

IN THE
Supreme Court of Georgia

DEMOCRATIC PARTY OF)
GEORGIA, INC., DSCC, and)
WARNOCK FOR GEORGIA,)
)
Plaintiffs-Appellees,)
)
v.)
)
THE STATE OF GEORGIA,)
)
Defendant-Appellant.)

CASE NO. A230012

**EMERGENCY PETITION FOR WRIT OF CERTIORARI AND
EMERGENCY MOTION TO STAY THE SUPERIOR COURT’S
DECLARATORY AND INJUNCTIVE RELIEF**

by

INTERVENORS GEORGIA REPUBLICAN PARTY, INC., NATIONAL
REPUBLICAN SENATORIAL COMMITTEE, AND REPUBLICAN
NATIONAL COMMITTEE

R. Thomas Warburton 218175
Thomas L. Oliver III 745597
BRADLEY ARANT BOULT CUMMINGS LLP
1819 Fifth Avenue North
Birmingham, AL 35203-2119
Telephone: (205) 521-8000
toliver@bradley.com

Judson H. Turner 719485
Mark D. Johnson 395041
Mark M. Middleton 504907
Robert L. Fortson 142684
Amber M. Carter 631649
GILBERT HARRELL SUMERFORD & MARTIN, P.C.
777 Gloucester St., Suite 200
Brunswick, GA 31520
Telephone: (912) 265-6700
acarter@ghsmalw.com

ATTORNEYS FOR PETITIONERS

TABLE OF CONTENTS

	<u>Page</u>
Table of Authorities	2
Introduction	6
Jurisdiction	8
Factual and Procedural Background	9
Enumeration of Errors.....	11
Legal Standard	12
Argument.....	12
I. The Superior Court’s Order denying the motion for an emergency stay was erroneous.....	12
a. <i>The Secretary’s interpretation of the statute is correct.</i>	14
b. <i>Plaintiffs’ interpretation, adopted in the Order, is incorrect.</i>	17
c. <i>The Intervenors’ and State’s interests favored a stay by the court of appeals.</i> 22	
d. <i>A stay will not cause Plaintiffs any irreparable harm.</i>	25
e. <i>The court of appeals should have stayed the superior court’s order to serve the public interest.</i>	27
II. This case presents important issues worthy of certiorari.	28
Conclusion	29
Certificate of Service	32

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Atl. Cleaners & Dyers, Inc. v. United States</i> , 286 U.S. 427 (1932).....	13
<i>Atl. Coca-Cola Bottling Co. v. Jones</i> , 236 Ga. 448 (1976) (Hall, J., dissenting).....	23
<i>Benton v. Patel</i> , 257 Ga. 669 (Ga. 1987)	17
<i>Deal v. Coleman</i> , 294 Ga. 170 (2013).....	9
<i>Eu v. San Francisco Democratic Cent. Comm.</i> , 489 U.S. 214 (1989).....	17
<i>Fuller v. Thomas</i> , 284 Ga. 397 (2008)	11
<i>Gary v. State</i> , 338 Ga. App. 403 (2016)	12
<i>Georgia Coalition for the People’s Agenda v. Kemp</i> , 347 F.Supp.3d 1251 (N.D. Ga. 2018).....	21
<i>Green Bull Georgia Partners, LLC v. Register</i> , 301 Ga. 472, 473 (2017)	8, 17, 20, 22
<i>Gundy v. Balli</i> , 362 Ga. App. 304 (2022)	9
<i>Gwinnett Cnty. NAACP v. Gwinnett Cnty. Bd. of Registration & Elections</i> , 446 F.Supp.3d 1111 (N.D. Ga. 2020).....	21, 22
<i>Hasty v. Castleberry</i> , 293 Ga. 727 (2013).....	11

<i>Haugen v. Henry Cnty.</i> , 277 Ga. 743 (2004)	13
<i>Hendry v. Hendry</i> , 292 Ga. 1 (2012)	9
<i>Jordan v. Cook</i> , 277 Ga. 155 (2003)	2
<i>McIver v. State</i> , 314 Ga. 109 (2022)	9
<i>Meade v. Williamson</i> , 293 Ga. 142 (2013)	11
<i>Merrill v. Milligan</i> , 142 S.Ct. 879 (2022) (Kavanaugh, J., concurring in grant of applications for stays)	2
<i>Mobuary v. State</i> , 312 Ga. 337 (2021)	24
<i>Morgan v. U.S. Bank Nat’l Ass’n</i> , 322 Ga. App. 357 (Ga. Ct. App. 2013).....	3
<i>N.C. State Conf. of NAACP v. McCrory</i> , 997 F.Supp.2d 322 (M.D.N.C. 2014), <i>aff’d in part sub nom.</i> <i>League of Women Voters of N.C. v. N.C.</i> , 769 F.3d 224 (4th Cir. 2014)	19
<i>New Ga. Project v. Raffensperger</i> , 1:21-CV-01229-JPB, 2021 WL 2450647 (N.D. Ga. June 4, 2021)	20
<i>New Ga. Project v. Raffensperger</i> , 976 F.3d 1278 (11th Cir. 2020)	18, 19
<i>Obama for Am. v. Husted</i> , 697 F.3d 423 (6th Cir. 2012)	20
<i>Purcell v. Gonzalez</i> , 549 U.S. 1 (2006).....	18

<i>Republican Nat’l Comm. v. Democratic Nat’l Comm.</i> , 140 S.Ct. 1205 (2020).....	18
<i>Selph v. Williams</i> , 284 Ga. 349 (2008)	9
<i>Sherwin-Williams Co. Emp. Health Plan Tr. v. Comm’r</i> , 330 F.3d 449 (6th Cir. 2003)	12
<i>Snowa v. Comm’r</i> , 123 F.3d 190 (4th Cir. 1997)	12
<i>Spalding Cnty. Bd. of Elections v. McCord</i> , 287 Ga. 835 (2010)	11
<i>Storer v. Brown</i> , 415 U.S. 724 (1974).....	18
<i>Thomas v. MacNeill</i> , 200 Ga. 418 (1946)	16
<i>Ultra Telecom, Inc. v. State</i> , 288 Ga. 65 (2010)	9
<i>Zaldivar v. Prickett</i> , 297 Ga. 589 (2015).....	13
Statutes	
O.C.G.A. § 5-6-34(a)(1)	3
O.C.G.A. § 5-6-34(a)(4)	3, 8
O.C.G.A. § 5-6-34(a)(7)	3
O.C.G.A. § 5-6-34(d).....	3
O.C.G.A. § 21-2-2(5).....	10
O.C.G.A., § 21-2-31.....	4, 17
O.C.G.A. § 21-2-50.....	4, 17
O.C.G.A. § 21-2-50(b).....	9

O.C.G.A. §§ 21-2-216.....	10, 15
O.C.G.A. § 21-2-300(a)	15
O.C.G.A. § 21-2-374(b).....	5
O.C.G.A. § 21-2-379.6(c)	5
O.C.G.A. § 21-2-385.....	15
O.C.G.A. § 21-2-385(a)	20
O.C.G.A. § 21-2-385(d)(1)	<i>passim</i>
O.C.G.A. § 21-2-385(d)(1)(B).....	4, 10
O.C.G.A. § 21-2-385(d)(2)-(3)	5
O.C.G.A. § 21-2-385(d)(3)	6, 14
O.C.G.A. § 21-2-403.....	15
O.C.G.A. § 21-2-498.....	5
O.C.G.A. § 21-2-499.....	5
O.C.G.A. § 21-2-501(a)(5)	4, 10
OCGA 21-2-385(d)(1)	5, 11, 12

Other Authorities

Ga. Const. art. V, § III, ¶ I	4, 17
Ga. Const., art. VI, § VI, ¶ V	23
Ga. Ct. App. R. 40(b)	2
Ga. S.Ct. R. 40	3, 23
<i>November 8, 2022 General/Special Election</i> , Ga. Sec. of State (Nov. 19, 2022), https://perma.cc/8EXY-635L	1
<i>December 6 Runoff Advance Polling Location Schedule</i> , Ga. Sec. of State (Nov. 19, 2022), https://perma.cc/DV44-2TN8	1

