'm going to take a slightly different view around all of it, because, again, coming from the locals, I know how all this works. It's a much easier thing to sell to the public by being able to stand up and say that mean old Secretary of State made us pay \$25 thousand to do training, where the purposes here is if you don't do what you're supposed to do, the city is going to be fined. And it is the city's responsibility to hire a qualified individual to run its election. And it is the city's responsibility to ensure that that individual gets the proper training, period. So I would not want to be in the camp of, for as much as I love my colleagues at the city, at some point the buck has to stop somewhere. So allowing the training -- the money to show up in the budget as, quote, training, instead of having a line item in your budget saying that the city was fined by the State Elections Board for failure to follow the Code. It means two different things to your constituents. And I'm going to be in the camp of giving the honest truth to your constituents, which is that unqualified people were put in these positions."

Mr. McIver - "May I?"

Chairperson Handel - "Yes."

Mr. McIver - "I guess this is under the heading of the discussion of Mr. Evans' motion. But very quickly, I come out much stronger on that. In my judgment, we should have in our housekeeping bill this year before the Legislature, the 2009 session, a provision that if the cities come before us, and we have determined there was a violation after it was passed through the law department's hands and the treatment they've

given it, then I would require the city to say for approximately five years on an annual basis certify to us they've met all the provisions of the Code. And I would break that down. We certified, we hired somebody that is qualified. We certify they've been trained. We certify this, we certify that, so on, and so forth, to shorten my remarks. But the point being, then we would have a certification from the city, and if they then came in violation of that certification, then I join Mr. Evans and our Chair in being particularly harsh in those instances. So I think I would raise it to a higher level where some person on behalf of the city, no doubt the mayor, if not the mayor the city council, would just have to make that certification. It would be multi-appointed. So therefore there wouldn't be any, I didn't understand this, I didn't understand that, and then knowing full well what exactly we would do. And I certainly see that we would have the authority to acknowledge the mayor or various individuals and so on. We could bring them into public review, which I trust would have some degree of deterrence."

Chairperson Handel - "We could certainly go in and tweak that. You'll recall from -- on the last legislative session that we did enhance the certification requirements for cities. And cities now are required to have a fully certified election official if they intend to conduct elections. If they want to contract with the county, they're more than happy to do that. They can contract with the county that also is by state law would have certifications. That we certainly know that -- All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed. All right. Thank you. The next item is 2008-000005, City of Sparta, Hancock County. And if I might, I'm going to defer to my colleague, Mr. McIver to be the chair while I take one little break."

(Chairperson Handel leaves the room from 2:48 to 2:51 p.m.)

Mr. McIver - "Let the record reflect that the Chair is leaving the room for a moment. And I'll take Chair of the meeting at this point. Please go ahead."

Mr. Harvey - "This involves the City of Sparta, Hancock County. The complainant is Gladys Archer who is the mayoral candidate. The respondents are Hazel Hill, Katina Barnes, Tiffany Evans and Omar Howell. The allegations are that five voters who live outside the City of Sparta voted in the municipal election."

Some of the addresses used by voters were false addresses, and that some of the respondents improperly assisted voters. The investigative findings show that of the five people who are suspected to live outside of the City of Sparta, only Tiffany Evens appears to live outside the city limits of Sparta, and is therefore ineligible to vote in the City of Sparta general election. One of the issues in Sparta is apparently they renumbered their streets for a new 911 system. You have some street addresses that were changed, and there was some confusion about where the street addresses actually were. We actually had our investigator go out to try to locate a street address, and believed he had found that there was no residence address. Then we did a little bit of extra research, we found there were, in fact, streets that had been renamed and renumbered. Ms. Hazel Hill admitted to assisting a friend of hers named Gwen Butts, to whom she is not related. Ms. Butts says that she is not illiterate, Ms. Hill said she was illiterate. On the absentee ballot envelope, Ms. Hill listed that she was the voter's sister, when they're, in fact, not familiar relations. Katina Barnes assisted two electors, Ms. Morris and Mr. Hunt, neither of whom are disabled, and Ms. Barnes is not an elector in the City of Sparta. Lastly, Mr. Omar Howell assisted Ms. Watkins and Ms. Mathis, neither of whom are disabled. The recommendation is that the case -- the respondents be referred to the Attorney General's Office for cease and desist order and appropriate fines as recommended by the State Election Board. The one other note I would add is that in our investigation our investigator attempted to meet with the chief of police to help get some assistance on some of these addresses. And the Chief of Police, Ronnie Evans, Sr., refused any attempt to investigate or to assist our investigator in determining any of these addresses."

Mr. McIver - "All right. Anybody on behalf of the City of Sparta or any other individuals who want to be heard on this case? Please remember to begin by giving us your name and your address."

Ms. Gladys Lynn Archer - "Good afternoon, Madam Chairman and members of the Board. Thank you for allowing me to come. I wonder if I could bring Ms. Stevens over here to me because she knows some things to give us some input for the reason that --."

Mr. McIver - "We need your name and address."

Ms. Archer - "My name is Gladys Lynn Archer, and I ran for the mayor of Sparta on two consecutive terms and I lost, much to my

shagrim. However, this is just the tip of the iceberg that you just heard. I wish I could say a lot of good things about Sparta, and I can because my family is one of the oldest families in the county. My family goes back to 1800s. They came here from England, Ireland, and France to settle down in wilderness that was inhabited by Indians, and my family has lived in that county all these years. It's a beautiful place. And we have many, many things over there that are worth coming to see, if we could just get our government functioning just right. But I really feel that what I've heard here today is a real job for somebody, because elections don't seem to be running just right today. And I guess we're all concerned, as the first speaker said, about this one coming up for the federal level."

Mr. McIver - "Ma'am, you've used one of your two minutes -- You've used one of your two minutes telling us about your family. You've got one minute to go."

Ms. Archer - "Oh. Okay."

Mr. McIver - "So may I recommend that you --."

Ms. Archer - "Well, I just want to tell you that there were a lot of infractions during this election. And Ms. Stevens can probably fill you in on that because she compiled it all for me and submitted it to the Secretary of State. So Ms. Stevens, if you'll take over, I'll take my seat. And I thank you for letting me have a few minutes."

Chairperson Handel - "Thank you."

Ms. Nancy Stevens - "I'm Nancy Stevens. My address is 389 Royce Smith Road in Sparta. I went through all the election records, we got copies before things were sealed. And the list I've given you are problems that we found. The first one was the absentee ballot envelopes, the names on the absentee ballot logs, and the number of listed voters of absentees that don't agree. And the rest of that is just the totals. We have a problem with William Evans who is the mayor again. He was the incumbent. Most of his family uses P.O. Box 344. Those addresses are not verified as to where their street address is. And Ronnie Evans, who is the chief of police, this is his brother. Three of these people did put street addresses on the voter certificate and they do live outside the city. I have the voter certificates here if you all would like to see the copies. One of them was not investigated, and they said that they were

unfounded. But here are the copies of voter certificates of those outside the city. The next page shows absentee ballot problems. Maybe I'm nitpicking, but to me when you fill out a form and there's places you're supposed to check and there's a place to sign, you're supposed to do it. And these are problems that I have on the voter certificates and on the absentee ballot log and on the absentee ballot envelopes. We also had a problem with Virginia Brown who is the city clerk and a good friend of the mayors. She was in the polling area watching people vote all day. Martha Rice, who is our county election superintendent who was handling the election, she never asked her to leave. Ronnie Evans, who is the mayor's brother, came in while I was there for just a short time as poll watcher. She did not ask him to leave. Now, the addresses have changed for 911, but the two boys, the Evans boys, that the investigators say they could not locate the addresses and they said they were good. 405 is not a good address. 465 is not a good address. That was an old address, but it's changed. And that is a daycare center that the mayor's sister runs. The -- Ronnie Evans, Jr., I believe, is one of them on here. His address in the paper just before the election was 86 Chief Drive. We have a problem and we need some help, and I don't know where else to go. Martha Rice has been before y'all before. For the 2004 election y'all gave her a \$5 thousand penalty -- or a fine. As of a month ago, that had not been paid. We continue to have problems with her. We have a chairperson who has just been voted back in, and you'll be receiving a complaint on that election. We provided information to the GBI on this. The GBI has investigated, found problems, taken them to our DA, Fred Bright, who took it to the grand jury, and when the grand jury wanted to indict, he said he could not indict. He says if you don't like him, vote him out. So if we don't have all these elections to be able to vote people out, then we have a DA that will not take any action on these people suing us. What are we supposed to do? That's all I have to say?"

Mr. McIver - "Are there any other witnesses? Anyone else would like to speak on behalf of either the respondents or the City of Sparta?"

Ms. Jean Volkmann - "May I speak? Good afternoon. My name is Jean Volkmann. I live at 12900 Augusta Highway, Sparta. I was a poll worker at this election, and I noticed that Chief Ronnie Evans was in and out of the election during the election. And also, Ms. Virginia Brown was in the election office all the time. She's the city clerk. And one of the things I do not understand is why she is not running the election, why we are

paying the probate judge to run the city elections. Truly, I believe that it's the city clerk's job. We pay the probate judge at least somewhere in the region of \$5,000 to run the city elections when surely Ms. Brown should be trained to run those. That's all my comments. Thank you so much for hearing me."

Mr. McIver - "Thank you."

Ms. Helen Martin - "Good afternoon. My name is Helen Martin. I live at 180 -- , Sparta. I had when I came in here, I have two words. I was going to say please and thank you. But I do have a question on your specialized training. Can a concerned citizen take that?"

Mr. McIver - "Mr. Taylor. Mr. Taylor. I wanted to make sure you were awake."

Mr. Taylor - "Okay."

Mr. McIver - "I think the answer to that is in the negative, but somebody more -- with greater expertise than I needs to speak."

Ms. Martin - "Well, can you think about it?"

Chairperson Handel - "We can certainly think about it. I mean, the challenge is, once we open it up to one concerned citizen, then if all nine, almost 10 million concern citizens wanted to take our, quote, training course, we would not have, one, enough resources to do it. And two, we obviously have to prioritize the municipal folks. What I will tell you is that there's lots of manuals and things, and we'd be happy to provide you with a copy of the training manual and things of that nature, if you would like that."

Ms. Martin - "We thank you. Anything that would make it easier for us."

Chairperson Handel - "You bet. We'd be happy to provide that to you. If you'll just do me a favor and write down your name and address for us before you go, we'll make sure you get it. Okay?"

Ms. Martin - "Thank you."

Chairperson Handel - "You're welcome."

Mr. McIver - Thank you, Ms. Martin. Anyone else to speak on behalf of the City of Sparta or respondents? All right. Board, any discussions before I'll entertain a motion as to how we should handle this matter? I would remind everybody that I think most everybody here has longevity, somewhat similar to mine. But Hancock County and the City of Sparta are not strangers to this Board."

Chairperson Handel - "One of the things that I'm concerned about is that, and I guess I need some guidance from Bobby Conway around -- because you couldn't -- you didn't get assistance from everybody that it looks like you wanted to have assistance from in conducting this investigation. Do you feel like there needs to be more done and do we need to look at another avenue for that?"

Mr. Conway - "I think so."

Chairperson Handel - "Okay."

Unknown Male Speaker - "(Inaudible)."

