

**STATE ELECTION BOARD MEETING
2 Martin Luther King Jr., Dr., Ste. 512
Atlanta, Georgia 30334
Wednesday, January 21st, 2009
10:00 a.m.**

(Whereupon, the meeting started at 10:00 a.m.)

Chairperson Handel - "All righty. I think we're right at ten o'clock, so I'm going to go ahead and call us to order. Thanks everybody, for being here. And first thing we'll do is have roll call. Tex McIver."

Mr. Tex McIver - "Here."

Chairperson Handel - "David Worley."

Mr. Worley - "Here."

Chairperson Handel - "Randy Evans."

Mr. Randy Evans - "Here."

Chairperson Handel - "Karen -- I'm here. And I know Jeff Israel did say he would be here, so I'm sure he's on his way. Next we'll do the invocation and Pledge of Allegiance, and Tex, if you wouldn't mind doing our invocation. Please stand."

(Whereupon, Mr. Tex McIver gave the invocation, immediately followed by the Pledge of Allegiance.)

Chairperson Handel - "First I'm going to ask for -- is everybody all right with the Agenda for today? Okay. Minutes? Mr. Worley, I know you wanted to add something to the minutes."

Mr. Worley - "Yes. In relation to the minutes of Wednesday, September 24th, that meeting. On page five."

Chairperson Handel - "Five."

Mr. Worley - "Just before the discussion of the City of Arlington matter there is a description of a discussion that was had about a recusal issue. And there's a sentence that says, Mr. Worley stated the letter was on behalf of the Obama campaign and made no threat to sue the State Election Board, but rather it raises an issue relating to the internal administration of the Secretary of State's Office. I think in order to fully explain my point we should add the phrase, and because the State Election Board does not supervise the Secretary of State's Office, there is no conflict. That is my position, and so I would move that we adopt the minutes with that condition."

Chairperson Handel - "Any other changes, colleagues? Do I have a motion?"

Mr. McIver - "So move as amended."

Mr. Worley - "Second."

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

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed?"

Mr. Evans - "No."

Chairperson Handel - "All right. The next item on our Agenda is our Public Comment, and it looks like we have five speakers. So if I can have folks come a little forward, the first speaker is Garland Favorito. And I see that the next speaker, Ms. Frieda Smith, wants to defer her time to Mr. Favorito, and I'm going to ask my colleagues if they're amenable to that. Is everyone okay? All right. Mr. Favorito, four minutes. Come on up to the microphone so we can hear you, and -- it's probably easier, folks, if you come around this way so you don't trip. State your name and address for the record, that would be great."

Mr. Garland Favorito - "I'm Garland Favorito at (inaudible) in Roswell, Georgia. And first of all I'd like to thank the Board. I think over the past couple of years I've heard each of you make some comments concerning electronic voting, and unverifiable capability here in Georgia. I just wanted to bring a few things to your -- to the Board's attention very quickly. The first one is that the only -- Georgia, as entering the 2010 Election, we're the only State in the Union that is going to attempt to continue to vote on unverifiable voting equipment statewide. The only other state that has tried this is Maryland. They have recently voted to throw all their similar type of AccuVote-TS equipment out of the state, and gone back to, I think, to the optical scan. They have filed an eight-and-a-half million dollar lawsuit against Diebold. Similar things have happened in other states. California just certified them three times and got a two-and-a-half-million dollar judgment. And in Ohio, they filed punitive damages after a critical programming error that can cause votes to drop while they electronically transfer from the memory cards to the central tallying point. That was commissioned by a Diebold press

secretary who formally worked in Georgia. As most of you know, I wanted to just quickly bring a few points to your attention from a voting rights lawsuit to be something very critical, and I'm putting it together in a letter for you. And also some computational references. What we believe we found out is that in overwhelming trends is that these systems work, how it can certify and procure illegally. There was a law that required them to have an independent audit trail of each vote cast. At that time, the State has admitted what we all know, these machines do not have an independent audit trail of each vote cast. I'd also like to bring to the Board's attention that the professor conducted the evaluation and has admitted under oath that votes can be flipped between candidates and erased without protection. And that the candidate database totals can be fraudulently manipulated in any race without protection. This is all because of a lack of the independent audit trail. We also believe that there's overwhelming evidence, which we're going to provide to the Board, that these voting systems were improperly certified and illegally patched back in 2001, and there's no such documentation on the files. And the professor has also admitted, under oath, that the machines were, in fact, patched in 2002 and they would not recertified as the law required. December 3, 2002, a letter from the Secretary of State's Office, back then, stating they're still awaiting for the certification from the vendor, and confirmation one month after the election was conducted. So I just wanted to bring this to your attention. I've got letters -- I've got for each of you letters, and I would also like to point out just a couple of things, in closing, that we've heard a lot of excuses over the years for not doing anything about these machines in spite of the fact that we're now ranked last in the Country in terms of reliability of equipment and verifiable recounting errors. That's according to a study that was done in 2004, which is two years out. We spent \$54 million of taxpayer money on machines which, I believe, were obsolete at the time of purchase. So the question here is, in order to concur with -- in closing on that, we can't do anything for a variety of reasons. First of all there's no report of fraud. Well, fraud is not detected. That's the whole issue of voting rights. We've heard that there is a lack of funds, and everybody knows there's a budget crunch right now, however, it is possible to go back to optical scan equipment to have what we spent on these machines, and that would save the State about five million dollars per two-year election cycle in testing, training certification and logistical cause, because you only have to have one counter in each precinct versus two to twenty machines that have to be tested

and certified. Finally, per federal regulations, we can't do that, but I think as everybody here knows, there's never going to be a federal regulation that prevents us from having an audited voting here in Georgia. So again, I thank you for your time and your patience, and I'm going to leave you with these letters. I've requested that the record -- to see if there's anything that the Board can possibly do about this. And again, we -- I continue to pursue this with the courts, however, we have not gotten a ruling yet -- a written ruling based on the facts and evidence that have been presented. So thank you, once again."

Chairperson Handel - "All right. Thank you. I think Mr. McIver has a question."

Mr. McIver - "Mr. Favorito, thank you for coming back to assist with our journey in this area. I can't help but notice that you have a tag, or a name badge of sorts on the lapel of your jacket."

Mr. Favorito - "Yes."

Mr. McIver - "Are you here representing yourself or are you speaking on behalf of a group?"

Mr. Favorito - "I'm speaking on behalf of a group called Voter GA. It's a voter organized to trust election results in Georgia. Which is -- that's a non-partisan -- bi-partisan group of individuals that are all over the political spectrum, and all believe that regardless of political differences, that we need to have elections that can be verified and audited. And that comes before we can even discuss politics. "

Chairperson Handel - "Okay. Thank you. All right. Our next is speaker is David Chastain."

Mr. David Chastain - "Good morning."

Chairperson Handel - "Good morning."

Mr. Chastain - "Thank you very much for the privilege to speak to you folks. My name is David Chastain. I'm resident of Acworth, Georgia, and live at 4771 Nandino Court. What I just passed out to the Board was a certification of a voting referendum that was held in Cobb County back in 2005. Those of you who are familiar with Cobb County, we love a good debate."

We enjoy going out and trying to weigh all the issues. So this particular referendum had to do with a \$1.4 billion capital improvement campaign. One side felt it important enough to invest over \$350 thousand in the campaign. The other side was able to invest about a thousand dollars, mostly like-kind contributions and some ROBO (phonetic) calls. On the evening of the referendum, the votes are being cast, Cobb County Channel 23 was showing the returns, and all of a sudden the returns stopped. The best we could put together, everybody that knew somebody was pulling out their cell phones making phone calls. Apparently there was a problem with modem data catcher-something. We let that go. We understood that electronic voting was relatively new, and then the next day -- well, several days later after the certification, that I've handed you, shows share and done certification where we had 40 thousand and 65 ballots cast in this referendum. And of that, 19 thousand 947 showed voting yes, 19 thousand 833 show no, so the margin passed by 114. However, there were 285 blank ballots, and let me remind you that this is a referendum where there is only one question. Yes or no. So based on what I see, 285 people, people who are willing to vote who, at that time, had to show their I.D., to stand in line for a few minutes. These people went into the -- went to vote, and after standing in line and spending the money on gas, decided I really don't care which way or the other, I just want to make sure that the people know that I showed up, which I've been told that's the reason for not casting a ballot, yes or no. So I want to submit this because when I asked the Cobb Board of Elections, via email, to give us an explanation, they really didn't have one. So what it boils down to is if you 285 blank ballots after a referendum where you're going to cause the taxpayers to invest \$1.4 billion, the local Board of Elections cannot tell you why they were blank. So the question is, do we have honest elections in Georgia? And given the evidence I see from my personal experience, I would have to honestly answer I honestly don't know. Thank you for your time."

Chairperson Handel - "Thank you. The next speaker is -- I'm having trouble reading the last name. Is it Gunther Ruck? And I think the last speaker is Bill Bozarth, so wherever Bill is if you want to kind of make your way up. I'm sorry, sir. Tell me, how do you pronounce your last name?"

Mr. Gunther Ruckl - "My last name is Ruckl."

Chairperson Handel - "Ruckl."

Mr. Ruckl- "There is an L after the K."

Chairperson Handel - "Thank you."

Mr. Ruckl - "R-U-C-K-L (spelling)."

Chairperson Handel - "Got it. Thank you."

Mr. Ruckl - "Director Tailor, your Board, my name is Gunther Ruckl. I'm a physician, I'm a pediatrician living at 14145 Piedmont Drive in Decatur. I remember, in the meantime, a couple of years where I met with a handful of people at Cathy Cox's office discussing transparency and trustworthiness of the Georgia Election System. Much earlier, as the issue became a national issue and has found entry into the newspapers. When I look back and see how far we have come into -- I must say very little has changed. Very little has changed. And I'm honestly baffled that arguments that are truly clear and obvious, and those who understand a little bit about computers had to understand that our system just doesn't deserve the trustworthiness that most of our systems are assigned to our election system. I'm disappointed that the citizens of Georgia are not more educated or interested in this issue because this is a fundamental democratic issue. Having grown up in Europe, we are even today, in many countries, vote the old fashioned way with piece of paper, pencil, and a circle, you know, and this ballot is the ballot of evidence deposited and audited. In my personal opinion, that's the only way to do it. So, you know, I have come here because this is very close to my heart. This is part of the foundation of our democracy, and I really appeal to you, and I beg you to pay greatest attention to it. Thank you very much."

Chairperson Handel - "Thank you very much. Mr. Bozarth."

Mr. Bill Bozarth - "I passed the test of being slim enough to get by the screen in order to make my appearance."

Chairperson Handel - "Sure. Right."

Mr. Bozarth - "Thank you for the ability to speak to you this morning. And I know my predecessors all had some concerns about the election. I wanted to just comment to you, Madam Secretary, and to the members of the Election Board, a common cause that I represent was active this year very much in the election process"

in the November 2008 Election. I personally, as well as the organization, were aligned with an umbrella group Election Protection, which was really concerned with making sure that everybody that could vote on Election Day, that was entitled to vote and was able to vote, we would want many organizations, as you know, watching the election process. The Republican Party and the Democratic Party had their soldiers out making sure their interests were known. There were a number of other non-partisan groups watching the election, in addition of course, to the resources that your organization puts in place to help. It was educational to get some of those calls. I was on the phone bank, and so many of the stories about people that really probably should have been able to vote and couldn't were always regrettable. But I would offer up that I think you deserve a real vote of confidence here in the State. Your office, the actions of this Board, and the election community, in general, I think, did a good job on Election Day. You deserve credit for that. As I say, any instance of someone's vote not being able to cast a vote is regrettable. I always distinguish between excellence and perfection. We strive for perfection, but excellence is a goal that we continue. Let me just sort of say, there's a couple of things that came out of that that I would like to recommend you consider. First of all, I know there's some discussion of whether early voting, as we implemented in November of 2008, was a good thing or not, and are discussions in General Assembly about rolling that back. You, Madam Secretary, I think had taken the public position that early voting was, in general, a good thing and we want to leave it that way. I would encourage us to do that. Over half the people that cast their votes in November, I think we all know, cast them early either by absentee or in person early voting. And the fact that we got that many more people out, because this process is very encouraging, I think, only 60 percent of what we call the active registered voters voted in Georgia. And I say only 60 percent, that was the highest its been in a number of years. But when you considered that over half of the people who could register to vote, don't, and only 60 percent of those who are active turning out, we still have a minority of those who could vote making decisions in our election. So any ability to get more people out is a good thing. I think we could be encouraged to do that. In terms of tuning that process, one of the things that I observed was that there were long lines in many cases. I believe as a restriction, as I understand it, that in early voting you can't use a non-governmental location to conduct the early voting. And some prudent flexibility around that probably is in order to consider the next time

around. In addition, voting on Saturday or Sunday, even if you had to say don't come in on Tuesday or Wednesday, but come in on the weekend, we can make that process available to more people. That would be a good thing to consider. One thing that I discovered when I was trying to help people on the phone is that people who think they've registered but don't show up in the registered voters' database, there was no way for organizations, like my help organization, to tell that person where their voting location was so they could go there and cast a provisional ballot. You're online help, I believe, only let's you know where you vote if you put in your name and date of birth. If there's a way to put in a zip code and find the voting location, that would certainly help organizations like I was working with on Election Day. So those are some practical suggestions that have come out of my own experience. But again, let me close by saying that -- I want to say that slight concerns of my predecessors, some of which I share and certainly any departure from normal processes, need to be looked into. The election in Georgia in 2008 went well, and I commend you for that."

Chairperson Handel - "Thank you very much. Thank you. I have three more cards, folks, so if anybody else wants to speak during the Public Comment period, this is your last chance, and then we're moving on into the meeting. So these are individuals who speak normally, so you know when you get here you're supposed to fill out the card. All right. Now we have three people who want to give all their time to one person. And I mean, that's really -- frankly, folks, I'll yield to my colleagues, but now we have a person who's going to speak for ten minutes."

Mr. Evans - "Madam Chair, I think the way that we've handled that in the past is the Board will act upon a request to yield on a request-by-request basis."

Chairperson Handel - "Okay."

Mr. Evans - "And generally, we've never permitted one speaker to get more than one additional four-minute slot."

Mr. Davis - "That would be satisfactory. Quite frankly, I don't need that I need eight minutes."

Chairperson Handel - "All right."

Mr. Evans - "So in that regard, I would -- if there's a particular request we can just take it up."

Chairperson Handel - "Perfect. Good suggestion. All right. Let me see if I can get to the person who wants to do the speaking. Ricardo Davis is the individual who wants to do the speaking."

Mr. Evans - "I would move that we would -- how many people are going to yield to him?"

Chairperson Handel - "Three."

Mr. Evans - "So I would move that we would grant him one yield."

Mr. Davis - "So a total of four minutes."

Chairperson Handel - "Four minutes. Correct."

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

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

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Okay, Mr. Davis. Four minutes."

Mr. Davis - "Thank you very much."

Chairperson Handel - "You're welcome. Good to see you."

Mr. Davis - "Well, likewise. I'm going to echo the previous gentleman's sentiments regarding the process of the election, that all-in-all given a lot of the challenges that we had this time around, it could have been a whole lot worse. And I really do commend, in particular Madam Secretary, your perseverance on the Voter ID issue, and ensuring that we have -- we verify that individuals that are actually showing up to the poll actually are valid electors. I have here a cover letter addressed to Wesley Tailor, and I'm going to read that letter since its not very long. And this letter represents many requesting that you open a case with the State Election Board with the dilemma regarding the recording of votes for qualified write-in candidate, Chuck Baldwin, during the November 4th, 2008 Election. On November 17th, I petitioned Secretary Handel on behalf of Dr. Baldwin, per the particular election statute, to

re-canvass the county to correct discrepancies between the certified returns from some of the counties around the State, and the official results posted by the Secretary of State on the website. And I've included those results in the information I provided. I'm sorry, I didn't have enough copies for everyone. Dr. Baldwin and his supporters in Georgia believe that the State Election Board should review the circumstances behind his petition request, and the remaining discrepancies between the County and State officials hold corrected. As noted in the petition, we're concerned about several points. The first being, a two thousand vote difference between the official results on the 13th and the official results on the 14th. The second concern is the discrepancies that remain between some of the County's official results, and the latest State official results that were posted on the Secretary of State's Elections Division website. I included in your packet the official certification results for write-in candidates from Gwinnett County, which showed that Chuck Baldwin received 100 votes, but yet, still, the official results on the Secretary of State's Election Division website dated December 8th, and that's current, shows that Chuck Baldwin only received 14 votes. A third point of concern we wish to bring to the attention of the State Election Board is that the number of counties we canvassed did not provide their results on the appropriate form. Other counties didn't certify their write-in elections until basically the date that we requested the petition. And still, others didn't even respond to our candidates. Given that, Madam Secretary, you have a deadline to meet of the 19th for the Election, it concerns us that when we tried to find out information, we couldn't get a response back from a number of counties. So given these concerns, we're asking the State Board of Elections to, number one, verify that the Elections Division received the certification of returns for write-in candidates in every county in a timely manner, and to obtain a certified copy of each County's result. Number two, to certify that all elections or certification of returns for write-in candidates are reviewed and instruct the Elections Division to correct any errors and omissions. And should -- in the Board's view, the current Election Law and Policies present a challenge to correct a timely reporting of qualified write-in votes that the Board would recommend to the State Legislature, a change in the law to leverage our investment in automated tabulation equipment to review -- so I have and, it should be to reduce human error by modifying the particular statute that increased the probability of an independent or political bodied candidate become ballot qualified in line with some of the procedures in the other

States of the Union. It is our desire to see that, and ensure, that the laws and regulations in this matter of faithfully administered, and I am willing to assist the Board with the resolution of this matter. And I include, again, the enclosures from Gwinnett County, as well as the petition to re-canvass that we resent on the 17th, and then the results from the 13th of November, the 14th of November, and the 8th of December."

Chairperson Handel - "All right. Thank you. I will tell you, Mr. Davis, I don't think that the office received anything, but now that we have all this, and certainly, Inspector General LaGrua will consider this a complaint, and she will look into it."

Mr. Davis - "Thank you very much."

Chairperson Handel - "Any other questions? All right. Thank you. All righty. Let's see, our first case today is 2007-000022, Fannin County."

Ms. Shawn LaGrua - "Madam Chair, members of the Board, good morning. As you may recall, this was on the last calendar. Unfortunately, Ms. Collins is ill and is undergoing severe serious procedures today and is unable to here. However, I have communicated with her Attorney, Lynn Doss. It is my understanding, and I'll let Ms. Almond take it from here. It's my understanding there was concern at the last meeting that there was a conflict with the proposed Consent Order, potentially with the law. The Attorney General's Office has reviewed that, and they do not see a conflict, as I understand it. I'll let Ms. Almond address it if the Board is inclined. The Consent Order has been signed, and with the representation of Ms. Doss, they are ready to move forward."

Chairperson Handel - "Ms. Almond."

Ms. Calandra Almond - "Ms. Collins, if you'll recall, had attended an open --."

Chairperson Handel - "I'm sorry. Do you have copies of the Consent for us? I don't think we have that in our packets."

Ms. LaGrua - "I have the original."

Chairperson Handel - "Okay. Can we just let everybody take a look at it? That would be great. I'll start down here with

Randy so y'all can take a look at it. Thank you. Go ahead, I'm sorry. You might want to pull that microphone down. There you go."