Introduction

Intervenors Georgia Republican Party, Inc., National Republican Senatorial Committee (“NRSC”), and Republican National Committee (“RNC”) (collectively, “Intervenors”) petition this Court to issue a writ of certiorari to review the court of appeals’ order denying Intervenors’ motion for stay, *see id.* R. 40. In addition, Intervenors move for an emergency stay of the superior court’s order pending disposition of this petition. Intervenors are proceeding with all possible speed to resolve this time-sensitive appeal **before illegal advance voting this Saturday moots this petition.**

On the eve of counties noticing advance voting dates for the Georgia U.S. Senate runoff election, a Fulton County superior court judge overruled the State of Georgia’s non-partisan reading of O.C.G.A. § 21-2-385(d)(1) and accompanying guidance in Georgia’s November 12, 2022 Official Election Bulletin (the “Bulletin”). The court’s contorted textual interpretation permits advance voting on Saturday, November 26. The order ensures a lack of uniformity among Georgia’s 159 counties, with only a handful (*i.e.*, Fulton, DeKalb, Cobb, Chatham, Muscogee, Clarke, Clayton, Gwinnett, Newton, and Rockdale) noticing their intent to hold advance voting on November 26.¹ The injunction *permitting* rather than *mandating*

¹ *See December 6 Runoff Advance Polling Location Schedule*, Ga. Sec. of State (Nov. 19, 2022), <https://perma.cc/DV44-2TN8>. These ten counties accounted for more than *half* of Senator Warnock’s total vote count during the general

counties to open advance voting locations on November 26 cannot be reconciled with the text of O.C.G.A. § 21-2-385(d)(1), which specifies Saturday dates that “shall” have advance voting.

This Court recognizes an “underlying policy” that courts should be wary of the timing of court orders in election-related cases. *Jordan v. Cook*, 277 Ga. 155, 156 (2003). That policy reflects “a bedrock tenet of election law: When an election is close at hand, the rules of the road must be clear and settled.” *Merrill v. Milligan*, 142 S.Ct. 879, 880–81 (2022) (Kavanaugh, J., concurring in grant of applications for stays). For that reason, the U.S. Supreme Court “has often stayed lower federal court injunctions that contravened that principle.” *Id.* at 880 (collecting cases). This Court should do the same with the superior court’s injunction.

Intervenors now apply to this Court to resolve this matter. The superior court entered its order late last Friday afternoon. On Monday morning, Intervenors filed an Emergency Motion for Stay in the court of appeals under Ga. Ct. App. R. 40(b). The court of appeals denied the motion, without elaboration, around the close of business Monday and failed to enter a briefing schedule. Intervenors ask this Court to issue a writ of certiorari to review the court of appeals’ denial of the motion for

election. *See November 8, 2022 General/Special Election*, Ga. Sec. of State (Nov. 19, 2022), <https://perma.cc/8EXY-635L>. And not a single one of them is Republican-leaning. *See December 6 Runoff Advance Polling Location Schedule*, Ga. Sec. of State (Nov. 19, 2022), <https://perma.cc/DV44-2TN8>

emergency stay and request that this Court stay the superior court's order granting declaratory and injunctive relief pending disposition of this petition. Final resolution of this legal issue is a matter of "great concern, gravity, or importance to the public" regarding the rules that will govern this and future runoff elections in Georgia. Ga. S.Ct. R. 40.

Jurisdiction

This Court has jurisdiction over this petition pursuant to O.C.G.A. § 5-6-34(a)(1) (final judgments); *id.* (a)(4) ("orders ... refusing applications ... for interlocutory or final injunctions"); *id.* (a)(7) (applications refusing extraordinary remedies). This Court reviews both the judgment and "all ... orders rendered in the case which are raised on appeal and which may affect the proceedings below ... without regard to the appealability of the ... order standing alone and without regard to whether the ... order appealed from was final or was appealable by some other express provision of law." O.C.G.A. § 5-6-34(d).

The superior court entered final judgment on November 18th. The court of appeals refused an application for interlocutory or final injunction on November 21st.² This petition is properly before this Court.

² The district court's order granting Plaintiffs' request for declaratory injunctive relief was, in effect, an order "granting or refusing applications for receivers or for interlocutory or final injunctions" and thus a final judgment. *Id.* § 5-6-34(a)(4). Further, the Court of Appeals' order denying Intervenors' request for stay had the effect of extending the Plaintiffs' injunctive relief, and thus

Factual and Procedural Background

Georgia’s December 6, 2022, runoff election is a “continuation” of the November 8th general election. O.C.G.A. § 21-2-501(a)(5). The runoff is overseen and administered by the Secretary of State (“Secretary”), Ga. Const. art. V, § III, ¶ I; O.C.G.A. § 21-2-50, and the State Election Board (“SEB”), O.C.G.A., § 21-2-31.

The General Assembly enacted a detailed framework that *mandates* advance voting on some days, *permits* it on other days, and *forbids* it on a few days. Advance voting “shall” begin “no later than the second Monday immediately prior to such runoff.” O.C.G.A. § 21-2-385(d)(1)(B).³ For this runoff, mandatory advance voting begins on Monday, November 28, and concludes Friday, December 2. *See id.*⁴

At issue here is the *prohibitory* language in § 21-2-385(d)(1). Advance voting “shall not be held” on the second Saturday before the election “if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday.” *Id.* This year’s second Saturday

falls under Section 5-6-34(a)(4) as well. *See Morgan v. U.S. Bank Nat’l Ass’n*, 322 Ga. App. 357, 359 (Ga. Ct. App. 2013).

³ For the Court’s convenience, O.C.G.A. § 21-2-385(d)(1) is attached as **Exhibit A**.

⁴ The statute allows counties to begin advance voting “[a]s soon as possible prior to a runoff” O.C.G.A. § 21-2-385(d)(1)(B).

qualifies, as both Thanksgiving Day and a state holiday on Friday, November 25 “immediately preced[e]” the second Saturday.

In advance of those holidays, county officials and the Secretary are scrambling to complete multiple statutory requirements before conducting advance voting, including voting machine testing, O.C.G.A. §§ 21-2-374(b), 379.6(c), precertification tabulation audits, *id.* § 21-2-498, and certification of the general election, *id.* § 21-2-499. Those requirements were ongoing at the time the superior court entered its order. *See, e.g., Ex. B*, Compl., Ex. 1 Bulletin; *see Ex. C*, Intervenors’ Opp. TRO at Exs. A-B (Dover Affidavit ¶ 7; *id.*, Natt Affidavit ¶ 7).

Notably, the law requires counties to provide “reasonable notice” to voters “no later than seven days” before advance voting begins regarding “times, dates, and locations.” *See* § 21-2-385(d)(2)-(3). To help counties comply with the requirements, the Secretary circulated the Bulletin to county election officials on November 12, 2022. *Ex. B*, Compl. at Ex. 1. The Bulletin notified election officials that advance voting *must* be held November 28 through December 2 and that advance voting *may* begin before November 28, but “cannot occur” on public holidays or on Saturday, November 26 because “OCGA 21-2-385(d)(1) ... states that if the second Saturday before the runoff follows a Thursday or Friday that is a state holiday, voting on that Saturday is not allowed.” *Id.*

Relying on the Secretary's direction, 159 counties prepared and staffed advance voting in the runoff. Despite unanimity among counties that advance voting *would not* occur on November 26, Plaintiffs asked the superior court to permit advance voting on that Saturday.⁵ The court granted Plaintiffs' request on the afternoon before the counties had a statutory deadline to provide notice of advance voting on November 26 under O.C.G.A. § 21-2-385(d)(3). **Ex. E**, Order, dated November 18, 2022. Intervenor seek to uphold Georgia law and stop an uneven impact on Georgia's voters by this erroneous ruling. Intervenor request an expedited ruling on this time-sensitive petition and ask that the Court stay the superior court's order while this time-sensitive petition is considered.