Chairperson Handel - "Might we be able --"

Mr. McIver - "I was going to ask the Board if there were any comments, but through the administrative hearing could that be surfaced and therefore we have recommendations both either for what we might want to take by way of a remedy for the Board, or a referral we might want to make either to the local DA. In this case Mr. Bright, who may or may not be terribly cooperative in this matter. I know Mr. Bright, and I'm a little surprised to hear that. But on the other side, whether or not it's a task for the long run. Any Board member have suggestions or comments before we work this?"

Chairperson Handel - "We might be able to pursue this similarly to how we pursued Chattooga because we don't get local cooperation, then move on from there. I think an ALJ would certainly be a good start."

Mr. McIver - "Any other comments or thoughts before the Board? Do I have a motion?"

Chairperson Handel - "I move that we refer to the AG's office specifically for assignment to an ALJ for a full hearing."

Mr. Worley - "Second."

Mr. McIver - "We have a motion then from the Chair, seconded. Let this matter be referred to the law department for handling by an administrative law judge. Any discussion prior to the time we vote? Hearing no request for discussion, I'll entertain a vote on the motion. All those in favor, say aye."

(Whereupon, there was a chorus of ayes)

Mr. McIver - "Opposed? The motion carries. I will now let the record reflect we'll turn the meeting back over to the Chair who has returned to the room."

Chairperson Handel - "And Mr. Worley has also returned. Next page is 2008-000006. McIntosh County. And I believe also the City of Darien, or is it? Okay. So McIntosh County. Anyone from McIntosh County, if you could make your way over so we can see who all is here. And I'm going to ask folks in the interest of expediency if you could please keep your comments to the case and the allegations before us. I understand that there are a great many issues at the local level, but our purview is pretty narrow to what's before us today. Okay?"

Mr. McIver - "Madam Chair, I have a commitment in Alpharetta and have to go. So with your permission, I'd like to be excused for the remainder of the meeting."

Chairperson Handel - "You're only allowed one hour."

Mr. McIver - "Yes, how foolish."

Chairperson Handel - "I'm going to hold this case for one moment. If you would just sit tight, folks, Mr. Worley would like to come back to our earlier issue on recusal."

Mr. Worley - "Yes. And first of all, I wanted to apologize to Mr. Evans for my comment earlier today. I have the utmost respect for Mr. Evans. He and I actually practiced law together when we were just out of law school. And so, therefore, maybe he's a little more adept knowing how to push my buttons than other people may be. But I just want to apologize for that comment. The other thing that I wanted to say before Mr. McIver left, is that the issues that I raised in my letter that we discussed regarding recusal are I think very important issues, and ones that I did not expect to be brought to the Board today. I do understand that the Secretary would like the benefit of the advice of the other members of the Board relating to this issue."

I think that that will speed up the resolution of the issues that I raised in the letter. So while I do not believe that I'm required to accuse myself from those discussions, I am going to voluntarily recuse myself from them so that later today the Secretary and the other members of the Board can discuss."

Chairperson Handel - "Thank you."

Mr. Worley - "I just wanted to make that clear."

Mr. Evans - "Madam Chairman, can I say one thing? I just want to say I have great respect for my colleague. He and I served together in many different capacities. On occasion we have pricked the skin of each other, and I can recall more. I extend my apologies to David. I wanted him to know I hold him in the highest esteem, and I appreciate having him serve with me on this Board. And have appreciated the way in which he's come to the meetings prepared, well versed, and I think makes an outstanding contribution to our work."

Mr. Worley - "You're very gracious to say that. Thank you."

Chairperson Handel - "And I appreciate your professionalism on this. At times we all do disagree, but what I do know is that everyone is trying to do right. And so I appreciate your willingness to let us facilitate this. Because as you know, I take these issues very seriously. So thank you."

Mr. Worley - "I do."

Chairperson Handel - "All right. Let the record show that Mr. McIver has had to depart. We are on page -- 2008-000006. McIntosh County."

Mr. Evans - "Maybe we should have him leave more often."

Chairperson Handel - "I know, I'm feeling the love up here, everybody. All right. We are on - We're on 2008-000006. McIntosh County."

Mr. Harvey - "The complainants in this case are Griffin Lotson, who's a candidate for mayor, and Sharon and David Kitchen. The respondents are James Parker, Richard Johns, Laura Johns, Stephen Watson, Cheryl Schooley, and Kelly Spratt. There are numerous allegations. The first allegation is five -- the first five main respondents did not legally reside in the City of Darien, and were ineligible to vote in the election. The second

is that the McIntosh Board of Elections and Registration failed to register five applicants. Next is the McIntosh Board of Elections and Registration destroyed three absentee ballot applications. Next, the McIntosh Board of Elections and Registration rejected an application because of one missing letter from the applicant's name. Next, that one voter was denied the right to vote. And lastly, that Kelly Spratt made false statements in connection with her notice of candidacy. The investigative findings are that James Parker, Stephen Watson, Laurel Johns knowingly used a residence other than their bona fide residence when registering to vote. In each of these cases, the individuals own property and have homestead exemptions outside the City of Darien, who were voting the City of Darien elections. In some cases, they had properties that they occasionally occupied or might have leased to them. But their homestead exemptions, one, Mr. Parker had one in St. Simons Island since 1994. Mr. Watson had one on Tybee Islands since 1998. Mr. Johns had one in Hird County -- I'm sorry -- Hird Island that he got in January of 2006. Mr. Parker voted in the City of Darien when he knew he was not a resident of the municipality. Mr. Johns voted knowing that he didn't have the qualifications to vote District 1. As far as the applications that were failed to register, McIntosh County claimed not to have received voter applications from three individuals, Misty Smith, Alicia Barren and Robert Jones. There's simply no record of those coming in. Mr. Bernard Armstrong had an application that had a matching Social Security of another voter and another, Lisa Glover's registration application was late. There was a Ms. Sloan whose application was rejected. Her name was misspelled. Her name is spelled, S-L-O-A-N-E, (spelling). The "E" was missing from the end of the name. Also, the birth date was incorrect. That absentee application was rejected, she ended up voting in person at the polls. Mr. Adell Woodard was an elector who had requested an absentee ballot be sent to another address within the city. He was contacted by the election board, was told that he was going to be planning on being in the hospital on the day of the election and tried to arrange to have a ballot brought to him. The election board claimed that they were never specifically notified of exactly when and whether he was going to be there. He was not delivered -- a ballot was not delivered to him. Ms. Spratt filed a candidacy -- a notice of candidacy and affidavit for which she stated she had been a resident for 10 months. And the allegation was that she had only filed a homestead exemption four months, I guess with the assumption that that was when she maintained residency. She maintained that she had moved into her residence 10 months prior to that, and therefore wouldn't

have met the eligibility requirements of six-month. It's recommended that James Parker, Steve Watson, Laurel Johns, and Richard Johns cases be forwarded to the Attorney General's Office for a cease and desist order and any appropriate fines."

Chairperson Handel - "Let me just, real quick, one question. So the application for Ms. Sloane, that was appropriately rejected because her birth date was incorrect?"

Mr. Harvey - "The name was misspelled and the birth date was incorrect."

Chairperson Handel - "Great. Okay. All right. Thank you. Let me get a feel for who I have here, because I have quite the lineup."

Mr. Jim McLaughlin - "Jim McLaughlin (phonetic) McIntosh County Attorney."

Chairperson Handel - "McIntosh County, itself, is not a complainant or a respondent, correct?"

Mr. McLaughlin - "No."

Chairperson Handel - "Okay."

Mr. Robert Mucha - "Robert Mucha, I serve on the Board of Elections and Registrations."

Ms. Elenore Gale - "I'm Elenore Gale, I'm the election supervisor for McIntosh County."

Mr. Jim Parker - "I'm Jim Parker."

Chairperson Handel - "Okay. And we have respondents come up first, sir. Okay. Are there any other individuals who are the actual subject of this complaint? Mr. Parker, Mr. Johns, Ms. Johns, Mr. Watson, Ms. Schooley, Ms. Spratt. Okay. So I just have the one. Okay. And then we may need to come to you, ma'am, around some of the various elections. But thus far, you're A-okay, for right now."

Mr. Parker - "Good afternoon. I'm Jim Parker. I have a residence at 91 Screven Street in Darien. And yes, I have a residence on St. Simons Island. I was in charge of -- I'm was the owner, developer of a condominium complex called Settlers Bluff. I'm also the owner of a restaurant in Darien. Settlers

Bluff is in Darien, they're adjacent, Skippers' Fish Camp. Mr. McBrayer interviewed me. I forgot the date, but a while back. I never made any pretense that I was trying to pull anything. Fraudulent was never my intention. My contention is that a person should be allowed to vote where you have the most vested interest. In 2006, I put my house on St. Simons up for sale. I have the document here with me, if you wish to see it, showing as most of you know we're in a real-estate downturn. I haven't been able to sell the house. My intention was to get rid of that and move my homestead exemption to Darien and move forward. With that said, I don't feel that homestead exemption should define where you're allowed to vote. People that rent aren't held to that standard. Transients aren't held to that standard. Homeless aren't held to that standard. So a person shouldn't be penalized because they own a home and pay homestead exemption or get the homestead exemption. That said again, in the Code of Georgia, title 21-2-217 rules, 15b, allows for exceptions to be made getting around the homestead exemption. I'll read in part, in determining a voter's qualifications to register to vote, registrars to whom such application is made shall consider in addition to that an express intent any relative circumstances determining the applicant's residence. The registrar's taking such registration may consider the applicant's financial independence, business pursuits, employment, income sources, leasehold sites, and personal and real property owned by the applicant and other such factors that registrars may reasonably deem necessary, could determine the qualification of an applicant to vote in a primary or election. The decision of the registrars for whom this application is made shall be presumptive evidence of a person's residents for voting purposes. As far as business pursuits go, as I said, I put together a \$10 million development, Settlers Bluff, in the City of Darien. I'm the owner of Skippers' Fish Camp, an economic catalyst engine that created 30 new jobs in the City of Darien as well as generates in excess of \$1.1 million in taxable revenues. It pays annual rent of \$12,000 to the City of Darien, has donated in excess of \$25,000 to local charities. Skipper's Project was awarded by Governor Perdue, the economic redevelopment project of the year for the State of Georgia. As far as real estate goes, I own the condominium at 311 Settlers Bluff. I own an undeveloped commercial tract of land in the City of Darien, and I have six acres of family-owned property in (inaudible), which outside the City but it's in McIntosh County. As far as community involvement goes, I'm in Darien every day. I have a business to run. My interest is there. I'm a member of the Board of Directors of the Darien-McIntosh Chamber of Commerce, and have been for four years. I've served as chairman

of the Darien-McIntosh Chamber of Commerce for one year. I'm now the -- my term expired. The main event that brings tourism and industry to our community is our annual blessing of the fleet. I've been either the chairman or co-chairman for three years. I don't know how much more I can do to be a part of this community other than to say that I sleep every night in that bed. Well, I travel a lot. Last week I was only there three nights. A couple of weeks ago I was there four nights. But to hold me responsible and say I did something illegal, to me, is ridiculous. And for me not to be able to vote in that community I think is absurd. And for me to be -- my integrity as a citizen is, it just doesn't sound just."

Chairperson Handel - "All right. Anyone else? Any other respondents?"