Ms. Almond - "Yes. She attended -- she's a Deputy Registrar. She attended a community meeting to discuss a liquor sales referendum. At the request of the organizers of the meeting, she attended in her official capacity, and dropped off some voter registration forms. If read expansively, this could constitute an additional registration place under the Code which will require publication of the registration place in the newspaper and radio, which she didn't do. So she's acknowledged that this is a violation, and she's agreed to cease and desist from doing this, agreed to a public reprimand, and to attend training."

Chairperson Handel - "All right. Any questions, colleagues? All right. Do we have a motion on the Consent Order?"

Mr. Evans - "So moved."

Mr. McIver - "Second."

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

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "None opposed. All right. Thank you. The next case is 2007-000028, City of Greenville."

Ms. LaGrua - "Madam Chair, as you may recall, members of the Board, this case has been on, I think this is the fourth time, if not more, it's been on the calendar. The Complainant is Johnnie Owens, the Elections Superintendent, and Esther Johnston, Elector. The Respondents, at the last meeting, were Johnnie Owens, the Elections Superintendent, Ann Moreland, Poll Manager, JoeAnn Bray an Elector, Kim Bray an Elector, Linda Caldwell, Elector, and the City of Greenville -- the Board asked that we add the City of Greenville as Respondents in this case. I can go re-go over the facts if the Board needs, but I will tell you that as soon as we notified the City of Greenville that they had been added as a Respondent in this case, I received communication from Ted Meeker, who is currently representing the City of Greenville, indicating to me that he wanted to work with our office and the Attorney General's Office to immediately

resolve this matter. I don't want to speak too much for Mr. Meeker because he is here, but it is my understanding he would ask that the case go ahead and be forwarded to the Attorney General's Office for as quick a resolution as we can. I will let the Board also know that Mr. Radford -- James Radford is here this morning on behalf of Johnnie Owens. I see Mr. Meeker has already stood, Madam Chair, and is ready to address the Board."

Chairperson Handel - "Mr. Meeker, and then Mr. Radford. Where is Mr. Radford? Did you want to address the Board?"

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

Chairperson Handel - "Okay. Why don't you come on up -- come up around this way if you wouldn't mind. I just worry about people tripping there. And folks, if you've got a case, when it's called -- we put some chairs up front, so you can go ahead and come on up and get in the chairs, and that way you don't have to -- again, I'm worried about somebody tripping over those wires over there. Mr. Meeker."

Mr. Meeker - "Madam Chair, Board members, Ms. LaGrua accurately captured our conversations regarding this matter."

Chairperson Handel - "And if you'll just state for us, your name and who you're representing so we have it for the record."

Mr. Meeker - "Yes, ma'am. My name is Ted Meeker. I'm here this morning on behalf of the City of Greenville. As I told Ms. LaGrua, I was appointed as Greenville City Attorney back in August of last year. While I may be new to Greenville, my understanding is that Greenville is not new to this Board. I've had a number of discussions with Ms. LaGrua. We want to actively work to, not only resolve this matter, but also take the necessary steps to where we don't have to come back. So that's our goal in this matter."

Chairperson Handel - "All right. Thank you."

Mr. James Radford - "Ladies and gentlemen of the Board, Madam Secretary, my name is James Radford. I'm with the firm Parks, Chesin and Walbert. We represent Ms. Johnnie May Owens, who was the --."

Chairperson Handel - "A little bit closer to the mic. Thank you."

Mr. Radford - "Our firm represents Ms. Johnnie May Owens who was the Elections Superintendent in this matter. In a related employment matter regarding her former employment as the City Clerk of the City of Greenville, and originally the City had appointed Ms. Gina Compton."

Chairperson Handel - "If I can stop you for one second. The employment situation would not be at all relevant before this body."

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

Chairperson Handel - "I just wanted to make sure."

Mr. Radford - "I only relate that to sort of explain as to why I'm here. Originally, the City had appointed Ms. Gina Compton, who is the former City Attorney, to represent Ms. Owens' individual interest in this matter. Because of the litigation between Ms. Owens and the City, in which we represent Ms. Owens, there is a conflict of interest, so the City Council for the City did not represent Ms. Owens in this matter."

Chairperson Handel - "So are you representing Ms. Owens now in this matter?"

Mr. Radford - "Yes, ma'am. Yes, ma'am. I'm sorry for the confusion."

Chairperson Handel - "That's okay. Just making sure we're all on the same page."

Mr. Radford - "I'm here, basically, just to represent Ms. Owens' individual interests in this matter, and I've spoken with Ted Meeker and I think we are in agreement that the -- if there is a fine to be imposed in accordance with the Consent Order in this case, it would be a fine that would be -- the City would be liable for rather than Ms. Owens in her individual capacity. I think that Ted and the City are amenable to this. At the time, Ms. Owens has acknowledged that she made some mistakes during this contentious election in her capacity as the Election Superintendent, however, it's important for the Board to understand that Ms. Owens was acting on behalf of the City in a manner that she thought was her duty, that she really did not believe that she had a choice whether to serve as the Election

Superintendent in this election, and she -- in many instances sought the advising counsel of other more experienced election superintendents and the Secretary of State's Office when she had questions that arose. Many of these questions and controversies are now the subject of this matter. So I would just ask, and I think the City is in line with this, that Ms. Owens not be personally made liable -- made personally liable for any fines. And I would certainly be willing to answer any questions that the Board may have."

Chairperson Handel - "All right. Thank you. Any questions, colleagues? All righty. Do I have a motion? Is everyone -- oh, I didn't think there was anyone else. Anyone else on this? Did you want to speak on this matter? And again, folks, if you have a case that you want to speak on, if you'll come up so that I'll make sure that I see everybody and I don't miss you. And if it looks like I'm missing you, just wave your hands at me. All right. Do we have a motion on this?"

Mr. Evans - "Madam Chair, I would move that we refer it over, and I would note these are serious -- this is pretty serious allegations and violations. When we involve fraudulent certificates and private recounts, et cetera. And so, in the context of what the AG note, I request that fines either be, or not be, imposed. I think that'll be up to the Board. So I would move we refer it all over."

Mr. Worley - "I would second that."

Chairperson Handel - "There's a motion and a second. And that was on a very good point, Mr. Evans. Thank you for making that about the differences between the City, as well as well as the individual issues here. Do you have a question, Mr. McIver?"

Mr. McIver - "No."

Chairperson Handel - "All right. I have a motion and a second to refer it to the Attorney -- to the AG's Office. Any other questions or comments? All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "That was unanimous. Thank you. Our next case is 2008-000035, Paulding County."

Ms. LaGrua - "Madam Chair, members of the Board, this case involves the July 15th, 2008 Primary in Paulding County. The Complainant in this case was Ms. Diedre Holden, the Supervisor of Elections and Registration. The Respondent is Joseph Seabolt. The allegations in this case are that Mr. Seabolt made false statements regarding residency on his Declaration of Candidacy. Essentially, what we found in this case is that Mr. Seabolt registered to vote in Cobb County in 1996. According to our investigation, he bought his home in Paulding County in 1999. He voted in Cobb County twice in 2000, and once in 2004, but said on his Declaration that he had lived in Paulding County for nine years. He -- One of the questions that has been raised is, where was he voting in between? He never registered to vote in Paulding County, but that's where he declared his residency but kept his registration in Cobb County for purposes of voting. When he was interviewed he indicated that he voted -- when he voted in Cobb County he was having personal problems, had moved to Cobb County with his family, and had planned to stay, but that happened on a number of occasions. The recommendation of this case is that it be referred to the Attorney General's Office for appropriate fine, sanction, and order. And I believe the counsel for Mr. Seabolt is present."

Chairperson Handel - "Okay. All right. Anyone here to speak on this? Come on up."

Mr. Michael Jablonski - "Hi. I'm Michael Jablonski, I'm representing Joey Seabolt in this matter. Essentially, the problem in this case comes down to an interpretation of the affidavit. The affidavit of candidacy that was filed asks how long the candidate has lived in the county, but it doesn't state whether that time period is consecutive or whether it is cumulative. Mr. Seabolt informed the Inspector General that he misinterpreted, apparently, the affidavit, and gave the total length of time that he had lived in Paulding County, rather than the length of time immediately preceding the election. He also, very specifically stated, that he was having family problems. His family was problems which caused him periodically to move in with his family in Cobb County. In those situations, he was in Cobb County and actually registered to vote and voted in Cobb County when he was a resident there. Since residency is, essentially, a state mind and question of intent, I think it's pretty clear that Mr. Seabolt appropriately voted in the County where he was registered, but also filled out the affidavit in a manner that was appropriate to the exact wording that was in the affidavit."

Mr. Evans "Do we have a copy of the affidavit?"

Chairperson Handel - "I was -- that's exactly what I was going to ask, if we could get a copy of that. Okay. Mr. McIver."

Mr. McIver - "Mr. Jablonski, it's a great honor to have such an election expert, as you, come before us."

Mr. Jablonski - "Thank you, sir."

Mr. McIver - "What is it that you seek us to do? We have not had the benefit of seeing the affidavit this morning."

Mr. Jablonski - "I don't see that there's any reason to refer this to the Attorney General for any further action."

Mr. McIver - "So you're encouraging us to drop the matter?"

Mr. Jablonski - "That's correct."

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

Chairperson Handel "All right. Just give us one second so everyone can look at this affidavit."

Mr. Worley - "Okay. I had a follow up question. I just want to be clear about this. You're saying that on the affidavit where Mr. Seabolt says that I have been a legal resident of my district for nine years, and in fact, was a resident of the district for a total of nine years."

Mr. Jablonski - "That's correct. Can I go this time?"

Chairperson Handel - "Any other questions?"

Mr. Worley - "I don't have any further questions."

Mr. McIver - "You didn't enjoy your time with us?"

Mr. Jablonski - "Well, I'm going to stay for the rest of the party, I just --."

Mr. Jason Phillips - "Madam Chairman, members of the Board, my name is Jason Phillips. I represent the Paulding County Board

of Elections and Registrations. Just as a matter, by way of information, this came to our Board's attention after Mr. Seabolt had indicated and filed that he wanted to run for office. Shortly thereafter, we received a challenge to his qualification to run for the position of Post One Commissioner. The Paulding County Ordinance has a -- they had a residency requirement of one year preceding the qualification as a requirement in order to run for the particular office. The challenger, in his evidence that was presented, a hearing was conducted during this -- for this matter during which Mr. Seabolt and the challenger, as well as our Election Supervisor, were all sworn in as witnesses. The evidence that was presented to challenge the one-year residency was simply the fact that he filled out an affidavit indicating that he had resided in Paulding County for nine years. If you look at the affidavit, itself, the affidavit, the best I can tell, doesn't mention anything about consecutive or accumulative in there, but the challenger also presented and Mr. Seabolt admitted that he had voted in Cobb County twice in 2000, and then once again in 2004. He was questioned about this while he was under oath, and he indicated that he had gotten married in September of 1999 at which time he and his wife purchased a home in Paulding County. Shortly after he was married, and we have a transcript of the testimony, I believe Mr. Seabolt testified for about a year-and-a-half he returned to Cobb County and lived with his parents over in the Smyrna area. At that time, he voted in, I believe, the summer election and the general election during 2000. He and his wife apparently made up after that, but then once again in 2004, he indicated that he began to have marital troubles right before the holiday season and returned to Cobb from a period of about October of 2004 until January of 2005. We are -- Our Board heard the challenge. We received no evidence regarding anything -- that he hadn't done anything but resided in Paulding for the year prior to the position he qualified for, so we denied the challenge based on the one-year residency requirement. But because of the seriousness of the allegations that had been brought forth, that being that either he falsified the affidavit, or perhaps that he had voted in Cobb County while he was perhaps, in fact, a resident in Paulding County. Because of the seriousness of those allegations, we forwarded to this office, as well as to our local District Attorney's Office to review the matter. In terms of the nine years stated in the affidavit, comparing the nine years to the testimony that came out at the hearing, I think the calculations are you're going to reduce about a year-and-a-half -- total residency in Paulding, I think, totals to about seven years and two months if you simply

take out the time he said he was having marital problems and returned to Cobb County. I will note for the Board, that as Mr. Jablonski said, each time he was in Cobb he told the Board that he was there and thought he would never return to Paulding County once again, but nevertheless, he did return, not once, but twice. That's -- I'll be happy to answer any questions that I can about that, but the Board comes at it merely from a fact-finding perspective regarding the one-year residency, but because of the seriousness, they thought it best to refer it to this Board."

Chairperson Handel - "Questions, colleagues?"

Mr. Worley - "I have a question. You're here representing the Election Board?"

Mr. Phillips - "That's correct."

Mr. Worley - "And do you also represent Paulding County?"

Mr. Phillips - "That's correct."

Mr. Worley - "And Mr. Seabolt was running against an incumbent of Paulding County Commissioners?"

Mr. Phillips - "That is correct."

Mr. Worley - "So -- I just think that it's unfortunate that you would take this opportunity to take these personal issues that really don't seem relevant to why he was living there or not. and I really think that that's inappropriate and unfortunate. Do you have any evidence that Mr. Seabolt was not actually living in Paulding County during the time that he says he was?"

Mr. Phillips - "There's two issues, and if I may address your first comment, my role in representing our Board, we received evidence as to whether or not he was a resident for a year because a challenger from the community brought the allegation to the Board. The Board reviewed the matter and determined that he was a resident, regardless of who's incumbent -- regardless of who I represent."

Mr. Worley - "Right."

Mr. Phillips - "These were statements that Mr. Seabolt made to the Board. As to the length of his residency, from what was

presented to the Board, I don't have any evidence that contradicts his statement that he resided for the first time back in Cobb, I think it was for about a year-and-a-half through difficulties, and then again for another four months afterward. I don't have any evidence that would rebut that, however, I have not investigated the matter either."

Mr. Worley - "And you said that the District Attorney has conducted an investigation. Was there a result of that investigation?"

Mr. Phillips - "It was forwarded to the District Attorney to review it. I am not aware of any -- of the extent of that, whether they had taken that or whether they had concluded it."

Chairperson Handel - "Any other questions? Mr. Evans."

Mr. Evans - "I just have a comment when the time is appropriate."

Chairperson Handel - "Please."

Mr. Evans - "So it appears to me that the Declaration of Candidacy was designed to comply with 21-2-153, and when I look at 21-2-153, there's a designated list of categories for the Declaration of Candidacy, but that list does not include the language that's at issue here, which is -- I've been a legal resident of the State of Georgia for a number of years, and I note there that it doesn't say whether they had to have lived in Georgia consecutively, or whether you could have gone to Washington and come back, which sometimes happens. And I've been a legal resident of my district for a number of years. And so, then I have to figure out, well, what is the basis for that language in this affidavit. And I assume, Madam Secretary, that it would fall within item 10, which is vest in you the discretion, any other information as may be determined by the Secretary of State to be necessary to comply with federal and state law. Now I'm not sure of any federal or state law that the legal residence for a number of years would be necessary to comply with, other than the one-year residency requirement that you have lived at least one year prior to the election day. But then it would be -- it would seem that the appropriate question would be, have you lived here one year or not, as opposed to whether or not you've lived a number of consecutive or other years. It would seem to me that we would either have to decide that that language is designed under paragraph 10 of 21-2-153 to

meet the Secretary's direction in order to determine residency, which I don't think is appropriate under this section. Or we have to decide that we need to change the affidavit. I will note, we either insert the word residency or figure out why these phrases are in here, and just make it conform to the statute. I would note that the Declaration of Candidacy says its for counties and municipalities, but there's a separate section 21-2-153.1 that applies to the affidavit for municipalities, and it's the same issue which it is vests within your office and your execution of the laws to decide what is the necessary remedy. Given all of that, I would be inclined to revise the affidavit to make it clear and close this case, because I think there's sufficient, if you will, kind of a gap between what's in the statute and the affidavit that I don't think it would be worthwhile to make this the test case about the sufficiency of our affidavit. So I would so move."

Chairperson Handel - "Second. I concur, and for the Board's information, and everyone here, all of our forms are -- have not been looked at in really long time, and different things have occurred in the Code. So Wes and his team have, with a group of local elections officials, are going through all of them in a very comprehensive way."

Mr. Evans - "And I wanted to say that I was aware that you were in a revision process and commend you for that, because I think that revising -- we've had so many changes in the last six years that it's almost impossible to keep up with them all. And the last thing that we want is that these requirements to be traps for the wary -- or unwary, which is that you just kind of get caught in the middle. And so, thank you very much."

Chairperson Handel - "We've got a motion and a second to close. Any other questions or comments? All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All right. Thank you. Our next case is No. 2008-000007. Anthony Scott Hobbs."

Mr. Evans - "I'm recusing myself."

Chairperson Handel - "Oh, yes. That's right. Thank you. Mr. Evans has stated, for the record, that he is recusing himself from this case."

Ms. LaGrua - "Madam Chair, this case has been on the calendar before, and was continued at the request of Mr. Thomas (phonetic), counsel for Anthony Scott Hobbs, at the last meeting due to a conflict he had. It's my understanding that Mr. Thomas has been in communication with Ms. Almond with the Attorney General's Office, and as I understand it, there is a Consent Order ready to be presented, so with that -- with your permission, I will defer Ms. Almond and Mr. Thomas to decide."

Chairperson Handel - "Okay. Ms. Almond."

Ms. Almond - "The Respondent voted in Cobb County twice. He indicated that he lived at a certain address in Marietta, however, it turned out he was actually staying in certain temporary residences while he was having a home built. He claims that he called the Cobb County Election Board to ask what address he should use, and he says that he was told to use the temporary -- his prior address in Marietta. So the Respondent, in the Consent Order, acknowledges that he violated OCGA 21-2-562 when he indicated that the Marietta address was his permanent residence, and he's agreed to pay a hundred dollar fine in addition to a Cease and Desist Order and reprimand."

Chairperson Handel "All right. Mr. Thomas."

Mr. Thomas - "Madam Chair, I have nothing further to add unless you have any questions."

Chairperson Handel - "Okay. All right. Colleagues, any questions?"

Mr. McIver - "Is a hundred dollar fine consistent with what we've done in the past with these violations to which the Respondents have consented?"

Ms. Almond - "Well, for these type of violations -- and if it's a clear violation, the Board has typically imposed a fine of between \$500 to a thousand dollars. But here, there's a complication that the Respondent says that he was told to use that address, so that might give us some trouble if we were, you know, if he wanted to go to a hearing before an ALJ."

Mr. McIver - "No other questions."

Chairperson Handel - "All right. Any questions from you, as well, Mr. Worley?"

Mr. Worley - "No. I would make a motion that we accept."

Chairperson Handel - "I have a motion to accept."

Mr. McIver - "Second."

Chairperson Handel - "A motion and a second, all in favor please say aye."

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? There is none, so thank you very much."

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

Chairperson Handel - "Thank you. All right. We're moving right along. Next case is 2007-000044, City of Locust Grove."