Enumeration of Errors

For purposes of Intervenor's request for a writ of certiorari, Intervenor provide the following enumeration of errors:

Under the plain meaning of Georgia's election laws, runoff elections are a continuation of the general election and advance voting is prohibited on the "second Saturday" before a runoff, when that Saturday "follows a public and legal holiday occurring on the Thursday or Friday immediately preceding." O.C.G.A. § 21-2-

⁵ In advance of the TRO hearing, Plaintiffs informed the court that at least four Democratic-leaning counties were willing to hold advance voting on that Saturday (*i.e.*, Fulton, DeKalb, Cobb, and Muscogee) if the court granted an injunction. *See e.g.*, **Ex. D**, Sparks Aff. ¶¶ 4-7.

385(d)(1). Did the court of appeals err in refusing to stay the superior court's declaration that O.C.G.A. § 21-2-385(d)(1) permits voting on Saturday, November 26th, immediately after the Thanksgiving holiday on Thursday and the state holiday on Friday and injunction prohibiting the State from enforcing Georgia's election laws as written?

Legal Standard

This Court will grant a writ of certiorari "in cases of great concern, gravity, or importance to the public." *Id.* R. 40.

Argument

Intervenors' request for certiorari turns on the court of appeals' failure to stay the superior court's contorted interpretation of O.C.G.A. § 21-2-385(d)(1), disrupting the relevant statute and, more broadly, the General Assembly's rules in place to help the State administer the runoff election. This case presents issues of "great concern, gravity, or importance to the public," which would justify granting a writ of certiorari. Time is of the essence; emergency relief should be granted before some (but not most) counties commence impermissible advance voting on November 26.

I. The court of appeals' Order denying the motion for an emergency stay was erroneous.

The court of appeals erroneously denied Intervenors' motion to stay the superior court's order misinterpreting O.C.G.A. § 21-2-385(d)(1). Emergency relief

from that order was and is necessary to protect Georgia's interest in enforcing its laws as written and to protect the majority of Georgia's citizens whose counties will not have voting access on November 26, given the short notice from the court's order. The Secretary's interpretation of O.C.G.A. § 21-2-385(d)(1) is correct on the merits, and the balance of harms and public interest strongly favor preserving Georgia election law. Because the interests of the Intervenors, the State, and the public "weigh strongly in favor of a stay ... pending appeal," *Green Bull*, 301 Ga. at 473, Intervenors needed only to show a "substantial case on the merits," not a likelihood of prevailing, to the court of appeals. *Id.* But the court of appeals erred in denying interlocutory relief, allowing the superior court's misinterpretation of O.C.G.A. § 21-2-385(d)(1) to persist.

The superior court's misinterpretation of O.C.G.A. § 21-2-385(d)(1) turns on its findings that (1) "primary or election" does not include the term runoff, (2) runoffs are not continuations of an election (contrary to Georgia law), and (3) the shortened time period prior to a runoff requires Saturday voting to allow counties to start advance voting "[a]s soon as possible." The key differences between its interpretation and the statutory text concern: (1) whether "primary or election" includes runoff elections; (2) the appropriate time period for advance voting; and (3) whether advance voting can be permissive, especially on Saturdays, when not expressly provided in the statute.

The superior court gave no deference to the Secretary, despite acknowledging an “absence of settled law on this specific issue.” *Id.* at 4. This runs afoul of the principle “that courts should presume public officials ... acted in accordance with their statutory duties and read the statute in a manner that renders their conduct proper.” *See Gundy v. Balli*, 362 Ga. App. 304, 311 (2022); *see also Selph v. Williams*, 284 Ga. 349, 352 (2008) (“[A] presumption of regularity ... requires the courts to presume that public officers have properly discharged their official duties”); *see also* O.C.G.A. § 21-2-50(b) (the Secretary is the “state’s chief election official”). That interpretation was erroneous, and the court of appeals erred in acquiescing to it.

a. The Secretary’s interpretation of the statute is correct.

The Secretary’s reading of O.C.G.A. § 21-2-385(d)(1) accords with principles of statutory construction: advance voting on Saturday, November 26, is not allowed because it follows Thanksgiving and another state holiday.

Statutory interpretation starts with the text, applying its “plain and ordinary meaning” when read in the “most natural and ordinary way, as an ordinary speaker of the English language would.” *Deal v. Coleman*, 294 Ga. 170, 172–73 (2013). This includes applying the rules of grammar. *Id.* at 173. A statute should not be read in isolation, but rather “in the context of the other statutory provisions of which it is a part.” *Hendry v. Hendry*, 292 Ga. 1, 3 (2012). Indeed, “[i]t is a basic rule of

construction that a statute ... should be construed to make all its parts harmonize and to give a sensible and intelligent effect to each part[.]” *McIver v. State*, 314 Ga. 109, 119 (2022). Finally, statutes addressing the same subject matter are construed together. *Ultra Telecom, Inc. v. State*, 288 Ga. 65, 67 (2010).

Applying these principles, the Court must first look at the Election Code generally to determine if “primary or election” can encompass a runoff election. Georgia statute provides that “[e]lection’ ordinarily means any general or special election and shall not include a primary or special primary unless the context in which the term is used clearly requires that a primary or special primary is included.” O.C.G.A. § 21-2-2(5). The definition’s drafters expressly excluded primaries *but not runoffs*, which are a natural “continuation of the ... election.” *See* O.C.G.A. § 21-2-501(a)(5).

The Georgia election code frequently uses “primary or election” to encompass runoff. *See, e.g.*, O.C.G.A. §§ 21-2-216 (voters must be registered to vote in “any primary or election”); -493 (superintendent shall commence canvassing “after the close of the polls on the day of a primary or election”); -403 (polls shall be open from 7:00 A.M. to 7:00 P.M. “at all primaries and elections[.]”); -300(a) (requiring that electronic voting equipment be used in “general primaries and general elections”); -385(a) (setting forth procedures for absentee ballots in a “primary or election”); -522 (allowing the “result of a primary or election” to be contested in

court). The term “primary or election” plainly applies to rules and regulations for subsequent runoffs unless expressly delineated otherwise.⁶

Case law supports the Secretary’s conclusion that “election” includes a runoff election. Numerous Georgia Supreme Court decisions use the terms “election,” “runoff election,” and “runoff” interchangeably when discussing a single election. *See, e.g., Fuller v. Thomas*, 284 Ga. 397 (2008) (referring to contested run-off election as “election,” “runoff,” and “runoff election”); *Spalding Cnty. Bd. of Elections v. McCord*, 287 Ga. 835 (2010) (same); *Meade v. Williamson*, 293 Ga. 142 (2013) (same). That usage informs the statutory meaning. *See Hasty v. Castleberry*, 293 Ga. 727, 731 (2013) (statutes are “construed in connection and in harmony with the existing law, and as a part of a general and uniform system of jurisprudence,” “with reference to other statutes and the decisions of the courts”).

Having established that Georgia recognizes two types of elections (which encompass the runoff election), the Court must interpret the text and structure of Section 385(d)(1), which is one paragraph consisting of three sentences. The first sentence (the “Voting-Period Provision”) sets the “*period*” of advance voting—*i.e.*, the temporal bookends when advance voting may occur—but it does not specify the

⁶ For instance, OCGA § 21-2-385(d)(1)(B) expressly delineates the advance voting dates for the runoff because the “primary or election” advance voting dates do not work for the shorter four-week turnaround between the general election and the runoff.

specific dates and times for voting within that period. The second sentence (the “Dates-and-Times Provision”) provides more details by authorizing specific *dates* and *times* that advance voting must or may occur, *i.e.*, all weekdays during the period (except holidays) and particular Saturdays and Sundays.⁷ Lastly, the third sentence (the “Authorizing Provision”) makes clear that advance voting is only allowed on the specific dates and times expressly provided for in § 385(d)(1) and no others.