Mr. Dave Kitchen - "Not specifically to him, but to the what happened --."

Chairperson Handel - "Come up. Two minutes."

Mr. Kitchen - "Dave Kitchen, 50 Bell Hammock Road, and I have a P.O. Box for my mail. I'm in the County of McIntosh, and I seriously think that at this point, you know, because there have been problems there before, and this Board knows there's been findings there in McIntosh before. And because I don't feel, I know you did a full investigation, but I don't feel you have all the facts. I don't feel that you understand that there were several people who were left off. About half the voters who were absentees were rejected for the side that was not supposed to win. This has been a case that has happened over and over in McIntosh County, and I would like to, you know, say that it's accidental, but you can't say it's accidental when it becomes a repetitive thing. It becomes more malevolent than that. And I feel that I agree with the Secretary of State and the gentleman on the end down there that these things should be held accountable to those who allow the person who's doing this to stay in their position. I don't understand why someone who has been caught before doing improper things in elections is still part of the election process. And I don't understand why that they're not being held accountable for this situation. It highly disturbs me as a citizen. And, yes, I have many friends in McIntosh County and I have many acquaintances. And we do know that people have problems coming to speak to you, or even speaking to with gentleman because of fear of reprisals in our county against them. Things that happen to people in situations go on. As a matter of fact, one person told me he was fearful for his life. And I suggest that we might want to look at this type of situation a little deeper. And I request, hopefully, that we will and find out why this continues to be a problem, because I don't blame the person who's doing this. If I got away with something and I was of that mentality, which I'm not, I would continue to do it. I hold people in charge responsible for not doing their jobs of policing that situation."

Chairperson Handel - "Okay."

Mr. Kitchen - "Thank you, ma'am."

Chairperson Handel - "Thank you. Okay. Does the County want to add anything around the decision, et cetera, that was taken? Thank you, sir."

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

Mr. Harvey - "Chairman Mucha wants to make a comment."

Chairperson Handel - "Okay."

Mr. Harvey - "I'm sorry. Chairman of the Board of registration and elections."

Chairperson Handel - "Yes. Yes."

Mr. Robert Mucha - "My name is Robert Mucha. I live at 1414 Plantation Drive Southeast, and it's located in McIntosh County, here in Georgia, zip code is 31305. When Mr. Adell Woodard, he wanted his ballot mailed to a different address within the City of Darien, which was not the same address that was on his voter registration card. He did not check that he was physically disabled in the voter's box. That's Code Section 21-2-3 (81). Lamar Rhodes, his son, an attorney, stated that a Mr. Woodard was a returning to the Brunswick Hospital on 4:00 p.m. on election day. I, myself, chairman of the Board offered to take the ballot to the hospital. The offer was not accepted. The call was never placed to the Board requesting a ballot be delivered to the hospital. We look at a number of people that have been discussing over here, Mr. James Parker, Richard Johns."

Chairperson Handel - "I'm sorry. I can I just stop you for one second?"

Mr. Mucha - "Yes."

Chairperson Handel - "I might be the only one who is confused, but I'm trying to understand what these allegations or these comments how they relate to the investigative findings, because I don't think --."

Mr. Mucha - "Well, it's just -- that they were saying that first of all Mr. Adell Woodard did not get a ballot, we didn't respond to it. I'm saying if we got the call, we came up there. And I never got the call to deliver a ballot."

Chairperson Handel - "Okay."

Ms. LaGrua - "We found none of those to be valid, Madam Chair."

Chairperson Handel - "Right. They found all of those not to be valid. Were there any involving the County that you did find any issue for the County? When I read the report, I didn't find anything on your part."

Ms. LaGrua - "No, we did not."

Mr. Mucha - "As far as the people, Mr. Parker for instance, we did have a hearing. We did have a Board hearing. We had five people that we went through specifically who were registered out of the county, or were living out of the county of claiming homestead exemption. And when we found that out, we had a Board meeting and the Board in turn went through five people. And we basically had them removed from the precinct which they were located in, placed them in the correct precinct, or were removed from the rolls completely within the county, and placed and told to reregister in another country where they were living, where they have a homestead exemption."

Chairperson Handel - "So just to be clear, so that when a question arose around the residency and homestead exemption, you then, brought it to your full Board for review...."

Ms. LaGrua - "Right."

Chairperson Handel - "...additional review, et cetera. Okay."

Mr. Mucha - "Who were those people?"

Ms. Gale - "That was Richard Johns, Stephen Watson, James Parker and Sheryl Marie Schooley and Laurel Johns. The Board had a hearing, and notified them when the hearing was."

Mr. Worley - "And when was that?"

Ms. Gale - "That was back in February."

Mr. Worley - "Of 2007?"

Mr. Gale - "2008. This election was held in November of 2007. November 6, 2007."

Mr. Worley - "So where is Mr. Parker registered to vote now?"

Mr. Harvey - "Glenn County."

Ms. Gale - "The next county over."

Mr. Mucha - "In the next county where he has five businesses." in Glenn County?"

Chairperson Handel - "Well, hang on. We'll come back to you in a second. If you could come up. It's hard to have shouting, back and forth. Wait until you're called on so we can all get straight. That would be great."

Mr. Mucha - "Okay. After we got through with the Board hearing, we sent Mr. Parker informing him that he was being removed from the rolls in McIntosh County, and that he could still register where his homestead exemption existed, which is in Glenn County, which he did."

Mr. Worley - "But that was after the fact of the election...."

Mr. Mucha - "Yes, it was."

Ms. Gael- "Yes, it was."

Mr. Worley - "...in question?"

Mr. Harvey - "Yes."

Chairperson Handel - "If I -- I'm going to follow-up on your point, so to make sure that I'm clear here. So Mr. Parker was able to vote in the November '07."

Mr. Mucha - "Yes, he was."

Chairperson Handel - "So you didn't have any reason -- How did it come up that there was a question about his residency?"

Mr. Mucha - "It came up through the investigation of Mr. Parker."

Chairperson Handel - "So from the complaint that you got."

Mr. Mucha - "And that's where we picked up the other -- summary. Thank you."

Chairperson Handel - "Okay. All right. Great."

Mr. Parker - "Madam Chairman."

Chairperson Handel - "Yes."

Mr. Parker - "This is the voter registration form that was given. And it doesn't say anything about homestead exemption. I mean, if I had knowingly gotten into this knowing that there was some great problem with me doing this, then I would've obviously waited until I sold my house and got things corrected. But you know, this needs to be corrected, too. Voter education, you're talking about the administrative end of educating, you know, something needs to be done to help the voters, as well, but I understand what it takes."

Chairperson Handel - "Right. Well, one thing I want to comment on. In your comments you referenced that you felt that a person should be able to vote where they have the most vested interest. That is not the law, sir. Because for all I know you have greater vested interest in the State of Florida as a developer than you do in Georgia, but you live in Georgia. You don't get to vote in Florida just because you have business interests in Florida. Hang on. Allow me to finish. You must -- the law says, you must vote where you live, where you reside. And I read the investigative report and what was reported to the investigator, and maybe this isn't correct, so I'm going to ask you. The investigative report says that you get the majority of your mail not at your Darien -- your City of Darien address but at another address. Where do you get the majority of your mail?"

Mr. Parker - "I get the mail at St. Simons Island. But on this, it has a place to put your address where you reside, and your address where you get your mail. So it's all very confusing. I mean, if you want to know --."

Chairperson Handel - "With all due respect, sir, we're not going to have an argument because I get to run the meeting. But with all due respect, it's abundantly clear that you must vote where you live."

Mr. Parker - "Well, why would you --."

Chairperson Handel - "So -- let's -- let Mr. Worley comment here. And I don't know if Mr. Evans - - has a statement."

Mr. Worley - "I just have a brief comment. From what's been said here today, from Mr. Parker's testimony, it's my opinion

that he lives in Darien. And he has indicated that he spends most of his time there, as compared to the other house that he owns. He's got a business there. He considers himself a resident there, which is really what the test is. And I don't think the location of the homestead exemption is the exclusive, be-all and end-all of where you're supposed to live. Now, all that I've seen from this allegation is that someone alleged that he didn't live there and that was investigated. But if I were the trier-of-fact, I would dismiss this allegation. Because I think -- I think he's -- the only real evidence that we have taken all together would lead me to conclude that he lives in Darien."

Chairperson Handel - "Well, colleagues, I take a extremely different point of view. In the State Code, and not just one place but in two places, the homestead exemption is cited as the determinant of residency for an individual. And, in fact, for tax purposes you legally are required to take your homestead exemption where you reside. And the same, I mean, local election officials, we have -- the law needs to provide them a solid direction on how to determine residency. And in my opinion, homestead exemption is that. Now, do I think --."

Mr. Worley - "Well --."

Chairperson Handel - "Sorry. I'm not finished. I'll be happy to yield. And we're going to agree to disagree on this, and we all know why. So let's not have like a big giant pink elephant in the room. And I give you kudos for coming forward. I'm not suggesting that maybe you did anything wrong. I can understand why you wanted to vote in the City of Darien, because you clearly do have a lot of business interest there. But people have business interest in all kinds of communities, that does not mean that they live there. It means that they do business there. And living and doing business are two different things. And while I am not interested in -- because I don't know if you knowingly did anything, I'm going to give you the benefit of the doubt that you did not. But the law in my opinion is abundantly clear. And the Attorney General's office has counseled me that the law is abundantly clear, that homestead exemption is indeed test number one for residency. And so -- and the fact that now have moved your registration back to Glenn County, where is --."

Mr. Parker - "I did because they told me to."

Chairperson Handel - "Well, you didn't -- you could have challenged it."

Mr. Parker - "I wanted to vote -- if I --."

Chairperson Handel - "You could have challenged it, sir. And you could have changed your homestead exemption, and you still haven't, if I understand right. So that's just my viewpoint. And I'm going to actually vote that this be referred, certainly, for some sort of letter of instruction. Mr. Worley."

Mr. Worley - "Well, it seems to me that if your homestead exemption is in one place, and you put your house up for sale and have a house in another place and actually move into that house and are in that house, and use that place as your residence, then that's your residence. I think homestead exemption may be a test, but I don't think it's an exclusive test. And I think the real test is what the intent is. And I don't know Mr. Parker from Adam, and I'm not comparing this to any other case that might be out there, although I think I know what you're referring to. But it just seems to me that based on the evidence that we have before us today, based on the allegation that was made, and the testimony of Mr. Parker, that -- that he lives in Darien. And it's not his fault that McIntosh County bounced him out of the voter rolls there. And it's not -- that shouldn't be used, the fact that he had to go register in Glenn County to be able to vote somewhere shouldn't be held against him. But, again, we'll just have to agree to disagree."

Chairperson Handel - "And the fact is that -- said Glenn County accepted him as a resident. Why, because he had a homestead exemption in that county. So that would then qualify him to be an elector there. So either you live in Darien County -- Darien City or you -- I mean, it's one of the other. So if you really do live in Darien, and then you register to vote in the other county with your homestead, I mean, so you can see the conflict. And folks, this is no different than -- I have friends who have a condominium in Florida. It's up for sale. They take their homestead exemption in Florida off of that residence because they like the tax benefits there better than they do in Georgia. They don't get to vote in Georgia, much to my dismay because they're my friends and I'd like to hope that they would vote for me. But they don't get to vote in Georgia, they have to vote in Florida because that's where they opted to stake out as their, quote, residents by virtue of the homestead. So I'm going to make a motion. And -- but before I do that. Do we not have the other respondents here? That's a little disturbing for me. Okay. I'm going to make a motion that all of the respondents be

referred over to the AG's Office for certainly a letter of the structure at a minimum around registering them improperly."