Ms. LaGrua - "Yes, Madam Chair. This case occurred in the City of Locust Grove in Henry County involving the November, 2007 Municipal Election. The Complainants are Keith Boone and Linda Henley, both Electors in that circuit. Respondents are Theresa Breedlove, the City Clerk, Elsie McCarter, the Election Superintendent, Lorene Lindsey, the Mayor, and Purnie Upchurch, an Elector. The allegations were that Mayor Lindsey was campaigning within 150 feet of a polling location. Mayor Lindsey delivered absentee ballots of voters to the city clerk, and the Mayor improperly assisted others voted in absentee ballot, and that Purnie Upchurch, an Elector, improperly assisted with an absentee ballot. Further, that Theresa Breedlove and Elsie McCarter did not receive proper training, and that poll workers Elsie McCarter, Scott McCarter, Karen McCarter, and Ms. Garland did not properly tally the votes. Our investigation indicated that Mayor Lindsey was working within her office in the courthouse, I believe, within 150 feet of the polling location, solely due to the fact that that was where her office was located, but there was no evidence at all that she was campaigning at that time. We could find no evidence that the Mayor delivered absentee voter ballots or that she assisted improperly and the electors of absentee ballots. We did find, however, that Mr. Upchurch was assisted by his wife and that his wife did not sign as assisting, but appeared to be, while no excuse, lack of knowledge for the law in that regard when assisting her husband. And I'm not excusing that, but it

appears that there was no intent to defraud or manipulate any ballots at that time. Theresa Breedlove and Elsie McCarter have not attended training since July of 2005. I have confirmed with Mr. Taylor that there was municipal training since that time that they could attend it, however there was no evidence of improper tallying to vote. During the investigation we found some other evidence that was not originally claimed, and found that Ms. Breedlove did not properly document or follow procedures for keeping up with the absentee ballot applications and absentee ballots. She did not compare the signatures and information as required by law. In regards to Purnie Upchurch, it's recommended that that be resolved with a letter of instruction to her that she not be able to do this and be told about the law, and that Ms. Breedlove and Ms. McCarter receive -- either be forwarded to the Attorney General's Office for sanctions and fines, or again, be given a letter of instruction or consent indicating that they have to have training which is consistent with what we've done with municipal elections in the past. So I think that could be handled either way at the discretion of this Board."

Mr. McIver - "I have a question."

Chairperson Handel - "All right. Mr. McIver, go ahead."

Mr. McIver - "Where did you propose to send a letter to Purnie Upchurch?"

Ms. LaGrua - "I'm sorry."

Mr. McIver - "We see that she deceased in 2008."

Ms. LaGrua - "I apologize, Mr. McIver."

Mr. McIver - "No. Just a matter of having simple curiosity."

Ms. LaGrua - "That's a very fair question, and I apologize for that. I do think we, however, have to address the municipal training in this one because we're dealing with the absentee ballots and applications, and the vote tallying is obviously a serious matter. Again, we've seen these issues with our municipal elections over and over. You may recall from the last meeting, I think most of the cases we had were the municipal elections."

Mr. McIver - "Now my question, merely, went to the location of Ms. Upchurch."

Chairperson Handel - "Mr. Worley -- Mr. Evans."

Mr. Evans - "Is the -- Is the City of Locust Grove a Respondent?"

Ms. LaGrua - "They were not named as a Respondent in this case, however, the City officials were notified that this matter was on."

Mr. Evans - "It just seems to me, Madam Secretary, consistent with, kind of, the directive that you've given, is that we need to impose on the City an affirmative responsibility to make sure that their staff and their election officials are properly trained so that it's a two-way street, which is the officials, themselves, need to understand that there's a penalty if they don't get trained, but there's a penalty for the City if it doesn't make sure that its' folks are trained."

Chairperson Handel - "I completely concur."

Mr. Evans - "And so, I'm not sure what our procedural solution is, because I think we have to reissue the notice with an opportunity for the City to respond and participate, although I would guess having named, you know, the clerk and the superintendent that the City's well aware of this, but I wouldn't want us to get caught up in some procedural -- but maybe we could hear from the Respondent that's here and determine whether or not -- but I do like, and this originated at the last meeting where we saw the pattern, is that we have to figure out a way where there's some ownership by cities and municipality, some ownership of the training obligation. And the only way we can do that is to start to name them as respondents where we have a training allegation issue."

Ms. LaGrua - "We will start reviewing all our open cases of that, and add those prior to the meetings for upcoming State Election Board meetings, Mr. Evans."

Mr. Evans - "Thank you."

Chairperson Handel - "If I might, before we hear from you, maybe what would be appropriate so that we don't have to address them case-by-case because I think the Board has to take an action to

add a respondent. So maybe we want just sort of a blanket motion that in these circumstances that the Inspector General has the authority to add them."

Mr. Evans - "Absolutely. I think you're exactly right. To me, and maybe this is just the lawyer hat, literally, I would say if there's a training allegation that a city or a county should be a respondent, or in the alternative, if the respondent that we have raises a defense that says, I did not know, I wasn't properly trained, that we then bring in the city and the county so that we have both sides, and they can then explain to us which is right. Because what we kind of get caught in now is they point over to the City and say it was them, they didn't give me the resources, and the city points back at the employee and says they didn't go to the training, honestly...."

Chairperson Handel - "We don't know."

Mr. Evans - "...we -- and we don't care. We care that it wasn't done. It doesn't matter why it wasn't done, and that's been your approach, and that's the approach that we want to adopt."

Chairperson Handel - "All right. Well, let me make a motion and then we'll move on. I knew that, going forward, whether it is a city or a county jurisdiction, if training is the issue that, in addition to the elections official, that also the governmental jurisdiction also be named as a respondent by the Inspector General."

Mr. Evans - "I second that. And I would further that, Madam Secretary, if you would, including the ability to ask Wes what I think would be -- if we, in fact, adopted one of our SEB rules that just impose a training obligation on the city that says, you have an obligation to train your officials."

Chairperson Handel - "I'm amenable to that, and --."

Mr. Evans - "And to include that today."

Chairperson Handel - "Right. When you do your project, we'll talk about that later, though."

Mr. Evans - "Okay. Great."

Chairperson Handel - "Got a motion, and your second was as amended?"

Mr. Evans - "Yes. Uh-huh (affirmative)."

Chairperson Handel - "All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "All right. Now who else is here to speak on this case, come on forward? Are you here on this case also - - come on down. And if you'll state your name and everything for us."

Ms. Theresa Breedlove - "I am Theresa Breedlove. I am the City Clerk for the City of Locust Grove, and I was here basically to explain the training. We were actually in negotiations with the County to handle our municipal election, and we signed an ordinance in June of 2007 with them to sign a contract to conduct our elections. I became seriously ill in July and I was out for five weeks from work. When I returned, I came back on clock time leave, and I was told that the County had not signed the contract. Now I was not privy to the reasons why they hadn't, but I was instructed then that I was to help with the election, and that's what happened. It wasn't that we neglected to go to training, it was just we were thinking that the County was going to be handling the election."

Chairperson Handel - "Can I ask you a question?"

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

Chairperson Handel - "So that was the summer -- first of all, are you feeling better now?"

Ms. Breedlove - "Oh, yes."

Chairperson Handel - "Okay. Good. That was in summer, July '05?"

Ms. Breedlove - "No. This was in 2007."

Chairperson Handel - "2007. Okay."

Ms. Breedlove - "I have a copy I brought with me of that ordinance when we signed it, and the minutes from the meeting."

Mr. Evans - "I move that we accept those."

Chairperson Handel - "Second?"

Mr. McIver - "Second."

Chairperson Handel - "All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Okay. Could you hand those over to the clerk?"

Ms. Breedlove - "I have explanations for why the procedures were not followed, but it's true. We made mistakes. I do not have a voters registration list to verify the voters. I was having to call the County to get the -- I just didn't handle the absentee part, so I didn't feel qualified to verify they were, indeed, registered voters because I was just taking the word of the person on the phone. So that box at the bottom of the application was, indeed, not filled out. As far as the ballots being signed off in the box, some of them were signed. I had clerks assisting me, they put them in the box. I wasn't going to go back in the box and pull those ballots out and sign them, so that's true. That procedure we did not follow completely. However, since then, my counsel and I have talked about this and we have a signed contract with the County to conduct our elections in the future. So I'd like to offer this, too."

Mr. Worley - "I move that we accept this in the record."

Chairperson Handel - "Second. All in favor?"

(Whereupon, there was a chorus of ayes)

Ms. Breedlove - "And we will -- you know, in the future we do offer -- we'll try not to make the same mistakes again. We tried to do it the best we could."

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

Mr. Worley - "When will the County begin administering your elections?"

Ms. Breedlove - "This year. We only have them every other year, so they're doing it this year."

Chairperson Handel - "Mr. McIver, do you have a question?"

Mr. McIver - "I have a comment, but not a question for -- she wanted to be excused."

Chairperson Handel - "I think we have one more speaker."

Mr. McIver - "As appealing as these remarks are, I do want to second what we've all agreed here to do. Contracts come and go by their very nature, but that would not relieve a city of its obligation to train, in my judgment. So I wouldn't want there to be an exception there. I do appreciate the fact that with a contract the county steps into the shoes and municipality to the extent that there is a disagreement, a falling out, a termination of obligation, whatever it may be. It seems to me that since this training is made available through the Secretary of State's Office for municipal officials, that it would be wise for them to do so even though a contract exists"

Mr. Evans - "And if could just add to that."

Chairperson Handel - "Go ahead, Mr. Evans."

Mr. Evans - "It would be great is that, you know, the buck stops at our desk, right here. And the Secretary has proven by her diligence on elections, voters don't really care why the system doesn't work, they just want to know that it works. And so, we have to do -- we have to take actions that are designed to make sure that, regardless of the circumstances however compelling they may be, that voting in Georgia is secure, that it's accurate, and that it's uniform and we are consistent in that regard. And that we have oversight that's sufficient to accommodate every circumstance, but that the answer is always the same. And so, when we get to it, we'll have to take action that's designed to do that."

Mr. Keith Boone - "Madam Secretary, Board members, my name is Keith Boone. I live at 1211 Jackson Street, City of Locust Grove. The year of 2007 I had this notion, for some reason, that I wanted to run for Mayor of the City. I would like to be the first to say that Ms. Elsie McCarter and Ms. Theresa Breedlove has done us a fine job in the past running our elections. This is something that may have falling through the cracks, which it did, between the council members and the employees. They're both an extension of the City. I had to resign from my position as City Councilman, but I was on the

Council for 17 years. And like I said, they've both done -- I consider them my friends. Probably after this, probably not. But this is something that's, whether it's the City's fault or personnel's fault, I would like to say it's more along the City's lines of responsibility, which y'all have noted. The two main concerns that I filed on the complaints, number one was the fact that the Mayor was well within 150 feet of the polling place. Was she doing any campaigning? I have no idea. Which that's where her office is located, but it also says in the election rules that the polling place should be relocated if it falls within that 150 feet, if I'm not mistaken. That's something else that could be addressed. After the election I filed these complaints, and I don't want to sound like I'm a bad loser, sour grapes, or whatever you want to call it, but I found out through Ann Hicks' office that they had not received any recertification as far as running the elections. If I might use an analogy, say I was speeding down the highway and one of y'all pulled me over as a police officer and says I was speeding by radar. Okay. Well, if that officer is not certified to run radar, then you've got to throw my ticket out. So -- and I think an election is more important than any speeding ticket, so you know, I'm not asking a redo or anything, but I think this is a serious -- excuse me -- that's all I have. Once again, I'd like to say that Ms. McCarter and Theresa Breedlove has done us a fine job in the past."

Chairperson Handel - "Thank you very much. I appreciate it. Colleagues, I guess given that we do want to add the City to the -- we probably want to hold this until our next meeting."

Mr. Evans - "I would move that we add the City as a Respondent."

Mr. Worley - "I would second that."

Chairperson Handel - "Motion and a second, and inherent to that, if you'll maybe amend it to say, and hold for our next meeting. Okay. Motion and a second. Any other questions or comments? All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All right. Thank you, folks. The next case is No. 2008-000013, Cobb County."

Ms. LaGrua - "Madam Chair, members of the Board, this involves the 2008 Presidential Preference Primary in Cobb County. The

Complainant is Melvin Perry, an Elector. The Respondent is the Cobb County Board of Elections and Registration. The allegations in this case is that Mr. Perry was not given proper attention, and was required to give a reason for voting early. As the Board is aware, the forms for the absentee early voting still requests a reason to be given, even though no reason is required. He actually did check the no reason given, and he was allowed to vote. He also alleged that he was not allowed to use his valid Louisiana drivers license as Photo ID. Again, initially, there was some question about that, but when the poll worker got some guidance he was allowed to vote. So with all that said, Mr. Perry was allowed to vote, appropriately was allowed to use his ID, so there are no violations here before the Board, however, this may be -- he was in the absentee ballot precinct and voted in person absentee. There may be some training indicated for line workers in the area of absentee voting and Photo ID, and should probably be encouraged because of the questions that runs in this case?"

Chairperson Handel - "All right. Is there anyone here on this case? Is Mr. Perry here? Okay. I guess not. Colleagues, any questions on this one?"

Mr. Evans - "I move that we close the case."

Chairperson Handel - "Second. Any other questions? All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All right. Thank you. The next case is 2008-000027, Richmond County."

Ms. LaGrua - "Members of the Board, this case did not involve an election, and as I understand, this is one of the more serious cases we encountered in our investigation. The Complainant in this case is Lynn Bailey, Director of the Richmond County Board of Elections and Registration. The Respondent is LaRae Shelton, reportedly an Elector. The allegations are that LaRae Shelton illegally obtained a voter identification card in someone else's name. And the Board may recall we had some of these allegations, and in fact, in Richmond County there were questions since the beginning of the issuing of the voter ID card why Richmond County has had sometimes a large number of voter ID cards. And we had some suspicions, and they were confirmed with this investigation. LaRae Shelton received a

Voter Identification Card, and some months later returned to get another Voter Identification Card in the name of Andrade -- Sherrie Andrade. Thankfully, the worker at the place that issued the voter ID Cards thought she recognized Ms. Shelton when she came in, did issue the Voter ID Card because she didn't have an opportunity prior to issuing it and had no way to verify that, in fact, she had received one previously in a different name. After Ms. Shelton left she searched her file database and was able, in fact, to pull up the Photo ID Card for LaRae Shelton and compare it to the Photo ID Card issued to Sherrie Andrade and, in fact, it was the same. Ms. Andrade was interviewed and was found that she had not ever requested a Voter ID Card. Our investigator, Andy Garner (phonetic) who is here today, got in touch with Richmond County Sheriff's Department. They actually did an interview with LaRae Shelton and found out that LaRae Shelton's boyfriend had asked her to get the Photo ID card so he could cash a check. And in fact, a check was taken -- a check that had been issued from Sherrie Andrade was not received by Sherrie Andrade, and was subsequently cashed. The U.S. Treasury Department and Secret Service are looking into this, as well as the Richmond County Sheriff's Department. The D.A.'s office has also been involved, and as soon as we receive the proper documentation back from the Secret Service and the Treasury Department, and the copies of the check, the D.A.'s office is prepared to move forward on any charges that the federal government does not move forward on. It's recommended, in this case, that this case be forwarded to the Attorney General's Office for maximum sanctions, and that we also stay in touch with the District Attorney's Office, and if there's any conflict that we defer to the District Attorney for criminal prosecution in this matter."

Chairperson Handel - "Thank you. Is anyone here to speak on this case?"

Ms. LaGrua - "Ms. Bailey was aware, but did not feel that she needed to be here because they weren't directly involved."

Chairperson Handel - "That's fine, I'm sure. Is Ms. Shelton here? Ms. Shelton. Let the record show that she's not here. Colleagues, any questions?"

Mr. Evans - "I think the precedent we have from Chattooga County, and from others, is that we have to defer action pending the completion of the criminal investigations. And we have to

keep it on a diary so that we make sure that whatever statutes that might apply for our sanctions doesn't expire."

Ms. LaGrua - "We will do so, Mr. Evans. I'll make sure that we keep this on the front burner in terms of time."

Mr. Evans - "So I would move that we -- I was trying to remember. Did we do the notice and then deferral, or did we defer prior to issuing the notice? I'm pretty sure we deferred prior to the issuance of the notice. So I would move that we defer pending criminal -- completion of criminal investigation."

Chairperson Handel - "Is there a second?"

Mr. McIver - "Second."

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

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? Next is 2008-000028, City of Richland."

Ms. LaGrua - "Yes, ma'am. This involves Teresa Nelson, an Elector who is the Complainant. The Respondent was Valerie Salamar (phonetic) Mayes, a former City Councilman for the City of Richland. It was alleged that Valerie Mayes continued to serve as a member of the City of Richland Council after she moved from Stewart County to Webster County. These are adjoining counties. What we found was that in late 2007, Ms. Mayes bought property through Webster County and moved to that location around November of 2007. Ms. Mayes resigned her position as City Councilperson at our about the time she actually moved, however, she signed her voter certificate in February of 2008 with her former address in Stewart County. In July and November -- in July of '08 she did not vote, and in November of '08 she actually voted in Webster County, which is where she had moved and I -- we have no explanation for why she signed the voter certificate in February of 2008 with her Stewart County address, which was not her current address at that time. So essentially, it's a violation of signing the voter certificate. We do not have a role at this point, and there don't appear to be violations in her role as City Council. She did move -- she did resign her position fairly concurrently with when she moved, so the voter certificate violation

recommend be forwarded to the Attorney General's Office for issuance of a Consent Order and appropriate sanctions."

Chairperson Handel - "Okay. Let's hear -- first, let me figure out everybody we have here. You are?"

Unidentified Speaker - "(Inaudible)."

Chairperson Handel - "Okay. Why don't we here from Ms. Mayes first as the Respondent, and then we'll come to you, Mr. Mayor. Is that okay?"

Mr. Tommy Coleman - "I'm the Attorney, I represent the Richland."

Chairperson Handel - "Okay. Who's representing Ms. Mayes? Are you Ms. Mayes -- Oh, you're doing everything. Got it. Okay. Come on up."

Mr. Coleman - "Good morning, you all. My name is Tommy Coleman. I'm with firm Perry Walters in Albany, and I represent the City of Richland. The City agrees with the report, but in assessment, rather that the Board not have jurisdiction with regard to Councilman's qualifications. However, the counsel is interested in establishing that Ms. Mayes was, in fact, a qualified Elector in the City of Richland for the entire time that she served on the Council. She, in fact, submitted her resignation on January 30th, 2008. We have the Mayor, Ms. Mayes, herself, and also the City Clerk is here, and other Councilmen should you require any additional information to substantiate the facts. To Ms. Mayes point, I'll point out to you that she did enjoy the ownership of some property in the adjoining County. She had it, I think, since 1999. Her children did go to school in Webster County. She has documents where she had arrangements to pay tuition in Webster County. For those of you who know something about education, you can go to school in an adjoining or another county other than the one in which you domicile, but there is usually an arrangement to pay tuition. If, in fact, she was domiciled in Webster County she would not have had to do that. She did, in fact, live in Webster County on the weekends with her fiancé, but at all times she intended to be in Richland and she maintained domicile there. I guess that it's no surprise to the Board that the matters occur as a part of an ongoing political dispute that's long-standing, this is just a recent part of it. And the question of examining her residency had been going on, frankly,

in a discussion in the community probably to follow that year. I would point out this is a bit disingenuous. It seems to us, a City on behalf of the City, that the Board of Elections and Registration who has authority and, in fact, has the duty to determine that somewhere someone's domicile is for the purpose of voting, obviously would have an effect on their qualifications as an elected official, took no action, but had the authority to do that at any time up until the day that she goes to vote. In fact, Ms. Mayes had a discussion with the election official that she would have to vote the next time in Webster County because she was moving. So they had perfect knowledge of all that, yet seemed to take no action with it. I would also point out that, as you all know, that 21-2-218 provides that you can vote in the County from which you are moving, provided that you didn't do so in the five Mondays previous to the election. She was a domicile certainly on January the 30th, and she resigned at that day. She contends that she's with domicile at the date of the election, so even if she was not, it seems to be clear that she could have voted in the Presidential Preference Primary of Stewart County. I'm not familiar with what form she might have filled out, and that might be a subject of discussions you had a moment ago. We feel like that she was a resident of Stewart County at the time, and was qualified to vote. We would ask that the Board dismiss these charges, or at a minimum go back and attempt to further establish exactly what her domicile was at the time. It does not seem to have been done in the investigation. Mr. Mayor McLendon would like to speak to the Board, and then Ms. Mayes."