The Secretary reads O.C.G.A. § 21-2-385(d)(1) “as a whole, considering specific words and phrases not in isolation, but in relation to each other,” *Gary v. State*, 338 Ga. App. 403, 405 (2016), and gives effect to each statutory provision. The Secretary’s interpretation allows the statute to (a) define an advance voting period; (b) define times for weekday voting; (c) define mandatory Saturday voting, including the holiday exception; (d) define permissive Sunday voting; and (e) only allowing advance voting on certain express statutory dates. The superior court’s adoption of Plaintiffs’ interpretation, as described below, does not do the same.

b. Plaintiffs’ interpretation, adopted in the Order, is incorrect.

⁷ The block paragraph beginning “and shall end on the Friday...” is known as flush language. See *Sherwin-Williams Co. Emp. Health Plan Tr. v. Comm’r*, 330 F.3d 449, 454 (6th Cir. 2003). That flush language applies *both* to general elections (paragraph A) *and* to runoff elections (paragraph B) because it is set apart from the rest of the statute. “Provisions appearing in a statute’s ‘flush language,’ or that language that appears flush against the margins in the code, generally apply to ‘the entire statutory section or subsection.’” *Id.* (quoting *Snowa v. Comm’r*, 123 F.3d 190, 196 n.10 (4th Cir. 1997)).

The court of appeals failure to stay the superior court's order, which adopts the Plaintiffs' interpretation, turns the statute on its head. It (1) ignores that runoffs are defined as a continuation of the "primary or election"; (2) prevents most provisions in the statute from applying to runoffs; and (3) makes most advance voting dates for runoffs *permissive*, nullifying provisions that *mandate* or *prohibit* advance voting dates.

First, as discussed in Section I.a., the superior court failed to see that "primary or election" encompasses a runoff election because it is a "continuation" of the "primary or election," unless otherwise expressly stated.

Second, by construing "primary or election" to exclude runoffs, the superior court's interpretation renders all provisions in the second sentence of the statute inapplicable to runoffs. The term "primary or election" is used twice within the statute, but the order only considers the phrase within the context of the holiday exclusion provision. The court cannot cherry-pick to reach Plaintiffs' requested relief. *Zaldivar v. Prickett*, 297 Ga. 589, 592 (2015) ("identical words used in different parts of the same act are intended to have the same meaning" (quoting *Atl. Cleaners & Dyers, Inc. v. United States*, 286 U.S. 427, 433 (1932))). Consistently applying the term, "primary or election", to exclude "runoff" throughout the statute would eradicate most of O.C.G.A. § 21-2-385(d)(1)'s rules, including voting hours, mandatory Saturdays, permissible Sundays, and the holiday exception provision at

issue here (*i.e.*, the statute’s entire second sentence) for runoffs. Courts have a “duty to reject a construction of a statute” that “result[s] in unreasonable consequences or absurd results not contemplated by the legislature.” *Haugen v. Henry Cnty.*, 277 Ga. 743, 746 (2004). The superior court defied that duty by ignoring the logical consequences of Plaintiffs’ interpretation.

Notably, the order does not address the far-reaching consequences Plaintiffs’ interpretation immediately causes for the runoff. For instance, counties could open advance voting for only half-an-hour on Monday, November 28, and half-an-hour on Friday, December 2. Or they could remain open 24-hours a day, including weekends and holidays, through Friday, December 2. The superior court order also strikes the counties’ seven-day notice provision for advance voting, *see* O.C.G.A. § 21-2-385(d)(3), which could result in counties not providing proper advance notice of when advance voting locations are to be open. More broadly, the interpretation could affect counties’ interpretations of the election code as a whole, which uses “primary or election” to encompass runoff elections throughout.

Third, the superior court’s interpretation negates specific mandates and prohibitions by treating all advance voting days but Monday, November 28, and Friday, December 2, as *permissive*. The superior court order advances November 26 as a permissive advance voting date because counties can start voting as “early as possible.” However, O.C.G.A. § 21-2-385(d)(1) has mandatory, not permissive,

language for Saturday advance voting: it “*shall* be conducted on the second and third Saturdays during the hours of 9:00 A.M. through 5:00 P.M.” (emphasis added). Likewise, the next sentence (*i.e.*, the third sentence) specifies “that voting shall occur only on the days specified in this paragraph and counties and municipalities shall not be authorized to conduct advance voting on any other days.” O.C.G.A. § 21-2-385(d)(1). The adopted interpretation cannot be reconciled with these mandates and prohibitions.

Fourth, the superior court’s historical analysis of O.C.G.A. § 21-2-385(d)(1) is flawed. The superior court ignores the Secretary’s Office’s previous (and consistent) guidance for a July 13, 2021, five-county state runoff, the only post-statutory-revision runoff election that included a Saturday following a state holiday. *See Ex. F*, State’s Opp. TRO, Ex. 1. It ignores that the legislature added the third sentence in 2021 requiring that advance voting can only occur where the legislature has *specified each early voting date*. O.C.G.A. § 21-2-385. And it ignores that the legislature removed “runoff” in 2017 as part of an attempt to uniformly apply “primary or election” across the election code. *See Ex. C*, Pl’s Affidavit, Ex. 7. Otherwise, many key election statutes (such as O.C.G.A. § 21-2-216, 300(a), 403, etc.) that do not expressly say *runoff* would not apply.

Even if “primary or election”, as used in O.C.G.A. § 21-2-385(d)(1), were not to include runoff elections, the court’s interpretation fails because “primary or

election” only modifies a small part of the statute. The holiday prohibition states, “if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday, ... such advance voting shall not be held on such second Saturday but shall be held on the third Saturday prior to such primary or election” O.C.G.A. § 21-2-385(d)(1). Plaintiffs argued that this portion of the sentence means (1) if the conditional clause is satisfied (the second Saturday follows a Thursday or Friday legal holiday), then (2) advance voting is prohibited on the second Saturday *before primaries and general elections but not runoffs*.

The better reading is that (1) if the second Saturday follows a Thursday or Friday legal holiday, then (2) advance voting is prohibited on that Saturday *for all elections*, primaries, general elections, and runoffs, (3) but advance voting instead “shall be held on the third Saturday prior to such primary or election” (which excludes runoffs). This interpretation follows from the way “but,” separates the two clauses. “Primary or election” at the end of the second clause should not be read to modify the first clause, *i.e.*, all words before “but.” *See Thomas v. MacNeill*, 200 Ga. 418, 423–24 (1946) (*but*-clause separated by comma modifies previous clause). The second-Saturday holiday prohibition applies to *all* elections, including runoffs, and only the third-Saturday guarantee of advance voting is restricted to primaries and general elections.

This interpretation makes practical sense. The legislature did not want to open voting, burdening county election workers, on the second Saturday if it fell immediately after a holiday. For primaries or elections, the third Saturday must be open for advance voting. Because the compressed runoff schedule may render advance voting on third Saturdays impossible before runoffs, the Assembly limited that third-Saturday guarantee to only “primary or [general] election[s],” not runoffs. Otherwise, this provision would *mandate* third-Saturday voting in runoffs—a logistical nightmare or practical impossibility.

c. The Intervenors’ and State’s interests favored a stay by the court of appeals.

The court of appeals failure to stay the superior court’s order undermines the State’s and the Intervenors’ interests in an efficient, fair, and free election as well as the State’s interest in applying its election laws uniformly. Instead, it elevates Plaintiffs’ interests in obtaining potential electoral advantage over Intervenors’ interest in electoral fairness. *See Green Bull*, 301 Ga. at 473. This Court’s grant of interlocutory relief would meet “[t]he purpose for granting [an] interlocutory injunction”—*preserving*, not altering the status quo. *See Benton v. Patel*, 257 Ga. 669, 672 (Ga. 1987). The status quo was no advance voting on November 26. The legislature, not the superior court, is charged with striking the balance of fairness in Georgia elections.