Mr. Worley - "Madam Secretary."

Chairperson Handel - "Yeah, go ahead."

Mr. Worley - "Could we sort of break up these votes?"

Chairperson Handel - "Sure."

Mr. Worley - "Because I agree with the other...."

Chairperson Handel - "Sure. We can do it that way."

Mr. Worley - "...section violations. But I don't --."

Chairperson Handel - "Are you fine with the four --?"

Mr. Worley - "Yes."

Chairperson Handel - "Johns, Johns, Watson, and Schooley."

Mr. Worley - "And as far as I know, based on the evidence at hand. Yes."

Chairperson Handel - "All right. Then I'll move that we refer Johns, Johns, Watson, Schooley, and Spratt to the AG's office for appropriate cease and desist order."

Ms. LaGrua - "Madam Chair."

Chairperson Handel - "Yes."

Ms. LaGrua - "I'm sorry to interrupt. There were allegations against Sheryl Schooley and Kelly Spratt, but they were not substantiated."

Chairperson Handel - "Oh. Okay."

Ms. LaGrua - "Thank you."

Chairperson Handel - "We really need for you all to make it clear in these reports, which one your investigation confirmed the allegations again, so we can get our motions right. All right. I'll revise the motion. To refer Richard Johns, Laurel

Johns, and Stephen Watson to AG's office for an appropriate cease and desist order. Cease and desist order."

Mr. Evans - "Second."

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

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Aye. Any opposed? All right. The second motion is to refer Mr. Parker for a cease and assist, as well."

Mr. Evans - "Second."

Chairperson Handel - "Motion and a second."

Mr. Evans - "Did you say --."

Chairperson Handel - "Because then -- I'll make it broad because then --."

Mr. Evans - "As you know, I prefer the Homestead Exemption is despositive, and as a result it should just be referred to the AG's office."

Chairperson Handel - "I'll revise my motion as the seconder as asked. Any other questions? Comments? All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed?"

Mr. Worley - "No."

Chairperson Handel - "Let the record show that Mr. Worley voted no, with three ayes. All right. Thank you."

Mr. Parker - "Explain to me what just happened."

Chairperson Handel - "It was assigned to the Attorney General's office and they'll be in touch with you to see if we can work out a consent order on this."

Mr. Parker - "What's --."

Chairperson Handel - "I'll let Ms. Almond discuss the legalities of that."

Ms. Almond - "It's an agreement where you admit what happened. You admit that you might have violated the law and you just agree to let us appropriate a sanction, instead of going to a hearing and, you know, potentially getting a stiffer sanction after the attorney -- it's a way of resolving the case."

Mr. Worley - "And, Mr. Parker, I will tell you that you're certainly entitled to seek legal representation in that process of negotiating with the Attorney General's Office. And there's a lawyer sitting right over there against the wall -- who has lot's of experience with these homestead exemptions issues."

Mr. Parker - "Thank you."

Mr. Worley - "And know it's up to you what you decide to agree on or not agree on."

Mr. Parker - "I just want to -- one last thing. All this, to me, is about -- I feel you all think I'm a criminal. All I wanted to do was to vote...."

Chairperson Handel - "No, we don't, sir."

Mr. Parker - "...where I feel like I have the best interest, and the most involved. And now I'm being penalized."

Chairperson Handel - "We understand. Unfortunately, or fortunately, we have a Constitutional responsibility to follow the law. So that's what we're trying to do. Okay. Sorry."

Mr. Parker - "I have no dog in the fight. I just wanted to vote."

Chairperson Handel - "I understand. Okay. The next case is 2007-00007, which is the Cobb County, and we have Cobb situation."

Ms. LaGrua - "This is that continuance, Madam Chair. The attorney for Mr. Hobbs, I'm sorry."

Chairperson Handel - "Go ahead. No, go ahead."

Ms. LaGrua - "The attorney for Mr. Hobbs may not be representing him since he's leaving the current practice he's in, and asked that this be continued so that can be sorted out."

Chairperson Handel - "This has had a previous continuance, but in light of the change of counsel, I don't know that we have any choice, there. So I move to continue."

Mr. Evans - "I recuse myself on this one."

Chairperson Handel - "Yeah."

Mr. Worley - "I'll second."

Chairperson Handel - "I have a motion and a second to continue. All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "And let the record show that Mr. Evans recused himself on that one. Next case is 2008-00009. City of Darien, McIntosh County. Sheryl Schooley."

Mr. Harvey - "Yes. This complainant was one of the original people from the other case. Very simple case. She voted absentee in October of 2007. As she was leaving the absentee precinct she was approached by another elector, and was asked or was told, I hope you voted for the right candidate. At that point, she took some type of offense, or felt some type of harassment or intimidation. She made her complaint to the Secretary of State's Office. Our investigator made contact with Ms. Schooley. She said that everything had just blown over, she didn't wish to pursue any complaint, and there wasn't a problem. So we recommend that this case be closed."

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

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

Mr. Israel - "Second."

Chairperson Handel - "I have a motion and a second. All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All right. The next case is 2008-000014. Randolph County."

Ms. LaGrua - "Yes, ma'am. This complaint actually came in through our Elections Division. The respondent is Sandra Thompson, the Election Supervisor, James Hoover, the Chief Registrar, and Mary Lois Murphy, the former Chief Registrar. The allegations that initially came in were that the DRE machines were not timely delivered to the registrar. Further, that the proper notice was not posted for logic and accuracy testing. That Lois Murphy did not make proper markings on the rejected absentee ballot, indicating the reason for the rejection. James Hoover failed to sign the absentee ballot applications and failed to send letters telling three electors why their applications had been rejected. The findings were that as of January 18th of 2008, the DREs had not been delivered to the registrar's office. Sandra Thompson, who was the Election Supervisor emailed Lois Murphy, who is the former chief registrar that came to pick up the DREs that day. On the 18th, Ms. Murphy quit. After the Secretary of State's Office got involved, the County Attorney actually went and picked up the DRE machines and delivered them. Sandra Thompson posted the LNA testing notice on the day of testing instead of five days prior. Lois Murphy did not sign and note the reason for rejecting three applications. She did, however, send letters to those three electors telling them that their applications had been rejected, and why. And James Hoover failed to sign the ballot application, and failed to mail the rejection letters to three electors. At this time, it's recommended that a consent order and fine, or that this be referred to the AG's office for consent order and fine as to Ms. Murphy. Further consent order, fine, and close monitoring should be issued for Sandra Thompson and James Hoover. The reason for the difference is that Ms. Murphy is no longer there. Ms. Thompson and Mr. Hoover are, which is why I address them slightly differently."

Chairperson Handel - "All right. You're back."

Mr. Coleman - "I know. I want to pick the Board for always having my clients last on the list. Do you remember Dawson, last year?"

Chairperson Handel - "No. If anything, because you're always here you should get some kind of credit to move up in the line."

Mr. Coleman - "Everything's so fascinating, I just can't stand it. I represent Randolph County, and would like to enter into

the consent order as recommended. I represent, of course, the officials in their official capacity. Ms. Murphy is here, I'll comment on her infractions, but I have not spoken with her about it. There were a great deal of extenuating circumstances with this, and I hope the Board will understand. This all had to do with the run-off to the February 5th Presidential Preference Primary. September 21st, Ms. Thompson was badly burned in a grease fire in her home. 2007. She spent three months in the burn unit in Augusta. She came back to the County and reported to work partially, under some additional medication December the 11th. By that time things were fairly balled up, and they were pretty far behind the time. I don't want to diminish the fact, or try to gloss over the fact that it's pretty clear, even before she became injured, and I guess it's probably clear from this that she and Ms. Murphy didn't exactly get along. They were two strong women, and they had a conflict, no doubt about it. The practice had been, in Randolph County, that the registrar where the absentee voters were, came and signed for the DRA machine and it went to their office, which was right next door. So she expected Ms. Murphy, also signed for the machine. Fortunately, the machine was in the old courthouse and they had moved, and while Ms. Murphy's office and Ms. Thompson's office were no farther from here to the elevator, they couldn't seem to find a way to do it. Ms. Murphy, very frankly, could not physically move everything at that time. She was certainly already bandaged up, skin grafts, that kind of thing. She actually sends her regret, she has another appointment with the burn center tomorrow in Augusta. She is there, however, she did, in fact, deliver the machine. There was no doubt it was late. You might consider charging them with 384, rather than this code section. It is true that Mr. Simmons and I, who were there, went over. Ms. Murphy got in the car with us, we went to the old courthouse, picked up the machine, which was quite heavy, I might add, for a little skinny guy. Took them over and put them in the office. She was there, so she, in fact, did deliver them. They were quite late, though. So 384 may be better, I think, you could charge. Now with regard to the next count, which was a failure to advertise and is, in fact, correct. Once again, she has not had the opportunity because of this debilitating injury, to get all the materials in time. In fact, they both came earlier in December, and couldn't do the testing because of that. They rescheduled it. She miscalculated, they have a weekly newspaper, as you might expect in a small county. Turns out that, you'll recall that Christmas was on -- excuse me -- first of the year was on a Tuesday. She had planned to take it the next day going to work. But she got there, being unfamiliar with the headlines on the newspaper,

couldn't get it in the newspaper. And so, she did the next best thing that was going to be done on the 10th of January. The election was on the 5th of February, so she went ahead and did the best she could. She's aware of the rules, and just falls under the sword of that particular matter. She made a mistake, but with regard to Ms. Murphy, I would point out, as the Inspector General did, that she did, in fact, attach the letter to each one -- the absentee ballots. Even though she didn't sign them, they were certainly a documentation with a technical violation. And then the last matter, Ms. Murphy resigned, not the 18th, but the 19th, which was the Friday before the Martin Luther King holiday, so nobody really could deal with that until the 22nd. Mr. Hoover came in and tried to fill in the best he could. He was on the Board, but had no training at all. This refers to -- small amount of training, he had no training. He came in, but he wasn't appointed until the 28th. And so, he really had no idea of what to do, and was kind of the deer in the headlights, if you will, with regard to this matter. He did not sign any of these absentee ballots or rejections. I would point out, though, that one of them -- two of them were submitted on the 31st of January, after, in fact, he was the registrar. One of them was in January, and before he became the registrar I can hardly see how he could be responsible for that one. That was on -- if you look on the evidence, Mr. J.D. Roberts, he submitted his application on 1/16/08. It was received by them on 1/24/08, so that was before Mr. Hoover was the registrar. So it seems to me that it should be charged to Ms. Murphy's account, if you will. But we will be happy to sign a consent order with the Attorney General at the appropriate time. Any questions?"

Chairperson Handel - "With Ms. Murphy's departure, do you have - I'm not going to ask if you have a chief registrar in place, I'm going to ask you if you have a qualified chief registrar? I'm going to ask my former commission colleague, here."

Chairman Simmons - "Madam Secretary, I think we're going to have a superior chief registrar. He is being trained very diligently, and they're getting him the help and support in that office."