Chairperson Handel - Mr. Mayor."

Honorable Mayor Adolph McLendon "Ladies and Gentleman, thank you. In short, Ms. Mayes did live in the City of Richland for many years. She was living there in '06, '05, '07, '08. We have many, many, many people who can document that. And she had told me that she may get married in Christmas, or around Christmas of '08, and since -- so the information that the people that were saying that she may be moving to Webster County, I talked to her about that and she said she would resign if she did get married and decided to move to Webster County. And this -- about her maybe living in Webster County, or whatever, before this time there was -- she had property there, but there were no houses she had. I know that for a fact. And they gave -- her fiancé moved, well, was living in a mobile home in probably October or November, but because of many circumstances, I constantly had someone to keep in touch to see

if she was moving back and forth to her house in the City limits of Richland, and of which she did in November. And I am aware of that, at least for the first two or three weeks of January. She did not attend any Council Meeting after the one we had in early December of '07. Right, '07. She appeared at that Council Meeting. After that, she did not attend, and she did, in fact, tell me that after Christmas that she did get married and that she would be residing at the appropriate time, which was January the 3rd. Thank you."

Chairperson Handel - "Thank you. Did you want to speak?"

Ms. Valerie Mayes - "No --."

Chairperson Handel - "Questions?"

Mr. Worley - "I just have a question to clear. Our investigative report says that Ms. Mayes resigned on December 24th, '07. That's taken from City of Richland Mayor Adolph McLendon."

Mayor McLendon - "I think what I said, I had been on a boat trip, and I came back in and I was getting gas at the service station there the day before Christmas, and that's when Mr. Mayes was driving by and got stopped at the red light, and told me on the 24th that she did get married, and that she would be leaving at a later appropriate day. No, she did not resign the 24th. I have a copy of her resignation if you would like to see it."

Mr. Worley - "Which is January 30th, 2007."

Mayor McLendon - "Yes."

Chairperson Handel - "If you have that resignation letter, that would be great to have that for our file, if you have it."

Mayor McLendon - "I hope I have it. Wanda, do you have a copy of it? It's in the car, I didn't bring it."

Ms. LaGrua - "If you'll just give the number to Mr. Brown, we'll get a copy of that from you."

Chairperson Handel - "Super. Any other questions, colleagues?"

Mr. McIver - "I move to admit the resignation, if it's found and presented."

Mr. Worley - "Second."

Chairperson Handel - "All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any other questions on this one?"

Mr. Evans - "No. Madam Secretary, if I could, it kind of puts in play what our -- what the role of the Board is at this stage, which is to determine whether or not there's a reason to believe -- not whether there is, but a reason to believe a violation has occurred. And the possibilities are that we think that the record or the evidence before us is enough to establish that Ms. Mayes lived in Webster County. Second option is that if the evidence is convincing that she lived in Stewart County. Third possibility is that it's a matter of dispute where we need to get someone else to investigate, which is what the Attorney General's Office does to make a factual finding. Or the fourth option is to say it merits further investigation by Ms. LaGrua, and that's kind of the issue that we have to decide. I would say that I don't believe that on this record that we can decide one way or the other, that either Webster County or Stewart County. Because I think there's enough ambiguity or difference in the evidence that I don't know that we can state with any degree of certainty one or the other, and so the two options before us are refer it over to the Attorney General and let them sort it out and tell us when was it, and the other option is to say, you know, can we maybe get a little further investigation to see. I'm very sensitive to the idea that people's reputations are tarnished, no matter how hard we try to say that isn't true when we refer a matter over to the AG's Office. And so, in a matter such as this, my inclination is to ask for more investigation to see if we can get a distilled recommendation of residency on February 5th, 2008 when the certificate is signed. Because that really is -- what happened in December is not really relevant. What happened in January is really not relevant. What's relevant is on the day of the execution of the certificate, that that moment where was the residence? And maybe we could zero in on that and take a look at it. So I would generally favor taking just a closer look at that issue before we make a final decision, Madam Secretary."

Chairperson Handel - "I would concur with that. I would like to see a letter of resignation, as well, and we don't have that yet. And I agree, I certainly -- is very sensitive about

people's reputations and things of that nature. It's very important that we try to look out for that. So I would be amenable to asking the -- our investigators to just get the copy of that and look into this a bit more so we can be judicious. Mr. Worley."

Mr. Worley - "I'm going to take a slightly different position. The Inspector General's report says that the Secretary of State's Office received a complaint by email alleging irregularities by elected officials. Specifically, the elections coordinator has questioned whether Richland City Council Members living in the bounds of the City. Can we get a copy of that email, or is there any sort of factual allegation in that email, other than the she doesn't live in the County? I mean, what was the support --."

Mr. Coleman - "I got it from you folks, and can give it to you right now, if you would like."

(Whereupon, Tommy Coleman handed paperwork to chairperson Handel)

Mr. Coleman - "The City has no objection to any further investigation to determine the domicile. I would point out that it really matters that much. I mean, if she was a resident of Stewart County on January the 7th, which was the fifth Monday before the election, she's going to be able to vote in Stewart County, even if she had moved from Webster County. I don't know what form one signs when they go to vote during that period between when you have moved from county to the other, but yet you can vote in previous county. I suspect that neither do many election officials when they are there. They're just volunteers, as you all know, and it was a discussion between one of those volunteers -- Ms. Mayes doesn't even know who that was when she asked -- had a discussion with them, and not have to vote Webster County next time. But nonetheless, we would be happy to assist with any pertinent information regarding her domicile. But it does save a bit of expense and trouble in this instance. You'll certainly note county races, conspiracy to perfect election of local -- Presidential Preference Primary, and every citizen in the United States ought to have a right to vote. She could not have voted in Webster County."

Mr. Worley - "I'm looking at this letter which has the complaint, and it appears to me that the only fact that's alleged in here is that she submitted her resignation in

December to the Mayor and City Council. And that appears to not be true. So I don't think there's any further investigation to be done, and my position would be to close the case. I appreciate the City's willingness to continue a further investigation."

Chairperson Handel - "Mr. Mayor."

Mayor McLendon - "If I may say something on behalf of the City and Ms. Mayes. The Election Superintendent was called yesterday, Tuesday, and she was asked that if someone living in the City of Richland, and that party -- if they lived in the City of Richmond, around the end of August or the first week of September or moved the last week of August or the first week of September, would they be able to vote in the election coming up in a City Election in November, that's this year. The Election Superintendent told the party that she could vote if she lived in the City the first week of November, and that she would be able to vote in November. And that goes to show and prove what Ms. Mayes was told that she did, and she told me coming up that she asked them and they told they were familiar with her and she could vote, but she couldn't vote after February."

Chairperson Handel - "And if I might, just to be clear, the law is that if you move within 30 days of an election you can vote in your previous precinct. It's not months or anything, it's very clear that it's 30 days."

Mayor McLendon - "The City's aware of that."

Ms. Mayes - "I'm Valerie Mayes, and I just wanted to say that I did go to the Mayor and tell him that I was getting married. And when I get married I was going to move. But while I was -- when I gave my resignation I was still living in Stewart County behind my mother's house. And that's what I've been telling everybody. That's where I was. Even when I voted, I was still staying in Stewart County, even though I gave my resignation, you know, because my plans were to move in my home that I had purchased in Webster County."

Chairperson Handel - "Mr. Evans."

Mr. Coleman - "Madam Chair, I would like to reiterate that it seems to me --."

Chairperson Handel - "I'm sorry. Mr. Evans has the floor."

Mr. Coleman - "I -- forgive me."

Chairperson Handel - "Thank you."

Mr. Evans - "The narrow issue that's before us is whether or not on February 5th, 2008 a certificate was signed that was fraudulent. And with all due regard to my honorable colleague, Mr. Worley, it doesn't matter how we learned it. It doesn't matter what the complaint says. Once we learn of information that indicates that a certificate, which is a statement under oath, was fraudulent or a verification of your -- of the statement, even not under oath, but a certificate for purposes of soliciting or obtaining a ballot is false, we're duly bound to investigate it. We now have an investigation which raises some issues. Not about December, not about January, but about whether that certificate was, in fact, true or false. Out of some degree of difference to you, rather than simply kick this over to the AG, which is honestly our normal practice to let them sort it out and have a fact hearing, and they make decisions of fact or recommendations of fact in conclusions of law for us, and we act on it. It would seem to me that the appropriate thing was to take one more careful look at that precise moment in time to see if we could determine that. And if we could, then we could make a decision without the necessity of a referral. If, however, what I'm hearing from counsel and from the parties is, this is very -- you know, this is very complicated. There are various and sundry legal issues that you should be aware of. You know, she had the right to vote, which would affect her scienter as to whether or not she intended to commit a false or fraudulent certificate in order to obtain a ballot, then my inclination is to kick it over to the AG and let them sort all that out. If it's a narrow fact issue, which we should be able to have our investigator discern, then fine, we take another look at it. And so, my inclination, Madam Secretary, is we take one more look at that narrow issue and then make a decision."

Chairperson Handel - "Is that a motion?"

Mr. Evans - "That's a motion."

Chairperson Handel - "Second. Mr. Worley."

Mr. Worley - "If the narrow fact issue is whether she was living in that County on February 5th, 2008, and there is no allegation of fact in the letter that says she was not. There's nothing in

that letter that says she wasn't living there on that date. It just says some people claim this, and it says she resigned on December 24th, which was the wrong date, she actually resigned on January 30th. But there's no issue -- there's no allegation of fact in that letter that says she was not living in the County on that date. So I just don't think it's a valid complaint. I don't think there is -- I would vote to close the case."

Mr. Evans - "Madam Secretary, is -- but the record we have before us, which includes our investigator's report, says but at the time of the election she resided at 5246 Kennedy Pond Road in Webster County. So I have in the record a complaint. I have in the record an investigation report, and I have a fraudulent certificate, or a certificate that's alleged to be fraudulent because it says a different county. I can either -- we can try to sort that out, which is what we let the AG do, or we get more information. If we act based on the record, we would be duly bound to refer it over to the AG. We're here, really, to kind of it give it the benefit of the doubt and take another look."

Mr. Worley - "Well, I don't think that there is a statement in the report that says, but at the time of the election she resided at 5426 Kennedy Pond Road, but there is no fact in the investigative report that says that, that's just this conclusion. And I, you know, I know our investigators work very hard and do a very good job, but I don't think we ought to bind this over -- you certainly can't bind it over because of an error in the investigative report, or a misstatement in the investigative report. And it just seems to me that the appropriate thing to do, rather than waste more time. But if we want do that, I mean, if that's the only alternative I'll certainly support continuing the investigation rather than binding it over."

Chairperson Handel - "All right. I have a motion to direct the Inspector General's Office to look into this a little bit more, and come back at our next regular call meeting, and a second. Any other questions or comments? All in favor, please say aye."

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed?"

Mr. Worley - "No."

Chairperson Handel - "Okay. Thank you. Next is 2008-000043, Polk County."

Ms. LaGrua - "This occurs in Polk County. This case came in from Susan Williams, Director of Elections. It involves the July 15th, 2008 Primary Election. The Respondents are Evetter Hawkins, Director of Social Services at Cedar Springs Health and Rehabilitation Center, and Missy Miller, the Activities Director. The allegations were that Keith Woodard signed with an X, and that no one signed as assisting on his ballot. That Evetter Hawkins illegally assisted voters and improperly handled the voter registration applications. Our investigative findings are that, in fact, Keith Woodard did properly receive assistance with the absentee ballot application and ballot, but that, in fact, Missy Miller did properly sign as assisting. What happened was, apparently the application and the registration card had the signature of Keith Woodard. Subsequently, he was unable to sign his name, signed with an X -- Missy Miller signed as assisting, so it appears that that allegation is not substantiated. However, Evetter Miller, who is the Director of Social Services at Cedar Springs Health and Rehabilitation Center, when interviewed, admitted that he did assist residents registered to vote, held those documents -- registration documents until the time for the absentee ballot application, and brought them at the same time. He admitted all this, that he did not know there was a time limit on the registration documents. We have checked, we cannot find any indication that this facility is a member of the Nursing Association here in Georgia. I don't -- that's not -- we were not -- we did check with those associations and were not able to find that specific affiliation. It's recommended that the case involving Evetter Hawkins be forwarded to the Attorney General's Office for a Consent Order involving training and other sanctions, as appropriately needed. There's not much to tell you, except there's an admission it happened, and he said he did it."

Chairperson Handel - "All right. Is Mr. Miller here?"

Ms. Missy Miller - "Hawkins."

Chairperson Handel - "Pardon, me?"

Ms. Miller - "Hawkins."

Chairperson Handel - "Is he here?"

Ms. LaGrua - "I'm sorry."

Chairperson Handel - "I'm sorry."

Ms. Miller - "Madam Secretary, members of the Board, I was the Social Service Director at that particular time, and of course, I had no training. In 2007, due to our investigation, residents do have a right to vote. I had never been trained, so as a Social Service Director I took the responsibility to get the residents registered. In 2007, I completed registration cards. I always took them, myself, to Ms. Francis Peyton (phonetic), that's who I dealt with at the Polk County Voter Registration Office. At that particular time, every time I took registrations there I always had them -- they were never sealed because I didn't know they really needed to be sealed. And the purpose for doing that, a lot of times residents forget on a day-to-day basis when they signed, or what they signed, so I would always make a copy because 2007 was my first year assisting them with that. So I made copies and kept them in my files so when we had inspections, if there were questions arising if this person registered -- we've had residents say they did not, but I could show proof where they did. In 2008, January, I did registrations again, and at that particular time I did take them in. Ms. Francis Peyton called me about a couple of days later telling me that I needed to -- there were some that were not signed, as far as the date, and there were two or three I missed putting their social security numbers in. She asked me to pick them up and I picked them a week later. At that particular time, I was still not told that, you know, we needed all that information within a certain time, because I did not know. The only thing I knew that it had to be back before July 15th. That was the only thing I knew of. And of course, I had put them in my car that evening. By the time I made it to the registration office they were closed, so I had left them in my car. And it just so happens my husband had the car that day, and I asked him, I called him and I said, would you please get these to the voter registration office. They were in a brown manila envelope sealed, but the actual voter registrations were not. And again, I have had no proper training, but as residents in a nursing home you want to make sure they're still involved in every community aspect possible, and I was trying to do that. I did not know the rules and regulations of voting."

Chairperson Handel - "Okay. Colleagues -- thank you very much. Any questions? One thing for all of you -- thank you. The issue of activities -- voting and registration activities in the

nursing homes as we go forward we've got, on any number of cases pending in this area, and later this afternoon when we get into our update about SEB rules and legislation, I hope we can maybe talk about this issue a little bit. It is abundantly clear that some level of training really must take place with these activities directors. So with that, questions on this matter? Comments? Mr. Evans."

Mr. Evans - "Yeah. I just had a question for Ms. LaGrua. Only because I -- when I was -- it's a citation issue. The violations citations are to SEB rules, and I was just hoping you could direct me to where those are."

Ms. LaGrua - "I can. In fact, it took a minutes to find this as well. It's 183-1-6-.03."

Mr. Evans - "All right, I'm there."

Ms. LaGrua - "And I've got to get there as well."

Chairperson Handel - "Did you say 183-1-6."

Mr. Evans - "Yeah. I think it begins on page 15."

Chairperson Handel - "Thank you."

Ms. LaGrua "It's at subsection three, Mr. Evans, 03 -- I'm sorry. V3."

Mr. Evans - "Where is that at? I'm sorry."

Ms. LaGrua - "It's at 16 -- at the bottom of the page it says 16.04, and it's transit time should be kept to a minimum. Registration applications shall be mailed or delivered to the Registrars as soon as reasonable and practical, but in any event, no later than ten days after the date of the execution by the applicant."

Mr. Evans - "Yeah. I think that's 3.03."

Ms. LaGrua - ".03 --."

Mr. Evans - "I think that's -- it's under 0."

Ms. LaGrua - "Correct. I'm sorry. 03, you're correct."

Mr. Evans - "It's a -- it's just a citation, and I want to make sure that we're clear because on our notice we have to make a correct citation, and then the other citation, which is the V3, that refers to transit time as well?"

Ms. LaGrua - "Correct. Transit time is the -- I'm sorry, it is 03. There's a V right above it that I'm missing -- 03."

Mr. Evans - "No, that's fine. I'm just saying we have two rules cited, is there just one rule to transit time?"

Ms. LaGrua - "I believe it's just one to transit time."

Mr. Evans - "Okay. That's fine. And so, that would be 03."

Ms. LaGrua - "Correct."

Chairperson Handel - "Any other questions? Do I have a motion?"

Mr. Evans - "So moved. Move to assign it over."

Mr. McIver - "Second."

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

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All right."

Mr. McIver - "Only to a point, Madam Chair, where we could consider a rule either in admonition to the Nursing Home Association in Georgia, or some other governing body, to kind of raise the level of awareness of their various members. All I see from the report that this facility was not a member of the Association, but these cases continue to come before us and it's very, very faithful people who have tried their very best to perform their duties as outlined, but they find themselves in violation of either our rules or the Code. And I'm wondering if we're reaching a point where it's time to do such a thing."

Chairperson Handel - "I think that we are, and this afternoon when we talk about -- when we have our conversation about rules and legislation, I hope that we can do this. And one thing that I would like to ask of Ms. LaGrua is that for this matter, I think, also, if the Board's amenable, I'd like to send some kind

of communication to the head of this nursing facility about the matter as well. Since they are not part of the association, they would not have been part of the...."

Ms. Pam Davis - "Excuse me."

Chairperson Handel - "I'm sorry."

Ms. Davis - "I'm the Administrator of the Nursing Home."

Chairperson Handel - "Okay. Again, if I can ask -- folks, if you're here for a case, I need y'all to stand up and say -- I would have no idea. I know you would like to speak, but I think, clearly, just as we believe that on a training side of things that when there is a city or county elections official that hasn't been properly trained and we want the city and council -- City Council and County Commission to be aware of the circumstances, the same is true for the heads of these facilities. I mean, these are legal requirements, and to -- to an earlier point, we do want to do everything that we can to make sure that these individuals get to exercise their right to vote to the fullest extent. With that said, the rules and procedures still need to be followed, and if nursing homes are hiring activities directors and they are going to be given that task, there is a responsibility on the part of the nursing home, and the employee, to know the law."