The State of Georgia, through the Secretary, *see, e.g.*, Ga. Const. art. V, § III, ¶ I; O.C.G.A. § 21-2-50, and the SEB, *see* O.C.G.A., § 21-2-31, “indisputably has a compelling interest in preserving the integrity of its election process.” *Eu v. San Francisco Democratic Cent. Comm.*, 489 U.S. 214, 231 (1989). Georgia’s interests in “conducting an efficient election, maintaining order, quickly certifying election results, and preventing voter fraud” are “strong” and “important.” *New Ga. Project v. Raffensperger*, 976 F.3d 1278, 1282 (11th Cir. 2020). States must “substantial[ly] regulat[e] ... elections if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic processes.” *Storer v. Brown*, 415 U.S. 724, 730 (1974). The U.S. Supreme Court has repeatedly emphasized that courts “should ordinarily not alter the election rules on the eve of an election.” *Republican Nat’l Comm. v. Democratic Nat’l Comm.*, 140 S.Ct. 1205, 1207 (2020) (citing *Purcell v. Gonzalez*, 549 U.S. 1 (2006)); *see also New Ga. Project*, 976 F.3d at 1283.

The Bulletin provided uniform guidance to counties across the state in advance of the runoff. County election officials have been relying on that guidance as they plan for the runoff election. *See Ex. C*, Intervenor’s Opp. TRO, Exs. A-B (Dover Affidavit ¶ 8; Natt Affidavit ¶ 8). Officials have recruited poll workers and planned dates for logic and accuracy testing of voting machines, delivery of machines, and other preparations under the assumption that the polling locations

would not be open on November 26. *Id.* (Dover Affidavit ¶¶ 7-8, 11-13; Natt Affidavit ¶¶ 7-8, 11-13).

The court of appeals refused to stay the superior court’s order, which will create chaos in the runoff election. Only ten counties—*all of them Democrat-leaning*—currently plan to conduct advance voting on November 26, eviscerating the statutorily-required uniformity among Georgia’s counties on that day. It renders meaningless most advance voting rules for this runoff election and the election code generally. Counties are free to operate in a state of near-anarchy; the Secretary and SEB lack clear rules to oversee and administer the runoff election. Democracy suffers when election rules are unclear. *See Merrill*, 142 S. Ct. at 880–81 (it is a “bedrock tenet of election law” that “[w]hen an election is close at hand, the rules of the road must be clear and settled” to avoid “unfair consequences for candidates, political parties, and voters”) (Kavanaugh, J., concurring); *Purcell*, 549 U.S. at 4–5 (judicial interference with elections “result[s] in voter confusion and consequent incentive to remain away from the polls,” and “[a]s an election draws closer, that risk will increase”).

Georgia has an interest in its election laws being applied as written. A judicially mandated, last-minute change to the election laws passed by elected representatives and signed by an elected Governor undermines credibility and faith in the democratic process. In *New Georgia Project*, the Eleventh Circuit held

Georgia would suffer irreparable harm if a court barred “the State from conducting ... elections pursuant to a statute enacted by the Legislature unless the statute is unconstitutional.” 976 F.3d at 1283 (internal quotation omitted). Likewise, the judicial tinkering with election laws here is not constitutionally required and constitutes irreparable harm.

The court of appeals’ refusal to stay the superior court’s injunction undermines the political parties’ legitimate interests: ensuring that Senatorial candidates enjoy a fair election according to state election laws and the United States Constitution. *See, e.g., N.C. State Conf. of NAACP v. McCrory*, 997 F.Supp.2d 322, 342 (M.D.N.C. 2014) (parties have “direct, particularized interest in the outcome of an election”), *aff’d in part sub nom. League of Women Voters of N.C. v. N.C.*, 769 F.3d 224 (4th Cir. 2014); *New Ga. Project v. Raffensperger*, 1:21-CV-01229-JPB, 2021 WL 2450647, at *2 (N.D. Ga. June 4, 2021). The superior court’s order subverts that fair electoral environment for *all* Georgians.

d. A stay will not cause Plaintiffs any irreparable harm.

Plaintiffs cannot point to any harm that they will suffer by this Court overturning the court of appeals’ denial of the emergency motion to stay or the superior court’s order being stayed pending review of this appeal. On the merits, it is unclear what, if any, harm Plaintiffs may suffer without advance voting in select partisan counties on November 26. *See Green Bull*, 301 Ga. at 473. By their

admission, Plaintiffs are “dedicated to electing candidates of the Democratic Party to public office[.]”. **Ex. B**, Compl., ¶¶ 8-10. Yet Plaintiffs have baselessly grounded their arguments about irreparable harm in the fundamental right to vote, an interest that belongs to *all voters*. See, e.g., *Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012). Any harm caused by the Secretary’s guidance would be to some hypothetical voter who could *only* vote in the runoff election in-person on November 26, not by absentee ballot,⁸ in-person on another advance voting day, or in-person on the day of the runoff. Plaintiffs are not the appropriate party to claim such harm.

Plaintiffs assert that losing one day of advance voting impedes their efforts to increase turnout. As support, they cite *Georgia Coalition for the People’s Agenda v. Kemp*, 347 F.Supp.3d 1251, 1268 (N.D. Ga. 2018). But that case concerned a specific class of voters—individuals flagged by Georgia as ineligible to vote because of voter-registration errors. *Id.* at 1255. The Secretary’s guidance does not affect a specific class of voters.⁹ It affects all voters equally and is not a legally recognized harm. See *Gwinnett Cnty. NAACP v. Gwinnett Cnty. Bd. of Registration & Elections*, 446 F.Supp.3d 1111, 1126 (N.D. Ga. 2020) (no irreparable harm when voting

⁸ Georgia law allows any registered voter to request an absentee ballot and vote by mail. O.C.G.A. § 21-2-385(a).

⁹ If voters able to vote only via advance voting on November 26 were a legally protected class, a class could be created for every day of the calendar year, with no limit.

regulation “applies equally to all ... voters” without “indication that th[e] decision was used as a proxy for voter suppression or targeted a protected class”). Nor do Plaintiffs allege that any voters will be “entirely unable to vote” if a single day—November 26—remains unavailable for advance voting. *See id.*

Intervenors can only presume that Plaintiffs sought relief because they believe it will benefit Senator Warnock’s reelection campaign. Keeping the status quo here would enable a political ruse: Plaintiffs knew (and represented) that Fulton, DeKalb, Cobb, and Muscogee were willing to open on November 26 if the requested relief was granted. *See Ex. D*, Pl.’s Affidavit at ¶¶ 4-7. A stay would not cause Plaintiffs any form of irreparable harm.

e. The court of appeals should have stayed the superior court’s order to serve the public interest.

The order from the court of appeals was erroneous because the order in the superior court “disserve[] the public interest” and should not have been granted. *Green Bull*, 301 Ga. at 473. The public shares the State’s interest in fair, orderly, and predictable elections. Of Georgia’s 159 counties, only Fulton, DeKalb, Cobb, Chatham, Muscogee, Clarke, Clayton, Gwinnett, Newton, and Rockdale are prepared to open polls on November 26. Consistent with evidence the Intervenors put before the court, the other 149 counties apparently could not reverse course from the Secretary’s guidance on such short notice.

For example, Cherokee and Forsyth counties' voting locations cannot be adequately staffed on November 26. *See* **Ex. C** at Exs. A-B (Dover Affidavit ¶¶ 10-11, 14; Natt Affidavit ¶¶ 10-11, 13). Poll workers are in short supply, and election boards are occupied with the statewide audit, absentee ballot and vote-by-mail requests, logic and accuracy testing for voting machines, and delivering and setting up those machines. *Id.* (Dover Affidavit ¶¶ 5-7, 11-13; Natt Affidavit ¶¶ 5-7, 11-12). The superior court entered its order only eight days before November 26, two of which are legal holidays, leaving little time to prepare for advance voting.