Chairperson Handel - "I know, but November is fast approaching."

Chairman Simmons - "They're diligently working on it."

Chairperson Handel - "And how about Ms. Thompson, with her injuries and everything, is she in a place -- I mean, the next

40-some-odd days is going to be extremely intense. Do you have her -- do you have enough resources for her to be able to do what she needs to do?"

Chairman Simmons - "We think so."

Chairperson Handel - "No. That doesn't make me all warm and fuzzy, now, Chairman Simmons."

Chairman Simmons - "Madam Secretary, we have questioned the investigation, and we have special --."

Chairperson Handel - "I know."

Chairman Simmons - "And I kept looking for assistance from the Secretary of State's Office."

Chairperson Handel - "That's different from this. This is whether or not you have qualified people, and enough people, resources in place to deal with the busy time that's upon you."

Chairman Simmons - "I apologize, Madam Secretary. Anyway, yes, we do. We think we have the resources in place."

Mr. Coleman - "Both, Mr. Hoover and Ms. Thompson, probably will be available to sit on every opportunity to train."

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

Mr. Evans - "So move."

Chairperson Handel - "Second. If I might also direct Inspector General LaGrua to also let's make sure we send our monitors down there and insure that we take a look between now and then so that if there's any issues now, we can coordinate with the county on those issues."

Ms. LaGrua - "And I'm sure hoping that I don't need to see y'all back here for November. Did you want to speak on this, sir?"

Mr. Edward Johnson - "Yes, I do."

Chairperson Handel - "Come on up before we take our vote, so we have this in. I didn't see you sitting there, sir. If you're here for a case, try to stand up and do this at me if I miss you, okay?"

Mr. Johnson - "My name is Edward Johnson. My home address is 1670 District Nine Road, Cuthbert, Georgia. In reference to this matter, ma'am, Mr. Jimmy Hoover. On the day that Ms. Murphy left and they handpicked him to be the chief registrar, they did have qualified peoples there. Also, on the basis of Mr. Hoover came in unbeknown to anything about this matter. He took the position, and in taking the position, my question is why would a prime registrar that has been before this Board numbers of time, and has resigned because she had been caught doing unscrupulous things, why would they get her to train Mr. Hoover?"

Chairperson Handel - "Well, as we just said, we're going to follow up on all of that."

Mr. Johnson - "Thank you."

Chairperson Handel - "Thank you very much for being here. All right."

Chairman Simmons - "This is not a rebuttal, distinguished members of the Board. In Randolph County it is the Judge of the Superior Court that handles the registrar. And just to familiarize this Board with that fact that they put preceding comments in their true --."

Chairperson Handel - "Yeah. Can we also, I want to make sure we follow up with that Judge to make sure he understands the importance of this. I have a motion and a second, all in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All right. Oh, are we getting to the end? Next item is 2008-000019. Carroll County."

Ms. LaGrua - "Yes, ma'am. The complaint came from one of our monitors in the field on this. It was an allegation that voters were being intimidated when they left the polls. The respondent was John McCurdy, an exit poller and Jerry DeMarce, an exit poller. The investigator observed and heard some questions that she thought might be intimidating. It appeared, when we actually followed up with these voters to find out what they were asked, they were asked three questions that did not appear to amount to intimidation. One was, did they have any problems with DRE machines, did the name they chose show up on the

screen, and if the voter did not mind answering, who did they vote for. So it's our recommendation that this case be closed."

Chairperson Handel - "All right. Is there a motion?"

Mr. Worley - "Yes."

Chairperson Handel - "So move? All right. Second. All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All righty."

Mr. Jerry DeMarce - "Madam Secretary."

Chairperson Handel - "Oh, I'm sorry. Come on up."

Mr. DeMarce - "I have no comment, other than to make a point of inquiry."

Chairperson Handel - "Okay."

Mr. DeMarce - "I would --."

Chairperson Handel - "Sir? Sir?"

Mr. DeMarce - "Excuse me."

Chairperson Handel - "If I can get you to come up and state your name. Two minutes."

Mr. DeMarce - "I can't take that long. My name is Jerry DeMarce. I make my home in Carroll County, and I receive mail at Post Office Box 2411. I was named as a respondent in this matter. When I received the letter from Ms. LaGrua's office, I pulled out -- well, actually, I went to the Internet first. And then, I pulled out my copy of Black's Dictionary to determine exactly what a respondent was. And according to what I was able to discern, a respondent is a party against which a formal complaint or petition has been filed. I addressed a letter by facsimile to Ms. LaGrua's office asking her for pertinent information which actually included the names of the complaint filor, or filers, and the nature of the complaint. By way of reply, I received a copy of the investigation divisions summary of investigation wherein it would seem as though the determination of our quote, unquote, intimidation was entirely

subjective in nature, and could be attributed to most any activity that we could have undertaken to an order -- to enable ourselves to gather the information that we sought in a legitimate exit poll. And I wonder if, in fact, some other agenda is not at work here. That's my comment. Thank you."

Chairperson Handel - "All right. All in favor? Oh, did we vote? We voted on that. Thank you. All right. Thank you. Next item is 2008-00025. DeKalb County."

Ms. LaGrua - "Yes, ma'am. This case, we had two complainants. The respondents area two, a poll manager and a poll worker. Catherine Daniel, the poll manager, and Ms. Sonya Kirkland, the poll worker. The first allegation is the two -- the poll manager and the poll worker did not know how to assist a blind voter. The second allegation was that Mr. McKenzie should have been not allowed to vote in a precinct, and was not. As to the first allegation, that was substantiated, and in fact, what we found was that Catherine Daniel and Sonya Kirkland were provided training, but apparently didn't know the mechanics of assisting a blind person. And while that person was able to vote, they couldn't vote on the voting with assistance machine. They did an access card while the poll workers went to try and figure out how to do the voting with a disability issue. The voter, with the assistance of someone else, went and voted on the regular machine. And I think the actual violation is not correct. I think it's going to be the violation where they did not record that someone assisted when they should have. But the bottom line is that I would recommend that those two -- that that case be forwarded to the Attorney General's office for a consent order and mandated training if they still work for DeKalb County. As for the second allegation, Mr. McKenzie did not make a timely address change to his new precinct, and was directed to his old. So there's nothing to substantiate that allegation."

Ms. Maxie Daniels - "My name is Maxie Daniels, and I'm the assistant director of DeKalb County Elections. My address is 4380 Memorial Drive. Ms. Daniel is no longer -- the two people are no longer employed as poll officials for DeKalb County, and that's all."

Chairperson Handel - "When y'all did your poll worker training, did you make sure that you addressed this issue with your particular poll manager?"

Ms. Daniels - "Yes, we did. We also reviewed our support information, and we kept them for Election Day to make sure it's

covered. And I think the investigator found that it was fully covered."

Chairperson Handel - "Okay. Colleagues, in light of the fact that neither individual are poll workers anymore, perhaps some sort of a letter to DeKalb would be more in line."

Mr. Worley - "I make a motion that we send a letter to DeKalb County informing them of the situation. We understand that they have received training on the issue, and that we dismiss the other allegation."

Mr. Israel - "Second."

Chairperson Handel - "We have a second. Any questions or comments on this? All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All right. Case 2008-000035. Paulding County. And before we go into it, Mr. Worley, has something."

Mr. Worley - "Madam Secretary, I was contacted by the attorney for Mr. Seabolt yesterday. He was going to be out of the State today, and not able to be here. He had said that he had attempted to reach the Secretary of State's Office, but he no one could back to him so he called me."

Ms. LaGrua - "I did receive a phone call, and returned it and left a message, and had not heard back from him."

Mr. Worley - "He said he's going to be traveling tomorrow."

Ms. LaGrua - "This is the first time on."

Mr. Worley - "Yeah. And so, I move that we continue it."

Chairperson Handel - "Second. You realize that we can't -- just for you all, I know that -- I'm assuming everybody's here from Paulding."

Unidentified Speaker - "Yes Madam Chairman. We were not notified at any time, until now, that --."

Chairperson Handel - "Neither was I. I found out, just now. Just like you, I found out just a few hours ago. I know,

unfortunately, sometimes that's happened, but we do have a (inaudible) on the body that we do allow one continuance, if asked. So what I would like to have done, Ms. LaGrua, is when there are attorneys involved in this case, be sure to communicate with them in writing, up front, that it will be -- well, I appreciate that they let David know and they left a message. They could have told you what the reason was, and then we could have notified people. So, make sure you kind of clarify that with folks."

Mr. Worley - "And I'll make sure to let you know."

Chairperson Handel - "Because I hate that y'all are here, and now you still don't know. But look how much information you got. It was informative, wasn't it?"

Unidentified Speaker - "It was a training session in itself."

Unidentified Speaker - "If I may, if I could ask just the name of the attorney?"

Ms. LaGrua - "I believe it was Mr. Jablonski."

Chairperson Handel - "Mike Jablonski."

Unidentified Speaker - "Thank you."

Chairperson Handel - "We have more to come. The second half of the meeting is riveting, I can assure you. We have a motion and a second to continue. All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "All right. Let the record show that Mr. Evans stepped out for a moment. I really am sorry, folks. Let's see. Next item. 2008-000059. Talbot County."

Ms. LaGrua - "Yes, ma'am. There were a number of complainants. Essentially, it was alleged that Ms. Buchanan, a County Commission Candidate's name appeared on a ballot out of her precinct. Secondly, the Sheriff did not resign it was from his office once he qualified for another office. And the third allegation, the absentee ballots that were obtained from the registrar and distributed. First of all, the ballots were checked. They were accurate, and once Ms. Buchanan was shown the accuracy of the ballot, she withdrew her complaint. The Sheriff, by law, was not required to resign from his office in

this election because of the concurrency of the ending term and the office in which he was running. The allegation regarding the absentee ballots was based on hearsay with no specifics. We tried to follow up, there was not enough information. I recommend that the case be closed."

Chairperson Handel - "Anyone here for this case? All right. Do I have a motion?"

Mr. Evans - "So move."

Mr. Worley - "Second."

Chairperson Handel - "I have a motion and a second. Any other comments? All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All right. Next is case 2008-000061. Fulton County."

Ms. LaGrua - "Yes. This actually involves a private business. Frank Whittaker is here on behalf of the respondents -- at least one of the respondents. The complainant was Alice Buckner. Ms. Buckner worked for a company called Zep Sales and Services. She complained that her company discouraged and kept her from taking time off to vote. What we found was that, while Ms. Buckner indicated she was given a hard time, in fact, Zep has told all their employees that they should vote on their way to work, they should call in if they're going to be late because they haven't had enough time, and that they should bring their voter sticker with them just so that the company ascertains that, in fact, that's where they were when they weren't at work during that time. Based on this complaint, they have actually implemented even more specific voting time policies. Based on all of that, it's recommended that this case be closed. I know, as I say, Mr. Whittaker, and at least one of the respondents is here."

Chairperson Handel - "Is Ms. Buckner here? Did you want to say anything? I think the Board, maybe, would like to know what your additional specific voting time policy is."

Mr. Whittaker - "This is purely an effort to communicate to all of our managers --."

Chairperson Handel - "Would you come up and tell us your name for the record? And the two of you, do you work for the company?"

Unidentified Speaker - "Yes."