Ms. Davis - "Thank you for letting me speak. My name is Pam Davis, I'm the Administrator of Cedar Springs Health Care. I come to support Ms. Hawkins in what she may be saying, however, we are a member of the Georgia Nursing Home Association. I don't know if that falls under the guidelines of doing liable healthcare that we work up under, or what. But we are a member of the Georgia Nursing Home Association, and we do have consultants that come in and talk with both, the social worker and the activity worker, and give them the guidelines and the rules and the regulations on what the voting practices are in our facility. So I know that that person has been to our building. She comes in on a regular basis, and I do know that those instructions are given."

Chairperson Handel - "I'm sorry. What person is this? A consultant?"

Ms. Davis - "Yes. It's a consultant that we have hired to come in that works with social service and activities."

Chairperson Handel - "Okay. Any other questions? Thank you. All right. I have a motion and a second, all in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? There is none. Thank you. All right. Our next series of cases, we'll have Ms. Almond give us an update. The first one involves Macon County, 2004-21."

Ms. Almond - "Yeah. It's one of our oldest cases. The Respondent in this matter, Edward Lee, who was the husband of a candidate for County Commissioner, and Eugene Hill, who was a friend of the Lees, were helping them in their campaign. The Respondents were accused of improper assistance of absentee ballots and improper possession. Additionally, there is an allegation that the Respondents violated O.C.G.A. 21-2-562 for falsification. This involved a situation where Respondent Lee assisted Respondent Hill with his absentee ballot application, and indicated on the ballot -- the envelope that the reason for the assistance was the fact he was illiterate. However, then Respondent Hill subsequently assisted two other people with their absentee ballot. This never was scheduled for a hearing, it was December 2nd. And both of those Respondents appeared, but none of the keynote witnesses appeared. There were five witnesses, including the former investigator who had been informed by previous administration that no longer works for the Elections Division. So since the witnesses did not show up, these had to be dismissed. However, I would like to note that even if the witnesses had shown up, this case -- there were evidentiary problems that would have made establishing a violation difficult. With respect to false statements, that was probably the clearest evidence of a violation in this case. We had the ballot envelope with Respondent Lee's signature, and the fact that he checked that Respondent Hill was, in fact, illiterate. And in talking with him and observing him, it does appear that he -- his command of the English language was somewhat marginal. So, you know, I don't know how -- whether we would have been successful on that had the witnesses showed up and had we proceeded on that. With respect to the improper assistance claims and improper possession claims, three of our witnesses -- well, two of them are deceased, one of them was very elderly, too ill to testify. One was Respondent Hill, and the fifth voter did not show for the hearing, and I'm not sure if we have his current whereabouts. So without the testimony of

those voters, it would be pretty difficult to establish that they did what they were accused of doing. They did make certain admissions to the investigator, however, I had spoken with the investigator previously, several months before, and he indicated he didn't remember anything about the case and would have to refer to his notes. In looking at the notes, I didn't think those would be very persuasive just due to a kind of complicated facts to this case. So in light of the jury's difficulties, I would recommend the Board take no further action on this matter."

Chairperson Handel - "Any other questions on this one? Mr. Worley."

Mr. Worley - "I'm sorry, Ms. Almond. Who was the former investigator?"

Ms. Almond - "That was John Adams."

Mr. Worley - "And I guess I was bothered by the report, which they didn't respond to our subpoena to testify."

Ms. Almond - "Yeah. There must have been some sort of miscommunication. I called them before the hearing, and his wife indicated that he was on a hunting trip, so I think there must have been some sort of miscommunication."

Mr. Worley - "All right."

Chairperson Handel - "Any other questions on this one?"

Mr. Evans - "No, Madam Secretary. To be candid, I find it very troubling."

Chairperson Handel - "Yeah."

Mr. Evans - "I find it troubling, first, because it's a great illustration of what delay in prosecution results in. And I would be interested to know how long this has been at the Attorney General's Office waiting the setting of a hearing to a point where witnesses have died, and other witnesses are unavailable. And we have allegations of false statements where people go unprosecuted. And the second thing that's troubling for me is that the Attorney General's Office agreed to, and moved to, dismiss our case. And I don't believe they have that power. I don't believe the AG has the power where we are the

party plaintiff, to dismiss our case. And these are important, legal, and constitutional issues which need to be addressed. Because if that's true, it means that whatever action we take to enforce the election laws can be forwarded, for whatever reason, by the Attorney General deciding to dismiss valid and pending lawsuits, valid and pending actions to enforce the election laws. So I view this as a very, very serious matter, and I'm not sure what the remedy is, but I think the remedy will be start with getting more data about the exact timeline on when this was filed, when the notice was, when it was referred to the AG's Office. And then, second, the authority upon which the Attorney General's Office believe they can move to dismiss an action instituted in the name of the State Election Board."

Chairperson Handel - "Thank you. And Ms. Almond, if you'll follow up with us in writing, that would be helpful. If I might, then I'll come to you, Mr. Worley. It has, indeed, been troubling to have many, many cases languishing, and while I appreciate the desire to work towards a Consent Order, one thing that we have asked of the Attorney General's Office, not just for elections matters, but in other matters when we have to deal with the AG's Office and Consents are involved, that once six months go by, if they've not been able to obtain an agreement that the matter needs to come back to this body so that we can then determine if we are going to want to continue the negotiations, or move forward with an ALJ hearing. And so, hopefully -- not hopefully, so over the course of the next year you will start to see some things come back. Because I agree, at some point simply stalling becomes a tactic just hoping that it will ultimately go away, and it's a disservice to voters, as well as to the hard work that each of you put in to have things languish for this long, and then never have the ability to really do our jobs as the law requires us. Mr. Worley."

Mr. Worley - "Well, I just wanted to state, for the record, that in my experience the Attorney General's Office has been, and particularly the Attorney Generals in the office, including Ms. Almond and Mr. Ritter, and others that have done work for us, have been very diligent in prosecuting cases that obviously everything has to be prioritized in cases that are less than capable of being won, are not going to get the highest priority. But I just wanted it to be clear that I don't think there's any question here of the Attorney General's Office stalling -- including Ms. Almond and Mr. Ritter, and others that have done work for us, have been very diligent in and cases that are less than capable I just wanted to be clear that I don't think that

there's any question here of the Attorney General's Office stalling cases. I don't think the attorney General, or people in his office, stall cases."

Chairperson Handel - "I'm sorry, Mr. Worley, if I might. I wasn't implying that they were stalling. I was implying the other folks on the outside would."

Mr. Worley - "All right. I'm sorry if I misunderstood that. But I also just wanted to say, again, for the record, that Ms. Almond, in particular, from my experience, has done an excellent job in prosecuting cases at hearings and has gotten excellent results in the hearings that she's processed."

Chairperson Handel - "Anything else?"

Mr. McIver - "Yes. I just would amend Mr. Evans' remarks. If we're going to make an inquiry of the Law Department, I would add to that, I'd like to know the number of outstanding cases and the relative dates. I presume that the remainder of our Agenda might encompass all those, although I'm not sure. But I would like to have a report from them, then, that how many cases do they have, what are their relative dates, so that we then, as a body, since we are charged the disposition of these matters, can begin to make a determinations on our own as to which one's we might want to call forward in advance of the time that the Law Department would choose."

Ms. Almond - "I would just like to say, there is a chart in the binder that was all of our --."

Mr. McIver - "All right. The question, again, is you said all. That would be all -- all. There are none that are not here?"

Ms. Almond - "Right."

Mr. McIver "I've got a 16 in the Randolph County matter."

Chairperson Handel - "Actually, it's under 17, Tex."

Mr. McIver - "I've got legislative briefings. Thank you. I didn't think I had missed it. And then, Ms. Almond, what you're presenting to us -- or at least what you referred to that I hope I have in my hand, is all the cases...."

Ms. Almond - "Right."

Mr. McIver - "...that are now with the law firm...."

Ms. Almond - "Right."

Mr. McIver - "...for which we have the responsibility to resolve."

Ms. Almond - "Yes."

Mr. McIver - "Thank you."

Chairperson Handel - "So this one is going to be held until we get the additional information. I probably need a motion to that effect."

Mr. Worley - "So moved."

Chairperson Handel - "Second. All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? Next item is McIntosh County."

Ms. Almond - "This item will be presented by Stephan Ritter."

Chairperson Handel - "Okay. You've got a big packet for us."

Mr. Stefan Ritter - "Yes, I do. Thank you, Madam Chair. Madam Chair, I'm delighted to be here before you this morning. First, let me say having just heard your comments and Mr. Evans comment, I'll just reiterate that we take our duties to -- we're very serious. We will investigate -- preparing report, but I agree with Mr. Worley. Ms. Almond does an excellent job, and absolutely includes everything she can. She does phenomenal work, so I don't know what the situation is with that case is, but I'm sure it's a good reason. Let me move on to McIntosh County and tell you about this case. Because this case is on the Agenda today, and we have some folks who've come here from McIntosh County, particularly their current head of their elections, which is Mr. Bob Mucha. But this case is a case that arose under your predecessor's term, Cathy Cox. It was tried by Penny Hannah of our office to the ALJ. Judge Gotta heard the case, and Judge Gotta issued an initial decision. And I will tell you, candidly, that reviewing that initial decision, which I have done and that is in your packet, I do not think it was an

excellent initial decision, and I don't think the Board, when it came before this Board, thought so either. And our view of it, understanding -- Ms. Hannah's understanding was that that initial decision had been rejected. But looking at the Summary Minutes, which are on the top of your packet that you can see on the first page, I've discovered, in fact, that what happened is that the Board did, in fact, vote on amendments to the initial decision and adopted it with those amendments. This is a serious case. This is a case that involves a gentleman named Boyd Gault who had a number of absentee ballots that he handled himself. And he had admitted in a previous trial that he had handled them himself and when he was questioned at the administrative hearing, he took the Fifth Amendment and refused to testify. And it involves a situation that used to exist, but hopefully does not any longer exist in McIntosh County, where the former head, now it seems to be James Amerson, failed to take his duties as thoroughly as he might have, and perhaps didn't understand absentee voting and advanced voting in the way he that he might of. And there was some serious irregularities. What has happened since then is a complete revamp of McIntosh County election situation where they have now consolidated the Board, which was really not a successor to the prior Board. Where legally, the robber hits the road, so to speak, on our case is on that prior meeting that this Board held where this Board said we are going to impose these fines, and we want these amendments to the Board."

Chairperson Handel - "And Mr. Ritter, that this Wednesday, December 13, 2006 meeting."

Mr. Ritter - "Correct. Correct."

Chairperson Handel - "Okay. Thank you."

Mr. Ritter - "It did come before the Board again when Ms. Hannah tried to present that, and I think that the Board, at that time, did not consider it, did not move on that, but a final decision was prepared. I went through this, actually, to write a new final decision. It was only later that I discovered this. We then got what was in then a very poor recording of the prior meeting to see if the minutes did accurately bear out. In fact, they do -- I'm sorry, the transcript is not as good as we'd like, but they do bear out, 51 pages, around 23, 25 with the motions, and the order. So Mr. Gault, who handled these absentee ballots, was fined only a hundred dollars by this Board. I wish I could tell you today that I would like to have

that changed, because I would. I think it's much too low, but the bottom line is this. It's been voted on. Well over 60 days have passed since that vote was taken. So I think we are at the point where our final decision should have been executed, has not been executed. In fact, I don't think there's any other actions for this Board to take, and I would suggest, Madam Chair, you can actually execute the final decision, but formality if the Board wanted to vote on it -- I've included a copy of the final decision I've proposed. It was actually looked over by Ms. Hannah, and it goes through and it reflects exactly what the votes were, including the changes in the language to the initial decision, but otherwise it's the same language in the initial decision, and the changes and sanctions from the initial decision. One last thing, one other change that was made to the initial decisions in the prior meeting was that there was a gentleman named Reggie Williams who was a convicted felon. Judge Gotta mis-appreciated what the duties were of Mr. Williams in terms of thinking incorrectly that Mr. Williams had to go forward and to reestablish his right to vote once he completed his sentence, which he did not. He was still in violation of the law at the time, however, and a cease and desist order was issued -- well, to be issued against him. So that's where we are. And I would present the final decision to Madam Chair for execution, and that resolves this case."

Chairperson Handel - "So do we, or don't we, need to vote?"

Mr. Ritter - "You do not need to vote, but you're free to make a motion, and do it for formality sake, if you want. It's already been voted on."

Chairperson Handel - "All right."

Mr. Worley - "I just -- if we've already voted, I don't think we should vote again...."

Mr. Evans - "I agree."

Mr. Worley - "...and establish some precedent that might be problematic in the future."

Chairperson Handel - "Any other questions on this one? All right. Next item."

Mr. Robert J. Mucha - "Can we talk?"

Chairperson Handel - "Pardon, me?"

Mr. Mucha - "Can we come up? There's something I'd like to say for McIntosh. See, I have a concern --."

Chairperson Handel - "Hang on for a second. Let me just get the pleasure of my colleagues, here."

Mr. Evans - "I'm fine. I remember us...."

Chairperson Handel - "Two minutes."

Mr. Evans - "...Madam Secretary, this was before you came on Board. We were working hard, and this was something that Mr. McIver, who in his capacity as the Vice Chair, worked hard on as well, to break the barrier to actually begin to impose civil penalties, individually, or violations. And prior to this time period, there had be reticence by the Secretary, at that time, and the Board before then to do anything other than generally cease and desist orders. And in order to -- in order to break that barrier, we went with an artificially low penalty just to establish the precedent of being able to impose a penalty. And that's how we ended up where we are now. Once we broke that barrier, then we were able to work toward establishing meaningful penalties, which is where we are today. I don't think it would be right to go back and revisit a penalty that was imposed then, but I did want the record to reflect the judicial history, if you will, and the legislative history for what was happening in that time period as we work hard to give teeth to these types of violations. So I agree with Mr. Ritter. I think it is in order. It stands -- I don't buy the 30 day thing, but we need not get into that today."

Mr. Ritter - "And if I may say, I want to clarify the record on that, too. I think that this Board can go back and amend prior orders in certain circumstances. I'm not suggesting that if you fail to act within 30 or 60 days of an extension that that is the end of the day. But that does begin, generally, from Respondents appeal rights. Thank you."

Mr. Mucha - "Thank you. I appreciate that very much."

Chairperson Handel - "You're welcome. Tell us who you are, please. Pull your microphone up just a little bit."

Mr. Mucha - "Am in on now?"

Chairperson Handel - "Yes, you are."

Mr. Mucha - "My name is Robert J. Mucha. I'm the Chairman of the Board of Registration and Elections in McIntosh County. We went through the order. We've been waiting a long time for this case to come to its fruition. My primary concern in reading this is, you know, I recognize you cannot change it, but this is going to come down and it's going to actually, in my opinion, be smirched and hurt more on existence than McIntosh. We do not have a Board of Registrars anymore, and this talks about penalties against those people. However, when people look at this they're not going to make a distinction between the Board of Elections and the Board of Registrars, so I want on the record, the specifics that the current Board is not being sanctioned because we have got a new Board, we have gone through a lot, we had a very tenuous election, the last one. There are some additional charges that have been filed, I'm pretty sure. Shawn LaGrua's got those right now, and it does speak of one of the individuals that we're talking about now. I'm not going to get into to discussion on that because I don't think it's worth that at the present time, at least. But I do want to make it clear that we have a group of people -- we are a working Board. You know, we have a Clerk in there, but things come down we do the early advanced voting. We're in there. And it's everybody that's on my Board of Elections and Registrars over there. That's basically about the only thing I wanted to get across. I recognize this is a done deal, you know, and I knew we were supposed to talk about it, look at it more, understand the ALJ went through a number of things. This Board, again, was at the VRG Meeting. I've got to really compliment Mr. Ritter because he's really the one that finally took it and brought it all together. So thank you very much, we appreciate it."

Chairperson Handel - "Thank you. Appreciate it. All right. Our next page is City of Fort Oglethorpe, 2005-000062. I'm going to let the Vice Chair take over for just a moment."

Mr. McIver - "Let the record reflect the Chair is leaving the room, albeit for a brief time."

(Whereupon, the Chair left the room at 12:15 p.m.)

Ms. Almond - "This case involves a candidate for City Council. He was accused of giving free hot dogs and cokes in exchange for votes during the November 8th, 2005 Municipal Election in Fort

Oglethorpe. What he had done was he had his hot dog stand offering hot dogs, and right next to the stand he had a sign that read, elect Stephen Allen Lanier City Council. The Respondent has claimed that he, with the advice of the City Attorney, and was told that the stand was proper as long as it was a certain distance away from the polling place, and as long as he didn't petition voting upon receiving a hot dog. This matter has been referred -- however, in anticipation of the hearing, Respondent Lanier has obtained affidavits from people who have prepared to testify on his behalf, including the former Mayor and two of his opponents in the election. These individuals would testify that they were present on Election Day, and that they were given hot dogs by Mr. Lanier and the supporters were getting hot dogs. You know, with no expectation that they would vote for Mr. Lanier. In spite of the fact the evidence, we recommend that there be no hearing, and this case be closed."

Mr. Evans - "So what was the evidence upon which we bound a case over?"

Ms. Almond - "The fact that he -- just the sign -- the fact that he had the sign next to the hot dog stand, and then you had the complainant alleging he was conditioning the hot dogs on -- giving the hot dogs on -- in exchange for voting. There wasn't really much evidence, but there, you know, it was kind of a borderline case."

Mr. McIver - "But on the strength of the three affidavits obtained by the Respondent, you began to lose faith in this matter; is that right?"

Ms. Almond - "Yes."

Mr. McIver - "Were affidavits challenged in any way? Were they validated? Did we interview any of the three ? "

Ms. Almond - "I haven't interviewed any of the three -- any of the people who issued the affidavits."

Mr. McIver "Mr. Evans , I didn't cut you off"

Mr. Evans - "No. That's fine. I apologize for interrupting. I would recommend that we issue a letter of instruction, because we really do have to set the boundary. And Mr. McIver, Vice Chair and I have talked about this before, which is there is

some lack of clarity about when does free food, free stuff cross the line. And I think through a pattern of letters of instruction, we can start to define exactly where that line is. In the last election, we clearly articulated that giving free Starbuck's coffee, or free doughnuts, or free compact discs was over the line, and now the question before us is if you have adjacent signs, or signs in close proximity, one which says election one and one that says free-something, does that cross the line? And we need to figure out, where is that line? I don't know that we should punt, which is what closing the file does. I think we actually have to make hard decisions so that local elected officials aren't left constantly trying to figure out, you know, radar lines as to where we might end up. And so --."

Mr. Worley - "So you're suggesting that we send a letter of instruction that says, you didn't violate the law, but don't violate the law again?"

Mr. Evans - "No. I would -- actually, I don't know that would ever work either. I would suggest a letter of instruction that defines exactly where we think the boundary is, which is that -- that an election sign cannot be attached to or adjacent to a sign that indicates that there'll be free anything."

(Whereupon, Chairperson Handel returned at 12:19)

Mr. Worley - "I would ask Mr. Ritter and Ms. Almond, about what our authority is here. It seems if that's what you want to do, you usually have to pass the rule that says that. I don't think if you're wanting to get in that much detail, that letters of instruction to various candidates as we go along are really going to be of much use."