Essentially, by not granting the motion for an emergency stay, the court of appeals has allowed the superior court to award ten counties an extra day of voting that most other Georgians will lack. That harm (and the disparate impact on voters) far outweighs potential harm to Plaintiffs. *Cf. Gwinnett Cnty. NAACP*, 446 F.Supp.3d at 1126. The injunction sows confusion and inequity into the voting process, preventing the clarity and uniformity that Georgia's citizens deserve.

II. This case presents important issues worthy of certiorari.

As described above, this case presents fundamental issues that are just the sort that the Georgia Constitution contemplates this Court will "review by certiorari," namely, "cases in the Court of Appeals which are of gravity or great public importance." Ga. Const., art. VI, § VI, ¶ V. Likewise, the Court's rule on certiorari explains that "review on certiorari is not a right." Ga. S.Ct. R. 40. Instead, a "petition

for the writ will be granted only in cases of great concern, gravity, or importance to the public.” *Id.* As such, the Court grants certiorari not on evidentiary matters or to correct errors, but on “important” cases. *See generally Atl. Coca-Cola Bottling Co. v. Jones*, 236 Ga. 448, 452–55 (1976) (Hall, J., dissenting).

The court of appeals’ order denying Intervenors’ emergency motion for stay erroneously keeps the status quo of the superior court’s interpretation and overturns the Secretary of State’s interpretation of Georgia election law in a highly contested election. This is of great concern and importance to the public, especially given the practical effects of the trial court’s order—creating an unequal system where some counties will vote on November 26 and others will not. Administering the election pursuant to Georgia law is a matter of great concern, gravity, and importance to the public, and worthy of this Court’s intervention.¹⁰

Conclusion

The court of appeals’ denial of the Intervenor’s motion for emergency stay allows the superior court’s interpretation of O.C.G.A. § 21-2-385(d)(1) to gut the statute, sow utter chaos, and unevenly impact Georgia voters’ access to advance voting. This Court should grant a writ of certiorari to decide the merits of the court

¹⁰ Because this case has been fully briefed below and since time is of the essence, this Court can dispose of the superior court’s order summarily without further briefing or oral argument. *See Mobuary v. State*, 312 Ga. 337, 337 n.1 (2021).

of appeals' erroneous order, permitting final resolution **before advance voting occurs on Saturday, November 26th** in defiance of Georgia's election laws as written. For the same reasons that the court of appeals erred in denying the stay, Intervenor request that this Court stay the superior court's order pending disposition of this petition.

A copy of the Court of Appeals' order and Intervenor's notice of appeal are attached as **Exhibits G and H**. For the Court's reference, the notice of appeal to the Fulton County Superior Court is attached as **Exhibit I**.

DATED: November 22, 2022

Respectfully submitted,

/s/ Mark D. Johnson

Mark D. Johnson

OF COUNSEL

R. Thomas Warburton
Georgia Bar No. 218175
Thomas L. Oliver III
Georgia Bar No. 745597
BRADLEY ARANT BOULT CUMMINGS LLP
1819 Fifth Avenue North
Birmingham, AL 35203-2119
Telephone: (205) 521-8000
Facsimile: (205) 521-8800
twarburton@bradley.com
toliver@bradley.com

OF COUNSEL

Judson H. Turner

Georgia Bar No. 719485
Mark D. Johnson
Georgia Bar No. 395041
Mark M. Middleton
Georgia Bar No. 504907
Robert L. Fortson
Georgia Bar No. 142684
Amber M. Carter
Georgia Bar No. 631649
GILBERT HARRELL SUMERFORD & MARTIN, P.C.
777 Gloucester St., Suite 200
Brunswick, GA 31520
Telephone: (912) 265-6700
Facsimile: (912) 264-0244
jturner@ghsmlaw.com
mjohnson@ghsmlaw.com
mmiddleton@ghsmlaw.com
rfortson@ghsmlaw.com
acarter@ghsmlaw.com

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CERTIFICATE OF SERVICE

I, Mark D. Johnson, do hereby certify that on the 22nd day of November, 2022, a true and correct copy of the foregoing **Georgia Republican Party, Inc., National Republican Senatorial Committee and Republican National Committee’s Emergency Petition for Writ of Certiorari Requesting Stay of the Superior Court’s Declaratory and Injunctive Relief** was served via electronic mail addressed to:

Office of the Georgia Attorney General
Christopher Carr
Bryan K. Webb
Russell D. Willard
Charlene McGowan
40 Capitol Square
Atlanta, Georgia 30334
cmcgowan@law.ga.gov

Attorneys for Defendant

R. Thomas Warburton
Thomas L. Oliver III
BRADLEY ARANT BOULT CUMMINGS LLP
1819 Fifth Avenue North
Birmingham, AL 35203-2119
twarburton@bradley.com
toliver@bradley.com

Attorneys for Intervening Defendants

Joyce Gist Lewis
Adam M. Sparks
KREVOLIN & HORST, LLC
One Atlantic Center
1201 W. Peachtree St., NW
Ste. 3250
Atlanta, GA
P: (404) 888-9700
F: (404) 888-9577
jlewis@khlawfirm.com
sparks@khlawfirm.com

Uzoma N. Nkwonta
Christopher D. Dodge
Daniel C. Osbe
Graham White
Marcos Mocine-McQueen
ELIAS LAW GROUP LLP
10 G Street, NE
Suite 600
Washington, DC 20002
P: (202) 968-4490
F: (202) 968-4498
cdodge@elias.law
dosher@elias.law
gwhite@elias.law
mmcqueen@elias.law

Counsel for Plaintiffs

I certify that there is a prior agreement with Plaintiffs and the State to allow documents in a PDF format sent via email to suffice for service.

This 22nd day of November, 2022.

/s/ Mark D. Johnson
Mark D. Johnson

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Exhibit A

O.C.G.A. § 21-2-385

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 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Code of Georgia Annotated
Title 21. Elections (Refs & Annos)
Chapter 2. Elections and Primaries Generally (Refs & Annos)
Article 10. Absentee Voting (Refs & Annos)

Ga. Code Ann., § 21-2-385

§ 21-2-385. Voting by absentee electors; penalties

Effective: July 1, 2021

Currentness

(a) At any time after receiving an official absentee ballot, but before the day of the primary or election, except electors who are confined to a hospital on the day of the primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and enclose and securely seal the same in the envelope on which is printed "Official Absentee Ballot." This envelope shall then be placed in the second one, on which is printed the form of the oath of the elector; the name and oath of the person assisting, if any; and other required identifying information. The elector shall then fill out, subscribe, and swear to the oath printed on such envelope. In order to verify that the absentee ballot was voted by the elector who requested the ballot, the elector shall print the number of his or her Georgia driver's license number or identification card issued pursuant to Article 5 of Chapter 5 of Title 40 in the space provided on the outer oath envelope. The elector shall also print his or her date of birth in the space provided in the outer oath envelope. If the elector does not have a Georgia driver's license or state identification card issued pursuant to Article 5 of Chapter 5 of Title 40, the elector shall so affirm in the space provided on the outer oath envelope and print the last four digits of his or her social security number in the space provided on the outer oath envelope. If the elector does not have a Georgia driver's license, identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or a social security number, the elector shall so affirm in the space provided on the outer oath envelope and place a copy of one of the forms of identification set forth in subsection (c) of [Code Section 21-2-417](#) in the outer envelope. Such envelope shall then be securely sealed and the elector shall then personally mail or personally deliver same to the board of registrars or absentee ballot clerk, provided that mailing or delivery may be made by the elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or an individual residing in the household of such elector. The absentee ballot of a disabled elector may be mailed or delivered by the caregiver of such disabled elector, regardless of whether such caregiver resides in such disabled elector's household. The absentee ballot of an elector who is in custody in a jail or other detention facility may be mailed or delivered by any employee of such jail or facility having custody of such elector. An elector who is confined to a hospital on a primary or election day to whom an absentee ballot is delivered by the registrar or absentee ballot clerk shall then and there vote the ballot, seal it properly, and return it to the registrar or absentee ballot clerk. If the elector registered to vote for the first time in this state by mail and has not previously provided the identification required by [Code Section 21-2-220](#) and votes for the first time by absentee ballot and fails to provide the identification required by [Code Section 21-2-220](#) with such absentee ballot, such absentee ballot shall be treated as a provisional ballot and shall be counted only if the registrars are able to verify the identification and registration of the elector during the time provided pursuant to [Code Section 21-2-419](#).