Mr. Whittaker - "They do. My name is Frank Whittaker, and I am the general counsel and secretary for Zep. We really wanted to make ourselves available to answer questions like this. We appreciate the opportunity. The answer is, we take the voting rights of our employees very seriously, and while we have had a longstanding policy to be in full compliance with the law, all we're doing is reaching out to managers and making sure that they understand the rules that's just been specified so that there can be no confusion. And in this case, we think there wasn't. We agree with the summary of investigation, and hope that the finding be to close the matter."

Mr. Evans - "I'm just curious, what is the statutory basis for our jurisdiction?"

Ms. LaGrua - "Candidly, Mr. Evans, I didn't look when I realized we didn't think we had a violation. When we heard that someone was denied the right to vote, based on the allegation, we went out to investigate with the situation was. I don't think we ever got to looking for the specific violations."

Mr. Evans - "You know, I think this has actually been addressed before. I don't think we have jurisdiction. I think the remedy is, believe it or not, actually it's a federal -- it's a voting right sanction."

Mr. Ritter - "Yeah. I don't remember it, specifically coming up, but I know that that's the correct remedy."

Mr. Evans - "Yeah. And so, the only reason I raise it is because it would be inappropriate to close the file, when in fact, we don't have final jurisdiction."

Chairperson Handel - "Can we just be sure the record shows that there is no jurisdiction, and we appreciate that you have beefed up your policy, and allow your employees to get out and vote, and make sure they know about all their options to vote."

Mr. Whittaker - "Wonderful. Thank you."

Chairperson Handel - "All righty. Next item, I think is, Calandara's up. Fannin County, which is SEB 2006-000027."

Ms. Almond - "The respondent in this matter is Lena Early, who is a board member of the Fannin County Board of Registration and Elections. The case involves conduct that she engaged in during the December 2006 General Election Run-off in Fannin County. She was deferred to the AG's office for improprieties of absentee balloting, improperly assisting voters, and taking possession of their ballots in violation of O.C.G.A. 21-2-385, and 21-2-574. She has admitted to assisting at least 12 voters with their ballots, and mailing at least nine of those ballots in violation with code. Her attorney couldn't be here today, but she has signed off on a consent order agreeing to a \$1200 fine consistent with the Board's Policy of \$100 per ballot fine. She's also agreed to a cease and desist order, public reprimand, and she also, in anticipation of coming before the Board, she's already taken the Georgia Election Official Certification course earlier this year."

Chairperson Handel - "All right. We have that consent order in our package, folks."

Mr. Evans - "I move that we accept."

Chairperson Handel - "Second. Any other questions? All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All right. Next item is 2007, number nine. City of Byromville."

Ms. Almond - "The respondent in this matter is Shantinika Felton, who is the former City Clerk/Absentee Ballot Clerk for the City of Byromville. The conduct occurred during the March 20th, 2007 Special Election. What happened was that a voter came to her officer, properly requested an absentee ballot, but she told the voter that she couldn't give the voter a ballot, and that she would have to mail it. The voter stated he would be out of town when the ballot would be mailed, so he didn't get his ballot. He -- the Board considered this at the September, 2007 meeting and indicating that we would accept a cease and desist and a reprimand. At that time, she signed off on a consent order."

Chairperson Handel - "All right. Questions on this? I move that we accept the consent order."

Mr. Evans - "Second."

Chairperson Handel - "All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? Can we, before we go on, when we have additional -- when we have cases come before us that involve the same jurisdiction and the exact same individuals, is there a way for you and Shawn to coordinate so we can have the benefit of that. Because with this Byromville, here, I thought, okay. I'm seeing you're still here. Okay. All right. Next item is Cherokee County, 2008-000021."

Ms. Almond - "This involves in Christopher Knittel. He was here, before, but he had to work. He had to leave, couldn't stay. He was accused during the February 5th, 2008 Presidential Preference Primary, attempting to vote twice. He first voted on January 28th, 2008 during the advance voting period, and then he was alleged to have voted again, later on that week. He's explained that he thought it was -- he was voting in a straw poll on January 28, 2008, and he thought that he was voting in the actual primary on the second occasion on February 1st. There was a question during the last Board Meeting if whether he actually had reason to know that he was, you know, voting in the straw poll the first time. Someone raised that he might have gone to the local media for the Republican Party, and if he had gone to that he should have known that it was a straw poll, and not actual voting. I talked with him, and he did not go to that meeting. He got notice of the straw poll through email, so he never attended that meeting. He showed up at the library thinking it was the straw poll, and it wasn't. I haven't -- there's no evidence in the file to rebut his explanation. He's a young voter, he's only voted once or twice, so his explanation is quite plausible. So I'd recommend that the case either be closed, or a letter of instruction."

Chairperson Handel - "Okay. Colleagues?"

Mr. Worley - "I recall this young man, as you say, and I think he just didn't understand much about the voting process. I didn't see any intent on his part to violate the law. So I would move to close the case."

Mr. Israel - "Second."

Chairperson Handel - "Motion and a second. Any questions? All right."

Mr. Evans - "Yes. I just can't -- it's hard. The difficulty I had here is if you walk into a straw poll, they don't ask you for your ID, they don't bring your name up on express poll, they don't write your name down on the voter reg list. I mean, there's something here that, you know, because of the similarities. Once I recognized the Attorney General's difficulty, which is you have to prove scienter, which means you have to show that his explanation was implausible beyond a reasonable doubt. That would be pretty tough to do. Given that, what I'd recommend, just to make sure he understands the significance, is I would say we send a letter of instruction that says, okay, you know. Fine, here, we should never see you again. Because if this -- this kind of thing ever happens again -- I don't know that I'd let him off just scott-free. It's too hard for me to believe that, you know, he's an honest guy."

Mr. Worley - "Well, I understand what you're saying, but honestly, I just believe him. I just think he didn't know what he was doing, and he hasn't voted but maybe only once before. He's been away for three or four years in the Army, and hadn't voted. I'd be concerned that if we sent him a letter of instruction, it might discourage him from voting again. I mean, I just think it might be better to just close the case."

Chairperson Handel - "Well, certainly, we have to send him something to let him know that the case is closed. I think that there would be a way to sort of reiterate the importance of following the law, and do it in a way that it's not, at all, discouraging, but remind him that there are rules that have to be followed, and obviously, he can't vote twice. So as we do the closing letter, Mr. Evans, we can get to your point without, in any way, trampling on your concerns if that will work."

Mr. Evans - "All right."

Chairperson Handel "All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "One last thing. Calandra, would there be a way for us, again, between you and Shawn to go through over as we have fines that are levied and training that is ordered, and

things of that nature, so that we can have a grid that shows us Joe Blow was fined \$5 thousand, and he had to X,Y, and Z. And then, let us know what the status is of that individual is complying with it, because certainly, if we, as a body, if there hasn't been an agreement to some sort of a payment schedule on a fine, then the fine needs to be paid within a certain time period. And if they don't pay the fine, then we need to know about it so that we can determine if we want additional action, because it kind of -- if the fine never gets paid, then we lose our hammer. So can we get that from you?"

Ms. LaGrua - "Yes."

Chairperson Handel - "Great. If we can maybe get that -- what's today? End of September, could we get that maybe by the first Week of October, and I could distribute it around to everyone and we can kind of see where we are?"

Ms. LaGrua - "Yes. Sure."

Chairperson Handel - "Super. All right. Anything else?"

Ms. Almond - "And, Mr. Ritter will give the --."

Mr. Ritter - "Sure. Madam Chair, can I just briefly address you?"

Chairperson Handel - "Please, do."

Mr. Ritter - "Just to give you a very quick update on a couple of matters we have ongoing. I think our next Board Meeting will be one that you'll have a number of substantial items from the AG's office to look at, and I just wanted to give you a heads-up on that. Notably, the Board instructed the AG's office to try to proceed expeditiously as we could on the Fulton County matters, which are very serious violations by Fulton County. We believe we're very close to final stipulation of facts, and propose consent order for the Board. I don't want to go into the merits of that without Mr. Parks here. He was here for a while, but had to leave. I want you to know, and I want the Board Members to know that we are very close on that, and we're hopeful that we're going to be able to resolved that by the full consent of the parties in Fulton County, and we'll proceed. We do have, pending that case, right now, by the way, in front of the office of State of the Administrative Hearings, and the trial in that case was stay -- it would have been last week. So we expect the trial will be pretty quick if we don't get a

resolution on this. Also, next meeting, we will present to you for the third time, McIntosh County, which is a more complex case. One that Mr. Evans has reviewed several times, and you will be seeing voluminous transcript materials. This is one you previously requested that we present it in entirely new order from the one that was originally written by the ALJ, and we will do that at the next meeting. I also hope to address the Jefferson County case, which is a long, pooled outstanding case which should have been resolved by prior counsel that's left the AG's office. Thank you very much."

Chairperson Handel - "Would there be a possibility, once we have the date set for this, there's a lot for -- that particularly, those older cases...."

Mr. Ritter - "Yes."

Chairperson Handel - "...for us to get through. So if we can get packets at the earliest possible date, with the proposed consent order, that way we'll have time to do all of our due diligence, and that'll help you as we get into the course of the meeting."

Mr. Ritter "Yes. And with your agreement, Madam Chair, what I will do is I will send out packets of materials, which will be voluminous on these cases for your review, and this will be in advance of the meeting."

Chairperson Handel - "You want me to agree to review it?"

Mr. Ritter - "I just want to let you know that we're going to do that."

Chairperson Handel - "No, no. I am just kidding."

Mr. Worley - "Madam Secretary, would it make any sense to have a special meeting to deal this?"

Chairperson Handel - "We might need to."

Mr. Ritter - "I think it's premature to do that now, but I think that's not off the table."

Chairperson Handel - "And definitely, I'll consider that because sometimes we need to get more on that, and I don't want to shortchange those really important -- other important matters, as well."

Mr. Worley - "And if I could ask Mr. Ritter a question?"

Mr. Ritter - "Sure."

Mr. Worley - "In our packet, we have an Attorney General update, a spreadsheet of cases. Are those all of the pending cases?"

Ms Almond - "Yeah. Those are pending cases."

Mr. Ritter - "Yes, they are."

Mr. Worley - "Okay. I would just note that it's well to think we observe the smaller --."

Chairperson Handel - "Oh, no. See, I'm freaking out that it's three pages. I mean, I get very concerned that, I mean, again, if we try to work with an individual for a certain period of time, and certainly six months is more than enough, and if they can't agree, and if we can't get an agreement on a consent order, this body needs to know because sometimes, as you well know, all the lawyers here, stall, is quite capacitive. I think we've seen that in some cases."

Mr. Ritter - "Right. And we have tried to bring the list down. Thank you."

Chairperson Handel - "All right. Very quickly. Anything legislatively?"

Mr. Ritter - "Not really."

Chairperson Handel - "Okay. Excellent. All right. Who's doing Photo ID? Matt Carrothers?"