Mr. Evans - "Well, what I'm not willing to do is ignore the will of the Election Board, or to let the Attorney General decide which cases they want to prosecute and which ones they don't, and then we just live by it."

Mr. Worley - "Then if we think they're wrong and recommending that this not be prosecuted, let's vote against it and have them prosecuted. You know, let's see what an ALJ says. It seems to me that, you know, and honestly I don't remember the exact details and the reason we bound it over, but I take Ms. Almond in her word that there was some question as to whether he had conditioned receipt of the hot dogs on casting votes. But we've

got affidavits here from, I guess two of his proponents, saying that they were the whole -- they were there and -- during the entire time, and he never conditioned it giving the hot dogs on the votes. So if we want to take the standard that we're going to take some amount -- some minimal allocations in order to refer a case over to the Attorney General, which based on today's action is the position that we seem to be taking, then it seems to me that we have to accept the fact that when an investigation is done and when evidence is collected by the Attorney General's Office, there are going to be many cases where it turns out that the probable cause didn't result in sufficient evidence to actually bring a case. These are -- this is one of those cases, and I just don't want -- I just don't think we should be second guessing the Attorney General in all of these cases. I mean, the case that we just had -- further investigation revealed that there was -- the woman actually lived in Webster County when she said she didn't -- or in Steward County when she said she didn't that, you know, we're going to be second guess that decision, I don't think so. Or I don't think we should."

Mr. McIver - "Any other discussion? Do we have a motion?"

Mr. Evans - "I move we send her a letter of instruction indicating -- a letter of instruction indicating that it is improper to offer food or free hot dogs and cokes in exchange for cokes, as provided in 21-2-57."

Mr. McIver - "We have a motion. Second?"

Chairperson Handel - "You said she, but did you mean --."

Mr. Evans - "Mr. Lanier."

Chairperson Handel - "Second."

Mr. McIver - "Motion and a second. Discussion? We'll call out to vote. Those in favor of the motion, respond by saying aye."

(Whereupon, there was a chorus of ayes)

Mr. McIver - "Opposed?"

Mr. Worley - "No."

Mr. McIver - "All right. Mr. Worley opposes."

Chairperson Handel - "Thank you, Mr. McIver. Next case is Spalding County, 2006-000041."

Ms. Almond - "This case involves claims of improper assistance - improper possession of absentee ballots, and also improper possession of an absentee ballot application. The Respondent Cynthia Reid-Ward and Gwen Flowers-Taylor have admitted to improperly possessing absentee ballots. Respondent Reid-Ward had admitting to taking possession of about four voters, and she's agreed to pay a \$400 fine, in addition to a cease and desist and reprimand. Respondent Flowers-Taylor has admitted taking possession of the ballots of at least five voters, and has agreed to pay a \$500 fine, in addition to the cease and desist order and reprimand. Respondent Cora Flowers has been accused of improperly taking possession of a completed absentee ballot application, however, this office has previously issued and is continuing in taking possession of application is not actually a violation, and since she otherwise properly assisted this person, I recommend the case be closed."

Chairperson Handel - "I seem to be missing a page here."

Mr. Worley - "I think we're just out of order."

Mr. McIver - "Yeah. It's out of order."

Mr. Worley - "I would make a motion that we accept these consent orders."

Mr. Evans - "Second."

Chairperson Handel - "I have a motion and a second. I have one clarification. On the Consent Order for Gwen Flowers-Taylor, the \$400 fine -- Is that right?"

Mr. Worley - "And the other's \$500."

Chairperson Handel - "But it was five voters, and the other one, I thought, was five voters for \$500, and I'm just trying to understand why we wanted \$400 in one -- you know what? I think because they're out of order, I bet they're different. Is Ms. Ward for four voters, \$400?"

Ms. Almond - "Right."

Chairperson Handel - "Okay. And then Ms. Flowers-Taylor for five voters is \$500."

Ms. Almond - "Correct."

Chairperson Handel - "Thank you for that clarification."

Mr. McIver - "I have my standard question. Is this consistent with what we've done in the past?"

Ms. Almond - "Yes. In the past we've issued a hundred fine for absentee improper assistance and possession of the ballot."

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

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? There being none, we'll move forward. And if the record can show that Mr. Israel is with us now. Welcome. Good to see you."

(Whereupon, Mr. Israel arrived at 12:26 p.m.)

Mr. Jeff Israel - "Thank you."

Chairperson Handel - "Our next matter is City of Kingston, 2008-10."

Ms. Almond - "This case involves a complaint by an unsuccessful candidate for City Council. He lost this election by two votes, and alleged that the City and, specifically, Respondent Terry Provenson, with former Election Superintendent didn't challenge the votes of people who didn't reside in the City, and also failed to remove deceased voters from the voting list. He also alleged that Mr. Provenson failed to properly provide poll worker training for the election. The complainant provided a list of 48 voters who, we believe, should have been removed from the elector's list. After further investigation, it was determined that only three of the voters on the list were in the election, and all were falsified votes."

Mr. Evans - "Three voted, and he lost by two?"

Ms. Almond - "Right."

Mr. Evans - "I can see why he was upset."

Mr. Worley - "But they were all qualified to vote."

Ms. Almond - "Right. During the course of the investigation, it was revealed that the City hadn't appointed a municipal registrar who would have been responsible for determining who should have been on that list, and who shouldn't have. Instead, Ms. Provenson had been wearing that hat, even though it really, under the law, wasn't her duty to do so. The City has cited a Consent Order agreeing to appoint registrars, and also a cease and desist and reprimand. Ms. Provenson has admitted that she failed to train the poll worker, and has agreed to a cease and desist order, reprimand, and training if she enters into another electoral position. And so I recommend the Board accept the consent orders."

Chairperson Handel - "Questions? Is there a motion?"

Mr. Evans - "So moved."

Mr. McIver - "Second."

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

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? There being none, that one's approved. Next item is 2008-000014, Randolph County."

Ms. Almond - "This involves a dispute between the Registrar's Office, Randolph County, and the Election Superintendent Office of Randolph County. The Election Division received a complaint that the Election Superintendent's Office was refusing to deliver DRE machines after --. After intervention by the Secretary of State's Office, with the assistance of the County Attorney, the machines weren't, in fact, delivered on the day that -- Further investigation was done, and it was revealed that the Election Superintendent, Sandra Thompson, that she committed other violations that she failed to post notice of two scheduled testings of the DRE units, as required by O.C.G.A. 21-2-379.(c). And also, during the investigation it was discovered that Respondent Hoover, who took over the position on short notice after the Chief Registrar resigned abruptly, that he had failed to sign two absentee ballot applications that he had rejected,

and failed to document the reasons why he rejected that -- the ballots, as required by law. Both of the Respondents have entered into Consent Orders, and have agreed to attend training by June, in addition to a cease and desist and a reprimand. So I would recommend that the consent orders be approved."

Mr. Evans - "So moved."

Chairperson Handel - "Second."

Mr. Evans - "Madam Secretary, for purposes of discussion on just one point, which is now that we've started the process of adding Respondents such as, in a case like this where Randolph County would be a Respondent. In the event we get a Consent Order with the entity, such as Randolph County, it would be helpful if you would put in the Consent Order an undertaking, on their part to pay for the training. Or otherwise, make available the training that's required so that we make sure that we are -- the adequate resources are allocated. And obviously, if the County agrees to that, that's not a problem."

Chairperson Handel - "And in this instance, what we can do is send a copy of this Consent Order with a cover letter from me advising them of it, and we can send it to the Chairman of the Commission, as well as the County Manager."

Mr. Evans "Yeah. We just want to create the idea that it's cheaper to have them do the training first, than to wait for us to make them do the training. And so, we've got -- you know, these county officials understand the ballot sheet, and we've got to make it more expensive for them not do the training. So that's our goal, I think."

Chairperson Handel - "All right. I've got a motion and a second. Any other questions or comments? All in favor, please say aye."

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed?"

Mr. Worley - "Aye."

Chairperson Handel - "That's a unanimous vote. Any other questions for Ms. Almond? All right. It's right about lunch time. Colleagues, I believe we do have Executive Session on

litigation matters, so if the Chair can entertain a motion to go into Executive Session on Litigation."

Mr. Worley - "I would make a motion that we go into Executive Session."

Mr. Israel - "Second."

Chairperson Handel - "All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "All right. And we will -- let's see. Let me see what time it is, 12:33. Let's call it that we'll be back at 1:30 if everyone who wants to be here is here."

(Whereupon, the meeting broke for lunch and Executive Session at 12:33 p.m., and reconvened at 1:27 p.m.)

Chairperson Handel - "All righty, folks. I'm going to call us back to order. We did have Executive Session on litigation. No action was taken. I'd like to get a motion to come out of Executive Session and come back into regular session."

Mr. Worley - "So moved."

Mr. Evans - "Second."

Chairperson Handel - "All in favor?"

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All right. Next item on the Agenda is Matt Carrothers, Election Update on where we are with Photo ID Outreach that we did up through the November Election."

Mr. Matt Carrothers - "Madam Secretary, members of the Board, my name is Matt Carrothers, Director of Media Relations with the Secretary of State's Office. This presentation details all of the Photo ID Out Reach and Education Programs through the December 2, 2008 Runoff Election. On the next page you'll see the total voter identification cards issued, both in 2008 and then the total number of cards issued as of December 31st, 2008. The next page details both, the General Election and the General Election Runoff efforts, and the number of voters who voted provisionally because they did not bring a photo ID with them to vote in person. Fairly self-explanatory, as well as the numbers

we returned with an ID, and numbers who did not return with ID. We did mail letters to 683 voters who voted provisionally, but did not return to provide photo ID. Of course, those names were provided by County Election officials."

Chairperson Handel - "Do you have a question?"

Mr. Worley - "Why is there a difference between 873 and 683? There were some people who didn't return to provide ID."

Mr. Carrothers - "Right. The information that we use -- the data that we use is provided by the counties. It's not mandated that the counties provide it. Not all the counties are, you know, as fast in getting us that information, so we send letters to all the names that we have, then I request we make numerous follow attempts to the County Elections officials to get the names. So that would explain any discrepancy."

Mr. Worley - "So the 873 figure there, that's based on information that was provided by the counties?"

Mr. Carrothers - "Correct."

Mr. Worley - "And how many counties did not --."

Mr. Carrothers - "I'd have to get that information. I don't have that in front of me right now, but I can get that."

Mr. Worley - "Because I would like to know if that 873 is a real number, or not. I mean, it's real to the extent it was recorded by some counties. But I'd be very curious to know how many counties did not, or what could be done to get that information from them."

Mr. Carrothers - "Okay."

Chairperson Handel - "Any county that didn't provide it, they are to get a communication from me telling them to respectfully provide it. I mean, that's just ridiculous. I'm sorry. That really annoys me. All right."

Mr. Carrothers - "The next page details the direct mail outreach for the combined September 16th Special Election and the November 4th General Election. We won't go into all the numbers, but you can see that we mailed nearly 865 thousand pieces of direct mail through various means, including letters,

brochures, postcards, packages to nongovernmental organizations, and inserts with Georgia Natural Gas bills. The next page, we've actually discussed in the prior presentation, details our partnership with the Atlanta Falcons organization. We ran over five thousand 700 radio PSAs before, during, and after the football games detailing Photo ID requirement, the voter registration deadline, and all the early voting options available to voters. And during the football games in the Georgia Dome, there were messages on the LED there. The next page details some additional outreach efforts, including television, ads placed on MARTA buses, and additional radio PSAs to a clear channel network. That includes what they call total traffic, online streaming on the websites, Atlanta Braves Games, and then also something called the Georgia News Network which is owned by Clear Channel. So this is in addition to the radio playing before, during and after the Falcons games. So the next page is just a synopsis of September 16th and November 4th. Again, fairly self-explanatory. 865 thousand pieces of direct mail, 15 thousand pieces mailed out to nongovernmental organizations, which include houses of worship, libraries, et cetera, and the Falcons radio and MARTA. And then, the final page details the total education outreach campaign, what we call phases one and phases six. And that would be since the program began in 2007 through December to the runoff election. Over five million pieces of direct mail, over 57 thousand pieces of mail to nongovernmental organizations, over 83 thousand automated phone calls, over 60 thousand 600 radio PSAs, et cetera."

Mr. Worley - "I have a question. Matt, do you have a figure for the total campaign, how much money this State has spent to do all this?"

Mr. Carrothers - "I do have that. It was just over a million dollars since the fall of 2007."

Mr. Worley - "Thank you."

Chairperson Handel - "Any other questions, folks? All right. Matt, thank you very much. Wes."

Mr. Wesley Taylor - "Madam Chairwoman, members of the SEB, I am going to give a brief overview of the efforts by the Elections Division. I'm also going to look back at the General Election, Runoff Elections on some statistics. As I go through this, of course, if you have any questions or anything you'd like me to

elaborate on, I'm more than happy to do so. The first slide really summarizes the election turnout for the General Election, as well as the Runoff. And to put that in perspective, I'm sure you all have heard these numbers so I won't linger. But to put it in perspective I also included the 2004 figures as well. The -- couple of things that stand out is the turnout, just as sheer numbers from 2008 to 2004 was an increase of about 700 thousand voters, however, if you look at it as a percentage of voters -- of registered voters, it was roughly the same as in 2004. The biggest difference that, as you'll see, is with the absentee and the in-person, as well as voting by mail numbers that we saw during the General Election. And then, even during the Runoff it stayed high at 28 percent of the total votes. And in fact, we saw during the November General Election that it was the highest absentee voting that we had ever seen, and it was as much as five times as much as it was in 2004. The next slide is actually -- or the next piece of paper that you have, I'll --."

Mr. Evans - "It does strike me that --."

Mr. Tailor - "Yes, sir."

Mr. Evans - "It does strike me that -- if you go back to that slide -- that these numbers, combined with the -- or using the advance votes, change the way -- act to change the way in which we project turnout. Because, before, if you remember, we had a formula we used which took the advance votes, absentee votes, prior voting patterns, and combined them what we were getting from our -- from the field and use that, basically, an algorithm was applied and you were able to get a pre-(inaudible) indication. However, the success of advance voting and the numbers being so great, of course, didn't translate into similar numbers on Election Day because so many more people were just voting early. And so, it probably changes -- we probably have to go back and look at the algorithm for projecting turnout."

Mr. Tailor - "From what I have seen, overall, Mr. Evans or on those lines, the ability -- or getting options to voters on when they cast their vote. It doesn't necessarily translate into an increased turnout, overall, but it does change when people decide that they are going to vote, and it does change whether they -- you know, really see that as a positive experience, or not. And for instance, now they're talking about some of this in a bid, some people are more willing to stand in a line longer periods of time two weeks before the election, but not being willing to do the same thing on Election Day. And some of that

we had seen, and I will say that Georgia is not an anomaly. Across the nation, where early voting was in place, there were certain jurisdictions, I think North Carolina saw something like a 75, 77 percent turnout during early voting. So --."

Mr. Evans - "Even in the, applying the algorithms, we didn't end up that far off. Because I think were thinking at the end around four million, so that's, what, 76 thousand off? And about 80 percent of active, we ended up 4.3 percent off. We thought two-thirds total, we ended up 2.2 percent, so even with the changes in the dynamics I don't think the numbers ended up that far off."

Chairperson Handel - "If I might, though, Mr. Evans. Their -- your comments about an algorithm, that's the first we've heard of it. Nobody in the field or in the office has a mathematical formulation, but what we do do is just really look back at the trends for elections and, you know, there tends to be some elections that have a lot more excitement than those that don't and we've just been talking with the locals, really felt bad with this particular election. If we were at 77 percent of all total registered voters, previously, that we needed to really count a minimum of 80 percent. And say you're right, so we just tried to look at historical data around all of it. But if we could ever figure out a mathematical formula, I know -- I see Gail back there smiling, we'd love to have one if there was one."

Mr. Evans - "I know I speak from the other hats that I wear, we use an algorithm, which is just, literally, a weighted algorithm that's based on advanced voting, absentee votes, information you get in terms of wait lines or anticipated requested ballots, those kinds of things."

Chairperson Handel - "Sure."

Mr. Tailor - "And, in fact, one of the things that we did do on the slide was to break down the absentee voting for you so that you could see. During the General Election, we could break it out into voting by mail, as well as the time period when those votes were cast, whether it was during the early voting period, up until the advanced voting week. And you can see that those percentages, the interesting thing, I think, that comes out of this is the voting by mail percentage is very similar, in fact it's almost the exact same during the runoff and during the General Election. So most people, obviously, during the

absentee period chose to go and vote in person rather than requesting a ballot by mail. And then, I also put in for comparative purposes for the Board, previous elections and the percentages that we saw historically. Which, of course, all this is available on our website under results and statistics, but I thought I would summarize it here. Next slide. This is a slide looking at the voter registration statistics and the newly registered voters that we saw this past year. And we did see a market increase in the amount of total registered voters this year, which actually is consistent with what we have seen in the past year. And, in fact, if you look at the new applications that we received, it was actually quite surprising to me. When I did the calculation, it came out almost exactly the same as the percentage of total voters at the registration deadline for how many of those were actually new applications. So it is interesting to look back at history on some of these statistics, and they do end up repeating themselves over time, including in the voter registration area. Along those lines, on the next slide, is really talking about what did our office do, what did we see during the election, how did we prepare, and what came out of that? I can tell you that we did, for the first time, we partnered and must thank profusely the Governor's call center -- his customer service call center. In connection with that, they had, I think it was something like 25 individuals who answered the phone at their call center for the two weeks leading up to the Election. We provided them with very specific questions and answers so that there was an absolute script by which each individual would respond. If a question that came in was not part of that script, it was referred to the Elections Division for a more -- for basically expert handling by folks within the Division who know how to answer questions other than the limited number that we provided. However, I can tell you that the number that came into the Elections Division was pretty small comparatively. The vast majority of the questions were exactly what you would expect -- am I registered, where am I registered, where do I go to vote? Those are the vast majority of the calls that came in, and the Governor's Call Center really helped out with that. In fact, I believe the numbers are -- they answered more than 13 thousand calls during the two weeks leading up to election. We also layered in, and I must thank Randy Vaughn, the Director of the Professional Licensing Board, as well as all of the folks that work in the call center for the Professional Licensing Board, which is another division within the Secretary of State's Office. Again, we had, I believe it was 15 individuals who actually answered elections calls from an 800 number that we had. And in the 45 days, because they were

assisting us during the entirety of the early voting period, they answered more than 62 hundred calls with the same type of parameters of script -- questioning and answer the script, if it was off the script, it came to us to be able to handle it within the division. And in that time period, the Elections Division, itself, handled tens of thousand -- it's hard to keep track because we don't have -- some of these other call centers had these tracking mechanism, and within the Secretary of State's Office or within the Elections Division we didn't, but we knew that we continually answered calls, and it was tens of thousands of calls that we handled over the 45 days leading up to Election Day. And we handled about 62 hundred in-house within the division on Election Day. And the reason this is important is because, I believe this was one of the first times where Georgia voters have the ability to actually call in and get somebody consistently. And so, we really wanted to make sure that Georgia voters had the ability to reach somebody and get their question answer rather than getting any kind of busy signal, or any other issue was with getting a quick succinct answer to their question. And fortunately, we were able to achieve that. In the meantime, out at Kennesaw State University, they had ten -- they had 12 people actually out at the call center, and of course, the Kennesaw State University Call Center is for elections equipment issues that occur on Election Day or before. But they had 12 people that were staffing their call center. On Election Day we contracted, and actually the Secretary of State's Office provided two contractors to assist them with those calls on Election Day as well. And also on Election Day we contracted to supplement the field technicians that some counties will hire on their own in order to help them with elections issues or equipment, or even with uploading a return or whatever it is that they have a technical need for. And we supplemented those technicians that the counties hire with 24 also from the State, spread across the State so that if any issue -- any particular equipment issue came up, they would be immediately ready to go to that jurisdiction and be able to assist. Fortunately, there wasn't much call on Election Day for that assistance. And of course, Shawn -- Shawn's team, there were 40 investigators spread throughout the State. Monitors to assist in any issues on Election Day, and also included during early voting and advanced voting throughout the State. And they were strategically placed to be able to get to any jurisdiction very, very quick. Any questions about that aspect of it?"