(b) A physically disabled or illiterate elector may receive assistance in preparing his or her ballot from any person of the elector's choice other than such elector's employer or the agent of such employer or an officer or agent of such elector's union; provided, however, that no person whose name appears on the ballot as a candidate at a particular primary, election, or runoff

nor the mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law of such candidate shall offer assistance during such primary, election, or runoff under the provisions of this Code section to any elector who is not related to such candidate. For the purposes of this subsection, the term “related to such candidate” shall mean such candidate's mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law. The person rendering assistance to the elector in preparing the ballot shall sign the oath printed on the same envelope as the oath to be signed by the elector. Any person who willfully violates this subsection shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00, or both, for each such violation.

(c) When an elector applies in person for an absentee ballot, after the absentee ballots have been printed, the absentee ballot may be issued to the elector at the time of the application therefor within the confines of the registrar's or absentee ballot clerk's office if such application is made during the advance voting period as provided in subsection (d) of this Code section or may be mailed to the elector, depending upon the elector's request. If the ballot is issued to the elector at the time of application, the elector shall then and there within the confines of the registrar's or absentee ballot clerk's office vote and return the absentee ballot as provided in subsections (a) and (b) of this Code section. In the case of persons voting in accordance with subsection (d) of this Code section, the board of registrars or absentee ballot clerk shall furnish accommodations to the elector to ensure the privacy of the elector while voting his or her absentee ballot.

(d)(1) There shall be a period of advance voting that shall commence:

(A) On the fourth Monday immediately prior to each primary or election; and

(B) As soon as possible prior to a runoff from any general primary or election but no later than the second Monday immediately prior to such runoff

and shall end on the Friday immediately prior to each primary, election, or runoff. Voting shall be conducted beginning at 9:00 A.M. and ending at 5:00 P.M. on weekdays, other than observed state holidays, during such period and shall be conducted on the second and third Saturdays during the hours of 9:00 A.M. through 5:00 P.M. and, if the registrar or absentee ballot clerk so chooses, the second Sunday, the third Sunday, or both the second and third Sundays prior to a primary or election during hours determined by the registrar or absentee ballot clerk, but no longer than 7:00 A.M. through 7:00 P.M.; provided, however, that, if such second Saturday is a public and legal holiday pursuant to [Code Section 1-4-1](#), if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday, or if such second Saturday immediately precedes a public and legal holiday occurring on the following Sunday or Monday, such advance voting shall not be held on such second Saturday but shall be held on the third Saturday prior to such primary or election beginning at 9:00 A.M. and ending at 5:00 P.M. Except as otherwise provided in this paragraph, the registrars may extend the hours for voting to permit advance voting from 7:00 A.M. until 7:00 P.M. and may provide for additional voting locations pursuant to [Code Section 21-2-382](#) to suit the needs of the electors of the jurisdiction at their option; provided, however, that voting shall occur only on the days specified in this paragraph and counties and municipalities shall not be authorized to conduct advance voting on any other days.

(2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice to the electors of their jurisdiction of the availability of advance voting as well as the times, dates, and locations at which advance voting will be conducted. In addition, the registrars or absentee ballot clerk shall notify the Secretary of State in the manner prescribed by the Secretary of State of the times, dates, and locations at which advance voting will be conducted.

(3) The board of registrars shall publish the dates, times, and locations of the availability of advance voting in its jurisdiction on the homepage of the county's publicly accessible website associated with elections or registrations, or if the county does not have such a website, in a newspaper of general circulation, and by posting in a prominent location in the county, no later than 14 days prior to the beginning of the advance voting period for a general primary, special primary, general election, or special election and no later than seven days prior to the beginning of the advance voting period for any run-off election. Any new advance voting locations added after that deadline shall be published in the same manner as soon as possible. The board of registrars shall not remove any advance voting location after the notice of such location is published, except in the case of an emergency or unavoidable event that renders a location unavailable for use. Any changes that are made due to an emergency or unavoidable event after a notice of a location has been published shall be published as soon as possible in the same manner set forth in this paragraph.

(e) On each day of an absentee voting period, each county board of registrars or municipal absentee ballot clerk shall report for the county or municipality to the Secretary of State and post on the county or municipal website, or if the county or municipality does not maintain such a website, a place of public prominence in the county or municipality, not later than 10:00 A.M. on each business day the number of persons to whom absentee ballots have been issued, the number of persons who have returned absentee ballots, and the number of absentee ballots that have been rejected. Additionally, on each day of an advance voting period, each county board of registrars or municipal absentee ballot clerk shall report to the Secretary of State and post on the county or municipal website, or if the county or municipality does not maintain such a website, a place of public prominence in the county or municipality, not later than 10:00 A.M. on each business day the number of persons who have voted at the advance voting sites in the county or municipality. During the absentee voting period and for a period of three days following a primary, election, or runoff, each county board of registrars or municipal absentee ballot clerk shall report to the Secretary of State and post on the county or municipal website, or if the county or municipality does not maintain such a website, a place of public prominence in the county or municipality, not later than 10:00 A.M. on each business day the number of persons who have voted provisional ballots, the number of provisional ballots that have verified or cured and accepted for counting, and the number of provisional ballots that have been rejected.

Credits

Laws 1924, p. 186, § 4; Laws 1953, Jan.-Feb. Sess., p. 579, § 1; Laws 1955, p. 204, § 3; Laws 1955, p. 732, § 3; Laws 1956, p. 682, §§ 3, 4; Laws 1964, Ex. Sess., p. 26, § 1; Laws 1965, p. 119, § 1; Laws 1968, p. 871, § 16; Laws 1969, p. 329, § 22; Laws 1974, p. 71, §§ 6-8; Laws 1977, p. 683, § 1; Laws 1980, p. 1256, § 4; Laws 1981, p. 1718, § 8; Laws 1983, p. 140, § 1; Laws 1985, p. 496, § 14; Laws 1986, p. 32, § 1; Laws 1986, p. 932, § 6; Laws 1988, p. 641, § 2; Laws 1989, p. 1742, § 2; Laws 1990, p. 143, § 5; Laws 1992, p. 2510, § 3; Laws 1998, p. 295, § 1; Laws 2003, Act 209, § 39, eff. July 1, 2003; Laws 2006, Act 874, § 4, eff. Jan. 1, 2007; Laws 2007, Act 259, § 2, eff. July 1, 2007; Laws 2010, Act 632, § 21, eff. July 1, 2010; Laws 2011, Act 241, § 3, eff. July 1, 2011; Laws 2014, Act 343, § 6, eff. Jan. 21, 2014; Laws 2016, Act 347, § 4, eff. April 26, 2016; Laws 2017, Act 250, § 18, eff. July 1, 2017; Laws 2019, Act 24, § 31, eff. April 2, 2019; Laws 2021, Act 9, § 28, eff. July 1, 2021.

Formerly Code 1933, § 34-3303; Code 1933, § 34-1406.

Notes of Decisions (13)

Ga. Code Ann., § 21-2-385, GA ST § 21-2-385

The statutes and Constitution are current through legislation passed at the 2022 Regular Session of the Georgia General Assembly. Some sections may be more current, see credits for details. The statutes are subject to changes by the Georgia Code Commission.