Mr. Matt Carrothers - "Chairman Handel, member so the Board, my name is Matt Carrothers, Director of Media Relations for the Secretary of State's Office. On the first slide, here, you can see the number of voter identification cards that have been issued both, this calendar year, as of August 31st, and which is 6,596. And then the total is 13 thousand and 7 since the program began, and that number does not include the number of free identification cards, which are issued by the Department of Driver Services. The next slide, this is a recap of provisional ballots cast in the July 15th General Primary and for the August 5 Run-off. Just in a nutshell, here, you can see that there were 378 provisional ballots cast by people who did not bring

photo ID, and 200 people who chose to return, which is a 53 percent return rate. And the Secretary of State's Office did mail letters to 132 voters who cast a provisional ballot and could not return to have their vote counted. The next slide details our activities prior to the September 16th Special Election. There was 19 counties that held elections on September 16th, and we identified the voters through the usual match process that may not have a state-issued ID. They were all mailed a letter, a brochure, and a postcard. And then, those were the voters who registered between the, basically before the deadline for the General Primary and the deadline for the Special Election. And then, for all the voters that came up on the match, 60 thousand, they were mailed a postcard. And of course, we will conduct a similar -- same process prior to the November 4th General Election for direct mail. The next slide shows our activities for the September 16th Special Election and the November 4th General Election regarding our outreach to nine governmental organizations. On August 28th we mailed letters to 7,608 religious organizations, libraries and Chambers asking them to partner with us to spread the word about photo ID. To date, and as you can see, 142 organizations have responded and we sent out a lot of information. 295 posters, 11 thousand 500 brochures, and nearly a thousand fliers. I also want to note that members of the public who represent in sales or other organizations also routinely drop in our office to obtain materials. This includes members of churches, community organizations, members of the legislature, nine governmental organizations such as League of Women Voters, and NAACP, just to name a few. Representatives of candidacy campaigns. The next slide shows just details, real quickly, our partnership that belongs to the Atlanta Falcons Organization to help promote photo ID, but also voter registration deadline and the early voting options. Over 5,700 public service announcements. By the time November 4th comes along, we'll place statewide on these three initiatives. We also have LED banners playing at the Georgia Dome during home football games. And those will run through the last home game on October 12th. The next slide shows some additional outreach efforts. Prior to the September 16th Special Election that will run all the way up to the November 4th, we've mailed over 550 thousand newsletter ads reminding people of the photo ID requirements. We've partnered with the Georgia Association of Broadcasters for Television PSA, 40 MARTA bus ads, and nearly 20 thousand radio PSAs statewide on clear channel stations. And the last two slides are summary of prior efforts to date. Through the September 16th Special Elections we've mailed over 4.2 million pieces of direct mail to voters and NGOs. Over 569, 570 packages of voter information.

83 thousand 500 automated phone calls, and the last slide there, purchased over 60 thousand radio PSAs. Received a donation or were purchased 1230 television PSAs, 400 MARTA bus ads, and over 550 thousand reminder inserts in Georgia Natural Gas newsletters. And of course, those numbers don't include what we'll be doing in the October. Any questions?"

Chairperson Handel - "Real quick, on -- I remembered, Mr. Evans, that I promised you would get an update on Chattooga, so before we do elections, Randy, let's -- I think we all want to hear where things are with Chattooga County."

Ms. LaGrua - "I can be very brief. On September 5th, Chattooga County Grand Jury was presented with a three-count felony indictment, and I have copies here, alleging election violations by State Court Judge Carlton Bines regarding the November 2006 Election in Chattooga County. That Grand Jury, after many -- the prosecutor in the case involving recusal of a judge that was overseeing the grand jury in representation of Mr. Bines, in that case, actually did return a (inaudible) on three counts of that indictment indicting Carlton Bines with false swearing, illegal possession of absentee ballots, and mishandling of absentee ballots. I don't know when the arraignment -- the arraignment has not yet been set, but I will keep this Board posted as we move forward, and I can try and address any questions that you might have. Though not being a prosecutor, I expect they would not like me to go too far in discussing this in another forum. But I did just want you to know what has happened."

Mr. Evans - "Is the investigation ongoing?"

Ms. LaGrua - "It is."

Mr. Evans - "But still, I'm interested in hearing what will happen to the owner of the postal meter, which is the facilitator of this fraud and this criminal behavior."

Ms. LaGrua - "Yes, sir."

Chairperson Handel - "And I do want to second that. This really did come as a result of what the partnership with folks from both, our office, but importantly, with the GBI and some of the local officials may have been -- simply just stepped back and got out of the way so that investigators could do their job. So thank you. This is a very egregious case, and so I'm glad that it's still being pursued. All right. Mr. Taylor."

Mr. Wes Taylor - "Thank you, Madam Chairperson, Board members. My name is Wes Taylor. I'm the Director of the Elections Division, as you know. I was going to give you an update, and my update is going to mainly be about Election Day readiness coming up for November. And as you all already know, we're looking -- early voting began September 22nd, and has begun in earnest. Many counties are reporting very brisk turnout, already, for early voting. And as you know, the registration deadline is coming up October 6th, which will be a very busy time for our office, and for the registrars around the state as people meet that deadline. And then, advance voting week is that Monday through Friday before the election. And I just wanted to address that, very quickly, in that advance voting week, now, is really more of the time when counties have decided when they're going to put additional offices and make them open for early voting, as well as extended hours that they make within the place. And they are doing that during advanced voting week. Some are even extending it out in addition to that Monday through Friday period."

Chairperson Handel - "For, leading up to the registration deadline and the crucial time after when I think, obviously, we can expect a pretty big rush of applications. What's been the direction to the counties on that?"

Mr. Taylor - "We've been talking about this for over a year, now. Talking about how everybody, and anybody who hasn't experienced a presidential election before is acutely aware that there is a large rush as that deadline comes in, and that we area going to expect a significant amount of applications, and that people need to have people assigned, people hired, people ready to process those as quickly as they possibly can. And as for most of the counties, they've already experienced this so they are gearing up and getting ready. Now what we've done, and to that end, actually, the Secretary of State and I have went around the State. We had 12 separate meetings in about eight different cities meeting with elected -- the elections officials -- the local election officials around the State, and our main topic and main focus was, what are you doing to get ready for the election? What are we seeing, what are the issues that we've already seen? What are the issues that we expect to see, and how do you get ready for that? And those really seem to go over very well. I think the elections officials appreciated our coming out to the counties and being out in the State, and holding these. This was the first time that this happened that I'm aware of at all, from the Secretary of State's Office. With

respect to the statewide Election Day technical support, we have contracted with Premier Election Solutions, Inc. to have the same technical support to back up the counties. We will have 24 tech stations around the State. We will have a help desk option. We will have people that are experienced with the equipment in the statewide voting system in order to assist counties if any issues arise in order to get that done as quickly, or addressed as quickly as we possibly can."

Mr. Worley - "If I could ask a question. Wes, how does that compare to -- the 24 techs, how does that compare with the last election?"

Mr. Taylor - "Actually, we've had the same -- and we did this on experience. We did it during the Presidential Preference Primary, we did it during the General Primary, and we're going to do it again for this election. So --."

Mr. Worley - "But how does that compare to the General Election a few years ago? Is it the same number of techs? Do you know if it's the same number of techs, or is it more?"

Mr. Taylor - "And, in fact, I'm not sure. I know that a lot of counties contract themselves to have techs available, and what we have done is we made a decision to supplement the techs that the counties have already hired on their behalf."

Chairperson Handel - "What I don't know, it's not clear to us that previously technical support, on top of what the counties have chose to supplement at the State level. We chose to do it because we recognized that --."

Chairperson Handel - "It's the next --."

Chairperson Handel - "Right. We could put folks out, so we just felt it was better to double up given where -- what we were talking about before."

Mr. Taylor - "And with respect to monitoring and support of the local election officials, again, Shawn's team will be out in the State, around the State, stationed around the State where her folks will be no greater than an hour away from any location, I believe, so that they are there, can help, and what we have found is that has been extremely beneficial to the counties, and to everyone else, on Election Day. So we are, again, going to use what has worked very well over this past year of elections. Additionally -- I'm sorry."

Chairperson Handel - "Can I add one thing in there that I don't see in the notes? We also did meet with the NAACP and Election Protection around reaching out to the so that if they hear of issues and sally, I would say the same for your organization, if on Election Day you hear of issues, we need to know about them as soon as possible, and we'll get you a specific point of contact because we don't want an issue to become a problem, and then surprise us. Because the sooner we know about it, the quicker we can get a monitor there, get the county elections office engaged so that we can fix whatever might be going on."

Mr. Tailor - "Additionally, we have spoken with the Obama campaign, with both the Democratic Party, the Republican Party, we have addressed issues that have been raised previously, and also, we are in communication with the League of Women Voters, so we have been reaching to organizations as well, in that regard. And also, we will continue with what we have done historically, well, since you came on board, Secretary Handel, and that is to have a conference call with all of the counties before Election Day to make sure that there are no last minute issues that are brewing out there. It's a time for everybody to have a chance to talk about things, for us to deal with issues that maybe we're seeing at the last minute, and to do that in a way that a number of people can get the same benefit -- the benefit in the same conference call -- phone call, so we are going to continue with that."

Chairperson Handel - "And what you don't know is I'm actually having a weekly call with -- Wes doesn't know I'm doing this, but a weekly call with about 15 of the election officials because they all talk amongst themselves, and so, they are my eyes and ears for the rest of the State because sometimes things might be happening that might not want the Secretary of State's Office to know, and so, then I can get it in a less threatening way from folks so we can make sure everybody's on the same page. So those calls are happening now through the election. We've already started those."

Mr. Tailor - "Also, I wanted to let you know about all of the different training opportunities that we've made available to the counties, and are continuing to make available in order to help spread the word of what needs to happen and what's going to happen coming up for the election. First, we are continuing with the online photo ID training module. I also wanted to let you know that this week we will go live with an online provisional voting training module for poll officers and

election officials, and that's exciting. It does have a test within the module, itself, so you will have to answer questions and it will tell you immediately, yes or no. And that will be made available here this week. The other thing I did actually go to the 55th Annual Institute for City and County Attorneys. I did talk with them about various elections issues that we expected to see coming up. There were about, I think, 281 attendees. I think it was fairly well received. We also have set up on a website that I'm going to talk about more later called election connection, a tab specifically for city and county attorneys, where the intention is we will put up general legal analyses, I guess is the best way to put it, or analyses that our office has of issues that we see where we can put that up for the city and county attorneys if they're asked about it by their local election officials. They'll have a good spot to go where they can get, at least, a first look at things, and then be able where they'll want to go after that when they're giving their thoughts. Also, we have completely revised, from top to bottom, the poll worker training manual. That went out to all the county officials on September 12th of this year, and actually, a week before that we made it available to the officials so that they could give us feedback to let us know that if they saw anything rather than us just telling them, you know, what they need to know. We did get folks' feedback on that training manual, and again, I think that has gotten very, very good feedback. And also, on the municipal election official training, for the first time that anybody can remember, and that includes Ann Hicks who's been with us for 30 years, we conducted municipal training in an election year. And the good part about that is we did have 17 attendees, and we thought that was very important to do before November, because there will be municipalities holding elections. And so, again, another thing that our office has initiated in order to provide as much information as possible. For Election Day, I just want to give you some stats of what we expect. There'll be close to three thousand precincts around the State of Georgia. There'll be more than 15 thousand poll workers, which we're aware, employed by the counties. Additional equipment purchases that we are aware of that the counties have purchased over 350 DRE units, just this year, alone. And more than 275 express poll units, just this year, alone, to get ready for the November election. That now brings up the total for the DREs to 26 thousand touch screen units, and 6740 express polls employed throughout the State."