Mr. McIver - "You mentioned 62 hundred phone calls, or so, if I recall correctly. I noticed in the photo ID report there were 197 thousand hits for Georgia Photo ID."

Mr. Taylor - "Yes, sir."

Mr. McIver - "Were constituents attempting to reach you via the internet as well the phone?"

Mr. Taylor - "Well, we did. And we answered thousands of emails during that time period as well. But I will say, we were tracking and at one point we were at, I know, 400 hits a minute on our poll locator where it answered the question, am I registered, when was I registered, where do I go to vote, who were my representatives? And so, fortunately, because we had such a robust system and, in fact, before this election we layered in another server to take all those hits and so the poll locator was running off of two separate servers so that there wasn't any lag time for anybody out there who actually wanted to find out where they voted. We were seeing a significant number of folks using our website."

Mr. McIver - "You mean, there was a separate channel there. In addition to the phone, they could have used the Internet to come with their question?"

Mr. Taylor - "Yes, sir."

Mr. McIver - "Who do I call, or what's the name of my registrar, or what's their address, or whatever --."

Mr. Taylor - "And in fact, we encourage that. And I will say one of the things that we did before this election which, again, I have to give credit to my team that designed it because I didn't come up with the design, but we redesigned the Secretary of State's website to make it much easier for the voter because, before, sometimes all the information was there, but if you were a voter trying to come and get the information, it wasn't as easy to find. And so, what we wanted to do before the election is make information easy to find so that when you go to our website, one click, maybe two at the most, and you have the information that you need. So we did do that before this election, and I think that's part of the reason, also, why people were able to get the information. And that website is advertised by lots and lots of organizations, as well as we put it out there and make sure that people know that they can go to use that website. The next one is just an overall election

review. On the electronic voting equipment we did not see any statewide issues with respect to the electronic voting equipment. There were, of course, isolated situations that were dealt with quickly and resolved immediately, but no statewide issues. In fact, I will say that, if he allows me to quote him, but Merle Kin, out at Kennesaw State University was actually very pleased with how our voting equipment held up during early and advanced voting. Because it was during early and advanced voting, there was necessarily a smaller amount of equipment that's being used during that time period, but yet, it's all more than 50 percent of the vote cast on those machines, or about 50 percent cast on those machines, and they held up extraordinarily well in that everything worked really well. The express polls during the election also functioned well. There were some issues, the issues that express -- that we have seen on express polls, which we've dealt with in training, and continue to deal with is an issue with uploading the correct voters list onto the express poll units. When that is not done exactly properly, then the County will have to refer back to the paper list and utilize the paper list, and there have been issues, but they're very minor and sporadic. Overall, the express polls very well. Under the Georgia Technology Authority, we did take very aggressive and proactive steps to involve GTA in this Election. In GTA, as you all know from the County -- is GTA houses the voter registration database. And so, we wanted to make sure that any issues that may have come up with that, whatever -- regardless of what it was, that GTA and we had open communication -- an immediate line of communication, and that worked for most of the election. Any issues, like I say, that did arise were addressed immediately. They were resolved timely, and GTA was very good at working with us in that respect. Any issues, by the way, that we did see with respect to voting, we're all involved in connectivity issues rather than the database issue, which is -- if you want to take solace in that, it wasn't the database that was having an issue, it was a connection to the database. And part of those are just as a result of the fact that a database is a top-down system housed by the Secretary of State's Office, and GTA and the counties access it without getting too much into that. Those issues were resolved timely and immediately. The -- what we did see were some early voting lines. As you all know, that's what the news was reporting on a significant amount of time during early voting, however, what we saw is we went back and were able to actually analyze those lines. For the most part, what we had seen were lines that were forming because the early voting sites were getting large amounts -- groups of individuals appearing at

the exact time to vote. And that contributed to the line because when you have 100 people show up all at one time, there's going to be a time for when that one-hundredth person actually makes it through line. We also saw issues where people were getting to the voting sites, and we noticed from looking at it, they were being reported as being -- as waited in line for, say, six hours. Yet, we knew that there were people who were actually on TV or being recorded as waiting that long who had gotten to the polling location at five o'clock in the morning -- four o'clock in the morning, and the polling location didn't open up until nine. And I know there's one specific incident of that comes to mind. And so, but -- the report was the total wait time of that four-hour time period before the poll even opened, which isn't really fair, necessarily, to those workers and to those local election officials who processed people within an hour or two after the poll actually opened. With that being said, as you well know, our office and the elections officials across the State worked very hard, talked about planning, talked about the expected turnout during early and advance voting, and the lines and how to deal with those issues, and we will continue to do that going forward and looking at lessons learned in this situation as well, including, I believe it was mentioned before, where -- I don't want to talk about what Rob is going to talk about, but we are going to address the governmental building requirement for early and advanced voting. There's a statute that says it has to be in a government building, so we are going to try to address that with legislative issues. And of course, that's to give flexibility to the elections officials. Election night reporting. There have been -- there were some questions raised about the sequence of vote reporting, meaning it could show 99 percent of the precincts, and yet you're only looking at 40 percent of the turnout numbers. And then, once that absentee precinct comes in then you have your 90 percent, or 99 percent of the vote in that -- in that County, even before you get to the mail. And what we are going to do is address that. I'm going to work with Mr. Evans and the rest of the Board in maybe designing the rules, or at least guidance as to how election night reporting needs to occur sequentially so that everybody knows what they're looking at when they look at their reports on Election night."

Chairperson Handel - "And so it's consistent -- that was one of the challenges we had. Some counties were reporting in one order, and other counties in a different order, and that obviously, got folks out there somewhat confused. Plus, if we go onto to HAVA, let me just -- things were not absolutely

perfect, but I think, overall, things went extremely well in our State, and that is truly a testament to a couple of things. Wes and his team's really hard work. Equally as important, the partnerships that we've had with other agencies in the State. Candidly, we would not have been able to manage the volume of calls if the customer service office from underneath the Governor and the Licensing Board folks, and at least that, sort of, at some greater latitude of making him want to answer an election call, but certainly, in the other division, I didn't. They really did a tremendous job. And GTA really, I mean, worked with us for a good eight months leading up to the election trying to just troubleshoot every little thing so that we didn't have any type of long term catastrophic failure that would really impact the ability to do the election in -- obviously the poll workers -- anybody here who are poll workers? And yes, thank you. I know you are Sally, but I mean, 15 thousand-plus poll workers that come out to support democracy did an outstanding job. And for the County Elections Officials in the room, y'all are just awesome. Gail, I see you there. And Kevin, everybody, you've done, really, a tremendous job, and you've had the most voters, ever, that you had to manage and, again, it wasn't perfect. I think someone said earlier, strive for perfection, but that's usually not the most attainable goal. But you really did an outstanding job, and my hat's off to every one you. So thank you for your hard work."

Mr. Evans - "So our long term plan for how we deal with the popularity of early voting in the future is -- it struck me as -- I mean, the Secretary and I are completely on the same page. I personally believe early voting is a great thing, and I don't buy the idea that people voting and somehow they're now locked in and they change their mind. What I've discovered, having done this for three decades, is that people who vote early have already made their mind up and the people who are undecided wait because they're undecided. So the question is, putting aside for a moment whether early voting is good or bad, is just how do we -- how do we in the long term basis? And the reason I raise that now is this quarter -- this quarterly meeting and next quarterly meeting will be the times when we can get the most done, but as the intensity of the next cycle starts to crash in on us, it'll become increasingly difficult because people will be motivated by their individualized political interests. Right now, it's over. There are -- everybody hasn't, kind of, staked out their camps yet. And it just strikes me that we need to either expand the number of places where you can early vote, or increase the number of days for advanced voting, or some

combination thereof. My greatest worry that I noted from the cycle was this tension between local control and the ability for us to have uniformity. And we heard rumors of various individualized Boards of Elections considering the possibility of extending the advanced voting to Saturday, or until Monday. And it would seem to me that we need the ability to make sure we can assure uniformity, as it would be unfair for the voters in one County to be permitted to vote on Saturday, but the 158 can't. And so, in that regard it would strike me pretty important, and maybe Rob's going to address this, the ability to make sure we have some ability to keep uniformity in the way in which elections are run. I think that's currently granted in the Code, but if there's ambiguity about that, and apparently, based on some of the local County Board decisions, there's deception there's no restriction in terms of what a local County can do -- we need to figure out how we plug that hole."

Chairperson Handel - "That makes sense, and I'm sure Rob will address that. A couple of things, though, that we've already looked at -- Wes talked about. The Code is written that says the advance and early voting sites need to be government-owned facilities. Some of the County Attorneys interpreted that as meaning that the County had to actually own that building versus if they entered into a lease agreement for the facility, did that, by virtue of the lease, make it a government facility? But not all the County Attorneys interpreted the law that way, so we will be happy to help them with that because that will give some flexibility for sites. Because many of the counties, obviously, were incredibly restricted if that County Attorney used the law. The second thing that we're kind of trying sort through is whether or not there's a way to have some flexibility when -- because as you know, Georgia -- all the counties have to request approval from DOJ -- from Department of Justice -- for their site. And if there's some way to inject some flexibility in that, because what we saw was as -- knowing we just did not, candidly, anticipate 53 percent of the votes coming early. It was an astounding number, and now we will obviously plan for that kind of number going forward, but sort of looking at, can we give them some flexibility when they make their request to DOJ? Can they have core sites, and then be able to bring some additional sites online? So we're working through all that and trying to get some feedback from the County Elections officials so that they can have the flexibility to deal with, you know, what might be an unanticipated high number of early voters, et cetera. But very mindful of that being able to deal with that and to accommodate the popularity of early voting. Because I'm

with you, Randy, I think it's extremely popular. Yes, the County's know that I was very intent on promoting it because I didn't want us to be overwhelmed on Election Day, so I think it's going to continue this way and now we know we have the benefit of having gone through it once. So, definitely."

Mr. Worley - "Thank you, Madam Secretary. And I just wanted to echo your comments and Mr. Evans' comments about the importance of early voting and what a success it was this year. And that it is something that the voters, they clearly want to do. And I was bothered by some comments that were made just before and after the election about the ideas reigning in early voting, and I was very gratified to see your comments in the press, and I know Mr. Evans -- have known Mr. Evans' position, that its something that's here to stay. I don't think it's going away, and we have to figure out a way to make it work better. And I think one of the ways to do that is just to expand the number of locations or advance and early voting. And I know it's very popular for County Election officials, because if you don't do it, they're going to be overwhelmed. So I appreciate what you --."

Mr. Evans - "I do believe that some of -- many of these things that we can address by the rules. And I think the point you raised, Madam Secretary, is exactly right, which is, for example, we should be able to abide rules to find commercial or public buildings. We should be able to define these terms. And we've done that before. We did it in 2005, and 06, and 07, and we should be able to do that now in 2009. Some will require legislative modifications, but I believe that in terms of the definition of terms that we work within our boundaries, and we should -- I do want to hear from -- and I'm assuming we'll hear from Rob or Wes, one will talk about this tension that exist between making sure we have uniformity among the 159, and granting counties local control. And I'm eager to hear, specifically, this issue the ability to change polling times and days of operation, et cetera, which are tandem out there effectively changing an election outcome."

Mr. McIver - "Let me segue that with my question, and that is, Mr. Taylor, you mentioned we have 15 thousand poll workers or perhaps you did, Madam Secretary. Break this down for me. We have 159 counties, how many precincts out of 159 counties, do we have?"

Mr. Taylor - "We have three precincts and you're talking about - well, precincts it ends up being five -- but we have polling places."

Mr. McIver - "Well, that's the next question, but let's start with precincts."

Mr. Evans - "I believe it's three thousand."

Mr. Taylor - "I believe --."

Chairperson Handel - "A little over three thousand."

Mr. Taylor - "Right."

Mr. McIver - "All right. I'll say three thousand-plus on precincts. Now polling places. How many?"

Mr. Taylor - "Well, there were over three thousand polling places."

Mr. McIver - "So there's not more than one polling place at a precinct?"

Mr. Taylor - "I think there can be more than one precinct in a polling place which, I believe, there were actually -- there was something more than the three thousand precincts on Election Day. And I apologize I don't have that number right off the top of my head, but I can find that out for you."

Mr. Evans - "It was in your presentation at the last meeting. I think it was actually two thousand 998, but --."

Mr. McIver - "And then the last question. How many early or advanced voting locations were there?"

Mr. Taylor - "I don't have that off the top of my head."

Mr. McIver - "Does anybody have a swag at that?"

Mr. Worley - "I think it would be somewhere around 200."

Chairperson Handel - "I think it was right around 200, because you had -- at a minimum there had to be one in every county, and then, the larger counties all did, for the most part, have

multiple sites. I think Cobb had five, DeKalb had seven, I believe. Fulton had seven -- how many did y'all have, three?"

Unidentified Speaker - "Fayette had four."

Chairperson Handel - "Four. So most did, for this particular election, some of them more prodding -- I know y'all are sick of hearing me say it, really did expand out. But one of the things that I think as we look at rules, Randy, and what we've asked, and Tex and David, is input from the counties, is do we want to look at some sort of formula around the number of early advanced sites that you should based on the total number of registered voters, things of that nature. And again, you want to have the right balance between uniformity and letting them have local control. But when we had our leadership meeting with the folks in their legislative session, they were kind of tossing that around and trying to give us a little guidance. And I know you and Wes are working on rules together, as well."

Mr. Evans - "Yeah, and honestly and, you know, I've said this already, but I honestly would like to see us work toward a ten or 12-year progression where people could vote at their bank. I think that they're secure facilities, and they're generally in a separate location, people should be able to go vote at a bank. There's videotape that permits whatever, there's a private area, but it's a secure facility and it would eventually, you know, afford voters greatest flexibility. That's a long way away. We've got a lot of steps to go before we can get to that point. But convenience has to be the mantra for voters at the end of the day, because we want people to vote."

Mr. McIver - "Isn't that our charge, is to take that 200 number and put it, by virtue, make the formula or the standards convenience, but to move it out to numbers that are far more approachable from -- when they're not driving to their county seat. Which I was required to do at my little county. But it's just far more convenient."

Chairperson Handel - "Absolutely. And I mean, Randy, to your point, and Wes will address this in a little bit, one of hurdles that we have to get over in terms of really being able to look at, some states do with those centers, et cetera, is the voter registration system, and the fact that we're on the main frame, and we know that this system -- we were very, very fortunate, and again, GTA put so many additional resources into helping to ensure the stability of it. But, I mean, that we're still on

the main frame versus the server is a really big problem, and when Wes talks about the '09 initiative, one piece that he'll address is a project involving that systems."

Mr. Taylor - "Also, Mr. Evans, to your point, we in the Elections Divisions, are constantly looking at other alternatives moving forward. I know that Secretary Handel is always looking at the convenience of the voters tempered with making sure that we have a secure and efficient elections process. And so, what that in mind, we're always evaluating Internet voting, you name it, or at least looking what's out there to make sure that we're not planning for five years ago, but we're planning for five years ahead, or more in some cases. Military and Overseas Voters. This, I will say, was my own two cents -- this was a success, a great success during this election period. We looked at military and overseas voters, looked at what was needed and where to get information to those voters, get the ballots, get the applications, make sure that all that was done in a timely manner. That elections officials reported what they were doing in a timely manner, and I will tell you that, overall, and when I say overall I mean a vast majority of elections officials took this charge extremely seriously, made sure we were on top of all of their folks, and did just a great job to make sure that this segment of our population who, in many instances, are protecting our very right to be able to cast a vote, were able to do so. And this election had -- really, was overwhelmingly positive, especially when you look at the past. The -- last year, as you know, legislation was introduced to make emailing of absentee ballot applications available. That did occur. Every single county got right on Board and made sure that they had an email address that we provided that we had up on website that was easily found so that those voters could email their applications if they chose to do so. We also worked extensively with Overseas Vote Foundation, which was a separate organization, as well as the Federal Voter Assistance Program, FVAP. They have their own program, and there have been some reports of past issues with military and overseas voters. And the real issue if you look at those reports, were the transit time. The time it took for a ballot to reach the voter and to get back. And FVAP and OVF, as well as NASS --- the National Association of Secretaries of States, worked very hard to reduce that transit time by allowing working with Fed Ex to have Fed Exing available of absentee ballots back to the States, as well as Express Mail options for to U.S. Mail to get those ballots back in a very timely effort, and I believe those efforts were very successful. From our end,

I know that Secretary Handel and I met with General Nesbitt in the Georgia National Guard, provided them information that they provided then to their folks and dispersed to the National Guard here, within the State, to get information as to the different ways to vote, and making it as easy as possible to get information. One of the things that we discovered in this process, and we're fortunate to have some Vets working within the division, is really access to information. And we made sure that there wasn't any barrier to access information. Okay. And just so -- in this election, in the runoff we did have three issues that occurred where the SWAB -- the Statewide Absentee Ballot was not included with the regular ballot during the General Election. It should have been, under state law, it was not. Those three counties worked with the Department of Justice, worked out consent orders, actually extended the time period when they could accept absentee ballots from military and overseas voters due to that oversight. They also, I will tell you I know, contacted those voters directly, and made sure that those voters, if they chose to cast a ballot during the runoff, were able to do so. Any questions about any of that? All right. On the provisional ballots, I just included some quick numbers for you. From the General Election, as well as the runoff, the total provisional ballots cast for the General Election was a little over 17 thousand. During the runoff it was a little over three thousand. As you can see, the vast majority of provisional ballots that are cast could be because people's names were not on the registration list. And there are any number of reasons why that could be. They could be in the wrong precinct, they might not be on the list, and I will tell you that one of the things that we initiated this year, prior to this election, was a noter (phonetic) voter confirmation where the elections officials could go direct to DDS and request information from DDS and their database as to whether an individual registered with the Department of Driver Services. And that was a significant improvement over past practice, which was the elections official would call or email the Secretary of State's Office, we would then go to DDS, we would look at DDS and get back to them, that could take anywhere from days to weeks to get the information back to elections officials. This is an instant access that's very similar to what insurance companies use when they look at -- and that was very helpful. Next line. On the challenged ballots, as you all I'm sure are aware, we were -- a lawsuit was brought against the HAVA verification process that the State undergoes to verify when somebody registers to vote, that their information matches with certain other databases. And under HAVA, the State has required

to match what's in the voter registration database with what's in the Department of Driver Services database, and if that can't be done, then also with the Social Security Administration and what's in their database. And because, in part because of that, there was a challenge brought to the verification procedure that is still pending, and there was a Consent Order that was entered in that regard, which was -- I'm sorry, not a Consent Order. It was a preliminary injunction entered by the three-judge panel which required that the State do what we had been doing with respect to the HAVA verification process through the election. We received almost no complaints with respect to the challenge process, even before or after. And I put in the numbers of -- when we went back to the counties to ask, there were approximately 600 ballot -- challenged ballots passed, and 369 of those ballots were accepted, 230 were rejected, either because the individual did not come back with information, or they weren't citizens when they registered."

Mr. Worley - "Mr. Taylor, those figures -- are those figures for the whole State, or are those only figures that have been reported back by selected counties?"

Mr. Taylor - "Well, we had asked all the counties, so it is for the whole State, not for selected counties."

Mr. Worley - "Okay. And they all reported back."

Mr. Taylor - "Yes, sir."

Chairperson Handel - "And they've all reported back -- that's all of them?"

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

Mr. Worley - "Now, and I recall from your previous report that there were around five thousand people who were flagged as being -- having questionable citizenship?"

Mr. Taylor - "It was four-something. Yes."

Mr. Worley - "Yes. And How did those people fit into this category. Does that mean most of those people didn't vote, or most of those people have their issues resolved?"

Mr. Taylor - "It could be both, and it was both."

Mr. Worley - "So do you have an idea of the number of people who were flagged as having some question about their citizenship who turned out to actually be good."

Mr. Taylor - "I do not have the citizens on top -- I mean, I don't have that information on the top of my head. No, sir."

Mr. Worley - "I would like to know that, if possible. From reports that we were getting, and other things, there seemed to be a number of people who were flagged for that. But there was no question about them being citizens, right?"

Chairperson Handel - "If I might, David. One of the things to remember is that when the data match is done, it's done against quote, self reported information and DDS. So when an individual would have applied for their drivers license, they reported themselves as a non-citizen. I think in a number of instances, not all, obviously, but especially in some of these where they ultimately accepted the individual became naturalized during the interim, if you will."

Mr. Worley - "I realize that, and I appreciate that. But there were other people who came -- all of us lived in this Country, all of us been citizens --."

Chairperson Handel - "Actually, we had two reported to our office, and in both instances the individuals had, for whatever reason, when they renewed their drivers licenses had checked themselves as non-citizens. They can't -- I mean, if a person says they're a non-citizen when they're not, that's kind of hard for us to manage."

Mr. Taylor - "And I have no problem with it. And Mr. Worley, one of the other things I mentioned is that the process was done so that if anybody had that issue come up, they could actually verify that with the Election Registrar and it wasn't an issue that was taken care of. This was the verification process that we actually -- mandated by HAVA, and so, that's what we --."

Chairperson Handel - "Special Elections."

Mr. Taylor - "All right. We have 25 special elections scheduled for March, so far, that we are aware of, and I wanted to let you all know what they are coming up. The ones that have the city within the parenthesis means it's just a City Municipal Election, or it's a combination of county and city special

election. But I wanted to let you know what is coming up. And to that end, Ms. LaGrua and I have been in discussions, and to the extent that we are made aware of any issues that come up. Obviously, we will have monitors that are available and will be -- next slide, please. 2009 Initiatives for the Elections Division. I will tell you the top of the list is training for this year. And I think this, correctly so, is the emphasis within the Elections Division right now is on training for elections officials. Getting information to elections officials so that they can understand it, and that they can actually can synthesize the information. We have several times when we can provide that GEOA, VRAG, GEOC means the Georgia Election Official and Certification Programs that we'll be running this year. There will be four of them, one in each quarter. Those will include, by the way, counties and municipalities that we'll be doing this year. The -- Secretary Handel and I have already scheduled regional meetings throughout the State where we are able to talk in a smaller environment with local election officials to deal with certain issues, talk about things, and to be able to impart information in a smaller setting that we hope, or that we think will allow folks to actually retain that information. One of the other aspects, which is brand new, is LMS. And what that stands for is Learning Management System. It is a brand-new online learning system and training system that it was free, and was developed by our training manager out of public source, I forget what you call it, but it is a free system and we intend to layer it online, as well as online training, as well as online information into our certification and training courses. So we will be doing that going forward. Another initiative is the Department of Driver Services Project. They have revamped their entire system. We will be working with them with respect to how voter registration information is transmitted ultimately down to the county. And that is a large project for undertaking. Statewide Voter Registration System Review and Analysis. Karen mentioned this. We are -- we will be looking at an analysis of the system, a review, and looking at what else is out there to make sure that as to how we need to go forward with this voter registration database that we have. We're also going to take an Election Form Review Project that we talked about. Every form that we have that we use, we're going to be analyzing all together to make sure that we can either eliminate forms, simplify forms, and do that from not only a perspective of us, or the election officials, but from the voter as well. And that is another monumental undertaking. And last is, as you well know, this year is -- the Statutory List Maintenance Activity we'll undergo this year with a national

change of address, cancellations, those kinds of issues. If there's no other questions about that, I'd be happy to --."

Mr. Worley - "I had not really a question, but a couple of points to make. First, the Statewide Voter Registration System Review and Analysis. As a representative of the Democratic Party, we, in our election monitoring process, came across a number of systemic issues, or things we think are systemic issues, not isolated incidents, but sort of general problems that we think can be remedied over time, and I'd certainly like to work with you on that. And I, sort of general information on that."

Chairperson Handel - "Yeah. Let us know."

Mr. Worley - "The other thing I'd like to say while Mr. Taylor is up there, is that I had the opportunity to work with him a lot the last few months before the election on a variety of issues, and also with Mr. Simms, and I have to really compliment them on their work and their work ethic. They were working around the clock, available on weekends. They worked very hard, very confidently. It was a very difficult situation given the large turnout, and I think they really did an excellent job. I think we're very fortunate to have them. They're very, very dedicated election officials, and I just wanted to say that. I think the Secretary of State is very fortunate to you have working for her."

Chairperson Handel - "I am. I most definitely am. Thank you. Let me -- on that last two projects, that statewide project and reforms project, we have a leadership from the County helping us with that as well, because, obviously, they're sort of the end users on everything, and we really need their input all the way through. So I just wanted you to know that they were engaged with us on that."

Mr. Rob Simms - "Madam Chair, members of the State Election Board, Rob Simms with a very brief Legislative Update, being five days into the Legislative Session. Okay. The first slide, basically we've got three pieces of legislation that have been introduced to deal with the citizenship verification, and she reverses the Constitutional Amendment that would merely -- As I recall, he inserted the word, citizenship, or verification in very few requirements for voting that's been discussed as part of photo ID litigation and things like that. That provision -- I don't have the site right in front of me, but I think this

Board is very familiar with that part of the State Constitution, and this would just insert a verification requirement with the citizenship requirement."

Mr. Evans - "I wonder if someone should read Representative Graves -- it's the very distance of the bill operates undercuts out case in the State Court action. Because the suggestion, now, is that the citizenship is already a constitutional requirement, and if you offer an amendment, the suggestion is that it doesn't currently exist, but needs to be added."

Mr. Simms - "Well, it's a very -- point very well taken, Mr. Evans, and as we discussed over the past couple of years, many legislators grant legislation and file it, and all that without consulting, really anyone, as to its requirements or, more importantly, the ramifications of it."

Mr. Evans - "Well, I posed that just in case he came calling to you for advice."

Mr. Simms - "Well, I'd be happy to give it. Representative Mills --."

Mr. Worley - "I think there -- I think there's legislators that are almost difficult to control as Mr. Evans."

Mr. Simms - "Well, I'll leave that to the Board to come up with their conclusions on that one. But the second bill -- Representative Mills' bill is House Bill 45. It's already been filed. Inexplicably, it was filed based on a draft of a bill that was done almost a year ago, January. The dates included in the Bill are not possible. Its effective date was 2008, or it would have obviously would have passed, things of that nature. So if Representative Mills' bill is to go anywhere, obviously its going to need some work. Roger Williams, member of the House from Dalton, had legislation introduced last session -- toward the end of last session, as well that he actually asked for to be put on, and we worked with him to incorporate language almost identical to the Arizona statutes on citizenship verification, almost to the period, comma, and semicolon. That legislation in Arizona has been -- to a state and federal challenge. It is the law of Arizona today, so it is our understanding that Representative Williams is going to file that bill Monday, and it should be almost a carbon copy of the version of his legislation that was actually in the mix, if you will, at the end of last session. Next slide. Absentee. This

goes to House Bill 86. Again, this was introduced by Fran Millar of DeKalb County. It was a bill that he drafted and submitted on his own. As Wes said in his presentation, absentee ballot tabulation and early voting tabulation, I think most of what Fran Millar is looking to get done, you're all going to be able to achieve. I know Gwinnett County had a pilot project with how they did their returns. That seemed to go very well, which I think is going to solve most of the problems that Representative Millar is hoping to address. We conveyed that to him, and he seems to be pretty pacified with that, and I think he was just trying to get a little bit ahead of the herd. There's some legislation that will probably be -- it's currently being drafted and finalized. That will be introduced next week. That's why there's no House Bill number on it. It deals with confidentiality, for lack of a better way of putting it, endangered voters. Those voters are, I don't know if there's a better description of them, but basically we ran across a circumstance or two where there's some questions raised about spousal abuse in women who may be in a home -- temporary living facility where their physical well-being is in jeopardy. They may be in the middle of court action, a divorce proceeding, temporary restraining order. And there was some questions raised about, not so how their registration would be -- their personal information, things of that nature, would convey to their voting. So we're trying to work with a couple of representatives to come up with some language where that side of the personal information would be protected, and not necessarily available."

Mr. Evans - "Yeah. That's actually a gender neutral bill."

Mr. Simms - "Absolutely."

Mr. Evans - "Yeah. I mean, it could be a husband or a wife."

Mr. Simms - "Absolutely. Finally, we got an Elections Clean-up Bill. It's an annual Rite of Passage for the Secretary of State's Office. I've highlighted, I guess, about six of the kind of provisions we're working on. It hasn't been filed yet. It's in the process of being finalized and drafting with legislative counsel. Several of these issues Wes touched upon in his presentation, so I won't go into great detail. A couple, though, I did want to bring to your attention. The first -- the first point which is the date timestamp on voter registration forms. This became quite an issue of concern in the final days of the voter registration timeline where several counties saw

what would amount to an avalanche of voter registration forms, things of that nature. And we want to put a provision in that and make sure that if the registrant did everything that they're required to by law in trying to register on time, that they, in fact, would be counted as duly registered provided all their information was accurate."

Chairperson Handel - "Rob, Will that also address on the timeline within which county -- if County-A got in a bulk of voter registrations for, let's say, County-B the timeline within which they're supposed to forward them to -- that issue too?"

Mr. Simms - "Did we include that in the --?"

Chairperson Handel - "Will you just double check that, because that was a problem, too. Some counties sat on them, and then all of a sudden the recipient county got things at the very late minute. And they were the ones that had been held onto, frankly, for some time. And I mean, that's just not necessary and not good practice."

Mr. Simms - "And also the date stamp would help because they would be able to fall back in knowing that, from the voter perspective, they actually put it in and tried to do their part."

Chairperson Handel - "Right."

Mr. Simms - "A couple of other things that's probably of interest to the Board. We're going to make a small little change on the laws to allow for electronic transmittal of absentee ballot applications. The logic being if you're able to fax it in, there's no reason why you shouldn't be able to scan and email it in. And that seems to be pretty non-controversial. One other -- a couple of other provisions on the challenged ballot, which just kind of seemed to be one of those things that wasn't really clarified in the law, but a challenged ballot and a provisional ballot. A provisional ballot is sealed in an envelope and maintains the integrity and privacy of the vote. That provision isn't necessarily addressed in the law for a challenged ballot, even though it's the exact same ballot, you're just writing challenged across the top of it. So we're going to make sure there's the ability to secure those ballots in envelopes and keep those votes private. We want to put in a provision that allows for absentee ballot for voters whose ballot had been rejected prior to Election Day to give them the opportunity to -- can you go to the next slide, please -- to

allow them to cast a ballot in person, in essence, and not have their rejection counted against them and prevent them from voting at all. Wes had discussed the early voting issue, and I think, as he mentioned, that's something that can certainly be clarified and addressed through the rule-making process of the State Election Board."

Mr. Evans - "The feedback that I've gotten on that piece is that we have to be very careful that if we open up early voting, then early voting will be on the table. And there are members of the House Conference, especially, who want to restrict early voting. So we have -- you know, I defer to your judgment on whether we're better off defining government buildings by rule, and defining it broadly, because I'm afraid that if you put early voting in a bill, when it hits the house they're going to cut back on early voting."

Mr. Simms - "I think that's a very legitimate concern. It's something we'll definitely -- as Wes, and you, and other members of the Board kind of get to the rule making process, I don't think there will be any issue with pulling that part of out this legislation for that very reason."

Mr. Evans - "I'm just offering data. I --."

Chairperson Handel - "No. We'd rather do things by rules than legislation."

Mr. Evans - "Well, I just worry there, because there's a lot of folks who want to cut back on early voting for all the wrong reasons, in my opinion, but they do."

Mr. Simms - "Exactly. We have, also, myself and Secretary Handel and members of our staff have been spending some time speaking with legislators about the early voting issue and the comments that were made in the Fall, and right after the election in kind of explaining -- maybe painting a broader picture of what's involved. And as of today, there has been no legislation introduced that would restrict or shorten that time. I'll just mention, briefly, as y'all are aware with the inauguration yesterday and Congress being in session, there is likely to be a multitude of bills introduced in both the House and the Senate that will affect voting. It states directly, similar to the Holt Bill two years ago, and subsequent legislation that follow that. We'll obviously keep you abreast of all that, and at whatever time we can discuss about the Board

taking positions on bills in the past. Obviously, that would be your decision. One thing that in light of the economy and the stimulus package that are being debated, I think the appetite to provide what would amount to hundreds of millions of dollars, and coming to the State to comply with legislation from previous Congresses may not be there this time. I don't know how that's going to affect what's introduced, and how that may score, but I think that dynamic has changed a little bit. And if there are no other questions, I'll just, Mr. Worley, I appreciate your comments about Mr. Taylor and me. And also, appreciate that sometimes our sense of humor doesn't necessarily convey in email format. But, thank you."

Mr. Worley - "I appreciate that, and I'm sure I was not easy to work with a number of times."

Mr. Simms - "Oh, you were a peach."

Mr. Worley - "And you guys were very, very helpful and understanding. Thank you."

Mr. Simms - "Thank you."

Mr. Evans - "Rob, two other things I had. One, is that if somebody could go back over the minutes for the last two years because there were a number of times where we said a statute needed to be cleaned up, or we missed -- we thought the wording was off, and just make sure we grab those. I didn't bring them today, but I tried to have the means to just drop them in a folder because I know that you'll come to this, but the easiest thing is to just go back and look at the meetings. There's a couple of times where we concluded that a statute didn't fit. And the second one was after the last session, there seemed to be some question about whether or not the change deleting the disclosure requirement for -- for whoever is responsible for a paid ad. Having been vested in our jurisdiction as opposed to the Ethics Commission, that the amendment deleting the disclosure requirement went too far, and I just didn't know if that's something we decided to drop or whether there's some idea that we, in fact, need to address that, and if so, how do we address it -- how do we address that issue?"

Mr. Simms - "Well, thank you for mentioning that, Mr. Evans. I made a note to myself to mention the now notorious files amendment, which was the amendment that struck that disclosure language entirely from our part of the statute when the bill

that had been in his committee was actually going to mimic the Ethics Commission. The Ethics Commission, itself, has got that language -- or not the exact same language, but it addresses the issue of disclosure and put disclaimers on campaign materials, and things of that nature in one of their bills. And I'm not sure if they've introduced it yet, that it's been officially filed, but I know there are drafts of it. Austin Scott, who's Chairman of the Government Affairs Committee in the House which has jurisdiction on all these type of issues, is very interested in that, and I think he's been working with Rick Thompson in Ethics, and I know that there are couple members of the Senate that were interested in, not so much bringing back the original language, but tweaking it to getting to the disclosure point, but not necessarily going as far as the original language."

Mr. Evans - "And are you satisfied with the -- and I'm fine with that. I mean, I think the line that gets drawn there is I understand it from an early Attorney General Baker opinion that he gave us, is that as to accuracy that's within our jurisdiction, as to disclosure, for example, who paid for it,*1c et cetera, it's an Ethics Commission. And instruct me if that's the right line, and I'm fine that. Are you satisfied that the statute requires no amendment as to addressing the ability of the Secretary of State in a State Election Board to promulgate rules that require uniformity statewide, and I'm specifically referring to this kind of number of times when folks raised the issue of meeting or extending advanced voting to Saturday, or change the hours or change all of those things?"

Mr. Simms - "Well, I think between -- I think the State Election Board can address probably all of that through the rule making process. I think one of the things that was discussed on the -- as I understand, there are similar advertising requirements and things of that nature, If they're going to open the new polling location, and things of that nature, then a late timeline could never have done that. So there was all sorts of procedural and practical, and other problems that would have been wrong. Not the least of which was Department of Justice pre-clearance and things of that nature. I think what the State Election Board may want to consider is putting into rule a notification requirement to the State Election Board and the Secretary of State of their polling locations and the dates in which they would be available during the early voting process."

Mr. Evans - "I think that's a great idea. We just need to -- because we have to pass it through a 30-day -- through the

notice, then once its adopted get pre-clearance. And we want to do all this well in advance of the Gubernatorial and Lieutenant Governor's race in 2010...."

Mr. Simms - "Sure. Absolutely."

Mr. Evans - "...we have to get HAVA --."

Mr. Simms - "Sure."

Chairperson Handel - "Mr. Worley."

Mr. Worley - "I have just one question. Has there been any talk of any legislation being introduced to move from electronic voting back to Optiscan?"

Mr. Simms - "Well, every year, or every session -- the two-year cycle, I think, there's legislation introduced to do that. I think Representative Geisinger had some legislation in the House for the last couple of years. I don't know if he's introduced it again. I haven't really talked to him about that, he may very well, from a practical standpoint for the State, the first question will be funding and timelines and transition periods, and things like that. So there's those type of things that have to be figured out, but I don't sense that -- let's say as a reaction to November's Election, that there's a grounds law movement or any more initiative to do that than has been the case over the last few years. But I think there will still be some legislation."

Mr. Worley - "Thank you."

Chairperson Handel - "Thank you. I think our last order of business, what you had raised at the very beginning, that January is when we do the election of the Vice Chair."

Mr. Evans - "Yes. The January following the election, and I would move that re-elect Mr. McIver as our Vice Chair."

Mr. Worley - "I would second that."

Chairperson Handel - "See what happens when you leave the room, Mr. McIver. Will you accept the honor and duty that's bestowed upon you?"

Mr. McIver - "Yes. I'd be delighted to. Thank you."

Chairperson Handel - "Okay. Great. Any other questions or comments? All in favor, please say aye."

(Whereupon, there was a chorus of ayes)

Chairperson Handel - "Any opposed? All right. Anything else, colleagues? Thank you very much. Great meeting. We'll entertain a motion to adjourn."

Mr. Evans - "So moved."

Mr. Worley - "Second."

(Whereupon, the meeting adjourned at 2:46 p.m.)