Mr. Worley - "Wes, were those purchases by the Secretary of State's Office?"

Mr. Tailor - "No, sir. Those are purchases by the counties to supplement what they already have."

Mr. Worley - "One concern that I have is we have three thousand precincts, and we have 6748 express polls, and that seems to be a place for this to be a bottleneck and long lines. Is there any possibility of getting more of those, or encouraging the counties to get more?"

Mr. Tailor - "I think that's a great question, Mr. Worley. One of the things that we have done and one of the emphases that we placed in the regional meetings, as well as before, is for the counties to address how many of those express poll units they need in getting ready for the election. One of the other things that we actually, when we look behind the claims of bottlenecks at the express poll units, is what we're finding is before, in some elections, maybe the right people weren't stationed on the express poll units. And so, what we have done, repeatedly, over and over again, is to talk to the counties about the need to have the right people on those express polls. People that are technologically savvy, people that know how to put in three letters, and it pulls up the name fairly quickly, and it can move those lines extremely fast if you have the right people doing it. And one of the things that we have heard from all the counties is they are now placing emphasis on who do they assign to the express poll units. From what we have seen and what we have talked to from the counties, they believe that they do have the right number of express polls per precinct, but we have encouraged them if they had issues with lines and not getting people checked through, they need to make additional purchases to get that done."

Mr. Worley - "How much does the express polls cost?"

Mr. Tailor - "I think, off the top of my head, I think they're about \$3 thousand a piece. On the opposite side -- well, not the opposite side, on the other side of what we are doing, we haven't only just talked to the elections officials in getting ready for November. We've also reached out to the voters and to folks that are assisting voters throughout this process. In the first instance, we have done a number of things to reach out to young adults across our State. First, we initiated a program that in all respects, and a lot of effort and time went in by interns in our office, and young folks in our office put together packs that went out to high schools, and were distributed to the high schools. They were very well received."

In fact, I think we sent out 560 -- or got these packs out to 560 public and private schools around the State. 340 of them actually ordered these kits, and we continue to have schools that are ordering additional kits. We had 170 of the schools that we worked with return about 10 thousand voter registration applications directly to our office, and about the same number returning them directly to the registrars in their county. So that program was extremely well received in the schools around the State. Also, we went live with a new website, which -- sound like a guy using a term I shouldn't, but is pretty cool, and it's called I-vote. And again, this is a website that was driven much by the interns that we had working in our office so that it actually speaks in a language that folks today and younger folks than myself, can understand and can follow. So that, again, has been extremely well received. It talks about how to host a registration drive, what you need to do, how to get involved in Georgia elections, and also, a PSA went out to the high schools that they can use that, again, feature some of our interns. With respect to military and overseas outreach, we have done much in this regard. We have been working with General Nesbitt (phonetic) to get information out to Georgia's military folks, including the National Guard, to reach out to bases and voting assistance officers around the State in order to make sure that our military personnel understand the process, and we can make it as easy as possible on them, as you are aware, this past legislative session instituted the ability for service members to email back their application for an absentee ballot, which we hope will make it much easier on them. Additionally, we have revamped the Georgia military and overseas voters guide. That is available. We have made a new website, went in our website that's much easier to follow, much easier to understand for folks that are in the military or overseas, and they come to our website for information before it was, unfortunately, a little more hidden, but now it is fairly prominent so that it's easy to get to. That website includes new brochures, new guides, that kind of literature."

Mr. Worley - "Wes, I know you made a lot of changes to the website, and I certainly compliment you on that, and you and the Secretary have a lot of real good things on there. I was wondering, maybe it's been changed, but as I recall the last time that I looked at the absentee voting section, I didn't notice that there was much focus on advance, and I think in-person -- is that something, now that that's started, is that something you intend to update --."

Mr. Tailor - "And, in fact, we did, well, yesterday. We put up a brand new section, and there is a section that says -- that talks about advance voting right on the first page of the Elections Division website, right under the first line, if you click on it, it then talks about early advanced voting by mail. It tells you, you know, to look at your poll locator, how to register, how to get the application. It's -- again, we did place a lot of emphasis on that as well. Yes, sir. And the last thing I just wanted to mention on the military and overseas, we have worked very closely with, and extensively, with overseas vote foundation and both have been putting a lot of emphasis on outreach to overseas military voters to make it as easy as possible for them. And lastly, with the designated agency outreach, as you know, this includes the HR, Department of Labor, libraries, those kinds of agencies. Again, we have done a lot of personal touch outreach with phone calls, with emails, and getting those officials and those folks as much information as they can through that -- I'm sorry, the tab on our webpage, now folks in these agencies can directly order supplies. There's training materials on there to look at. It is an excellent resource, and really, one of the only of its kind in the Country, that I'm aware of, where these agencies have a direct source to get, not only information, but also whatever supplies they need."

Mr. Worley - "Do you get a sense that those agencies are registering online?"

Mr. Tailor - "Yes. Actually, we get the sense that they are -- I don't know that that's a lot more than -- we do have a way to categorize who those applications come in from. So, yes, we do know if they're coming in from DHR or DOL. Yes, sir. But that -- the number of registrants that they are isn't, say, out of line with any past experience. It's right in line, but what we are finding is they're -- we're trying to make it easy so that folks all the way down the line can get the information that they need to know what they're supposed to be doing with respect to registering voters. And we're finding that through this mechanism, it is making it much easier for folks to get information than they ever have before. And also, even though this isn't a designated agency, you'll recall there was a case that came before the board dealing with nursing home and assisted living facility, and assisting voters and their absentee ballots. We have reached out, proactively. We actually have, again, a dedicated tab for nursing home agency -- nursing home administrators, and assisted living facilities. We have met with the Georgia Board of Nursing Home administrators,

and we've made our material available to them. We've also met with the Georgia Nursing Home Association, and they put out an announcement to 330 of their members talking about the information that we have available, letting them know where to go, letting them know where to get it. And that would include the new absentee voter guide, which you're aware, I think, that we have and is on our website as well. And lastly, I'm sorry -- almost lastly. The -- I just want to run down some statistics that you may be interested in. Voter registration, from January 1st -- if you look at this year, it really isn't -- it's right in line with where we should expect to see. In 2004, the end of August, there were 282 thousand new applications that had come in. This year, it was 303 thousand new applications that have come through the office. We have seen, which I think is excellent, we have seen a large number of change of address forms, so folks are updating where they actually reside so they are voting in the correct place. And I think that's a very good thing. But with respect to new applications, we are right in line, percentage-wise, with where this was in 2004."

Mr. Worley - "Now you say that have come through the office. Through the Secretary of State's Office."

Mr. Tailor - "No, sir. This is the ones that are actually registered into the system. This is the number that have actually been registered. Also, I wanted to let you know that even though it's only a few days time period, early voting, we do know there have been almost 39 thousand votes cast already, and that the number of ballots sent by mail is about 50 thousand. And that incorporates, of course, the number that have been entered into the system at this time."

Mr. Worley - "When you say ballots, are those the ballots that have been mailed out by the counties, but not --."

Mr. Tailor - "Correct. They're not ballots that anybody has received back because they only went out a little bit ago."

Chairperson Handel - "If I could make one point, and we're going to be looking at these numbers every single day because, as many of you have heard me say, one of our goals is to get 25 percent of folks to choose to vote in one of these early ways to help -- to ease Election Day, and to let the counties be able to manage that flow better than having all potential four million folks show up on one day in 12 hours."

Mr. Worley - "Just a thought about the registration issue."

Mr. Taylor - "Yes, sir."

Mr. Worley - "These are people who applied to vote and been accepted. Can you keep track of people who applied and were rejected?"

Mr. Taylor - "There isn't a way that it's actually labeled in the system. That's done by the counties, and they have the -- I don't think that's actually tracked in a report format or in a format, as to the number that applied and were rejected."

Chairperson Handel - "You mean from a central standpoint?"

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

Chairperson Handel - "But the counties should have that."

Mr. Evans - "They don't report it to you which people have been rejected?"

Mr. Taylor - "Not that I'm aware of. No, sir."

Mr. Worley - "I'm also curious, is there -- do you know how the county -- what mechanism they will use?"

Mr. Taylor - "I don't off the top of my head. I can certainly find that out for you."

Chairperson Handel - "When you find out, will you let everybody know?"

Mr. Taylor - "Sure. And then, I did want to give you an update on the out-of-state plan. Since the last time we spoke, the final addition of the plan was submitted to the EAC. The EAC has reviewed the plan and submitted it. We do expect it to be published to the federal register, and then the next step is really certification of our eligibility to receive the funds. And we would expect all of that to occur before the end of year. If there are no further questions, I will yield."

Mr. Evans - "And I'll share with you just data we're seeing. I think we'll see 800 thousand voters cast before the election. We'll probably see another 200 thousand cast in absentees. So based on the numbers we're seeing, we're looking about a million votes before Election Day, which the average person is off the scale. So those are big numbers. I'm like the Secretary, which

is I hope those -- and actually, I'd love to see the number about a million-two, or a million-four, just because it's -- I think realistically we're going to easily hit those targets."

Mr. Taylor - "And I should add, by the way, that we have talked with the counties about that projection, and about those kind of expectation so that they are prepared for that come advance vote week, and with their absentee ballots they're receiving."

Mr. Evans - "Well, just divide the number of locations we have for advanced voting, you know, into the 800 thousand, and you can see the pressure point is pretty --."

Chairperson Handel - "One of the things when we had the regional meetings that we particularly, the really large counties, I'll use Fulton County as an example. They have very wisely gone beyond -- they used to just have the three advance voting sites, and they're going to have six or eight of them for November, which is -- they're going to need every one of them. And Cobb, same thing. All the large counties have gone to many more than what they have had in the past. So -- and that's obviously reflected in the number of additional poll workers that have been brought in. So when we talk specifically, as Wes mentioned, about poll workers on the check-in terminals, and candidly, there was a little bit of angst at the beginning with County elections officials around, maybe they had one of their long-time poll worker on express poll because the person liked it, and it was a great way to interact with, sadly, who they hadn't seen in -- since February, but yet they were --."

Mr. Worley - "(Inaudible)."

Chairperson Handel - "So, no -- but Suzie. But since February, and maybe they weren't the right person to be on express poll, and some of the election officials were, oh, I don't know if we can make the change, and we just told them point-blank that they would be far better served to have one long-time poll worker upset with them, they can always send them some cookies tomorrow, than to have thousands of voters upset with them because they had a person who was not particularly functioning well at the check-in terminals. And we're going to be monitoring all these advance sites to watch that as well."

Mr. Evans - "And when you look at data, we're expecting the week before the election, every registered voter will receive 4.8 calls -- 4.8 calls telling them to go to the polls. And you may say to yourself, well, where's the .8? The .8 is when you hang

up after you've gotten the four and before they finish the fifth.

Chairperson Handel - "All right. Do we have anything else? Any other items? All righty. Jeff, do you have a motion to adjourn?"

Mr. Israel - "I move this ends the meeting."

Chairperson Handel - "All right. Mr. Israel is taking us home. So I'd like to thank everybody."

(Whereupon, the meeting adjourned at 4:50 p.m.)