Exhibit B

Complaint

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**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

DEMOCRATIC PARTY OF GEORGIA,
INC., DSCC, and WARNOCK FOR
GEORGIA,

Plaintiffs,

v.

THE STATE OF GEORGIA,

Defendant.

2022CV372734

Civil Action No. _____

EMERGENCY RELIEF REQUESTED

VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs Democratic Party of Georgia, Inc. (“DPG”), DSCC, and Warnock for Georgia
allege as follows:

PRELIMINARY STATEMENT

1. This is an emergency action for declaratory and injunctive relief to vindicate the right to vote in the upcoming December 6, 2022 runoff election for one of Georgia’s seats in the U.S. Senate. Georgia law requires counties to commence “a period of advance voting” for the runoff as “soon as possible” but in any event “no later than the second Monday immediately prior to such runoff.” O.C.G.A. § 21-2-385(d)(1)(B). In other words, while counties must begin allowing voters to participate in advance voting no later than November 28, 2022, they are required to start earlier if they can.

2. Despite the law’s command that counties begin offering advance voting “as soon as possible,” *id.*, Secretary of State Brad Raffensperger has taken the unsupportable position that counties are barred from opening the polls on Saturday, November 26. The Secretary’s purported legal rationale for this restriction is the second sentence of § 21-2-385(d)(1), which states that

(1) early voting must be conducted on the second and third Saturday before a *primary or general election*; and (2) when the second Saturday before the day of a *primary or general election* falls on a holiday or immediately after a holiday, counties must conduct mandatory advance voting on the third Saturday before Election Day. In other words, § 21-2-385(d)(1) guarantees early voting on specific weekend days for primary and general elections and imposes conditions on that mandate, neither of which apply to runoffs.

3. Just last week, the State’s two highest election officers acknowledged publicly that counties may conduct early voting on November 26, the Saturday after Thanksgiving. Secretary Raffensperger appeared on national television on November 9 and stated that he “anticipate[s] that some counties may likely have Saturday voting following Thanksgiving.”¹ That same day, his office’s Chief Operating Officer, Gabriel Sterling, appeared on a different national news network and explained that counties could open their polls to voters on the Saturday after Thanksgiving “if they so choose.”² Yet, just three days later, the Secretary reversed course, distributing a bulletin informing counties that they were *not* permitted to hold advance voting on November 26.

4. The Secretary’s interpretation misreads § 21-2-385(d)(1) and cherry-picks provisions that have no application to runoffs. Section 21-2-385(d)(1)’s restrictions on Saturday voting are inextricably linked with its mandate that counties must offer early voting on the second and third Saturday before each primary or election—and those rules do not apply to runoffs, which involve a significantly more compressed advance-voting period. The Secretary’s insistence that counties may not hold advance voting on November 26 therefore has no support in the law and

¹ *Ga. Sec’y of the State News Conf. on Election Results*, CSPAN at 5:08–5:25 (Nov. 9, 2022), <https://www.c-span.org/video/?524156-1/georgia-secretary-state-brad-raffensperger-update-senate-runoff-election>.

² *Tr.: Control of Congress Still Uncertain, Key Races Too Close to Call*, CNN (Nov. 9, 2022, 1:00PM), <https://transcripts.cnn.com/show/se/date/2022-11-09/segment/15>

conflicts with § 21-2-385(d)(1)(B)'s requirement that counties begin advance voting for the December 6 runoff as soon as possible.

5. Plaintiffs respectfully ask the Court to immediately declare that § 21-2-385(d)(1) does not preclude counties from holding advance voting on November 26, and to enjoin Defendant from taking any action to prevent or interfere with counties holding advance voting on that date.

JURISDICTION AND VENUE

6. This Court has power to exercise original jurisdiction over this action, declare the rights of the parties in this action, and enjoin Defendant from engaging in unlawful conduct. O.C.G.A. §§ 9-4-2, 9-4-3, 9-11-65, 15-6-8.

7. Venue is proper in this Court under Ga. Const. of 1983, Art. VI, Sec. II, Para. III and O.C.G.A. § 9-10-30.

PARTIES

8. Plaintiff DPG is a state committee of the Democratic Party in Georgia, as defined by 52 U.S.C. § 30101(15), dedicated to electing candidates of the Democratic Party to public office throughout the State of Georgia. DPG has members and constituents from across Georgia, including many eligible voters who regularly support and vote for candidates affiliated with the Democratic Party. DPG brings these claims on their behalf, as well as in its own right.

9. Plaintiff DSCC is the Democratic Party's national senatorial committee, as defined by 52 U.S.C. § 30101(14). Its mission is to elect candidates of the Democratic Party across the country, including in Georgia, to the U.S. Senate. DSCC works to accomplish its mission by, among other things, assisting state parties throughout the country, including in Georgia, and mobilizing and supporting voters. In 2022, DSCC has and will continue to make millions of dollars in expenditures and contributions to persuade, educate, and mobilize voters to support U.S. Senate

candidates who affiliate with the Democratic Party. For the 2022 election for U.S. Senate in Georgia, DSCC has worked (and will continue to work) to elect the Democratic candidate Senator Raphael Warnock and has made (and will continue to make) substantial contributions and expenditures to support Senator Warnock in his candidacy.

10. Plaintiff Warnock for Georgia is the principal campaign committee for Reverend Raphael Warnock, an incumbent U.S. Senator for Georgia who is seeking reelection in the December 6 runoff.

11. Defendant State of Georgia is sued under Article I, Section 2, Paragraph V(b)(2) of the Georgia Constitution. Defendant, through its agents, oversees the administration of elections. This includes promulgating rules governing the conduct of elections; issuing official guidance; and tabulating, canvassing, and certifying votes. *Id.* at art. II. It performs these acts through two agents: the Secretary of State, *id.* at art. V, § 3, ¶ 1, and the State Election Board. O.C.G.A. § 21-2-31. Members of the State Election Board (SEB) are responsible for “promulgat[ing] the rules and regulations so as to obtain uniformity in the practices and proceedings of superintendents, registrars, deputy registrars, poll officers, and other officials, as well as the legality and purity in all primaries and elections.” *Id.* § 21-2-31(1). They also investigate “irregularities” in the administration of elections generally, *id.* § 21-2-31(5), and can suspend local election officials and replace them with officials of the SEB’s choosing. *Id.* § 21-2-33.2. In light of this power, members of the SEB have the ability to coerce county elections officials to take certain actions (or refrain from taking certain actions) under the threat of replacing those local officials with SEB-chosen individuals.

FACTS

I. Defendant is prohibiting counties from allowing voters to cast in-person ballots on Saturday, November 26 for the forthcoming runoff election.

12. Georgia law requires that its members of Congress be elected by a majority of the vote. O.C.G.A. § 21-2-501(a)(1). If no candidate wins a majority of the vote, a runoff election is held between the two candidates who received the most votes in the general election. *Id.*

13. On November 8, 2022, Georgia held an election for one of its seats in the U.S. Senate. The Democratic nominee was incumbent Senator Raphael Warnock, and the Republican nominee was Herschel Walker.

14. Senator Warnock and Mr. Walker were the top two finishers in the November 8 election for the U.S. Senate seat, with neither receiving a majority of the vote. As a result, those two candidates will proceed to a runoff.

15. Georgia law provides that a run-off election “shall be held on the twenty-eighth day after the day of holding the preceding general or special primary or general or special election.” O.C.G.A. § 21-2-501(a)(1). Accordingly, the run-off election between Senator Warnock and Mr. Walker will occur on December 6, 2022.

16. O.C.G.A. § 21-2-385(d)(1) sets forth parameters by which counties must provide voters the opportunity to vote in person prior to Election Day:

(d)(1) There shall be a period of advance voting that shall commence:

(A) On the fourth Monday immediately prior to each primary or election; and

(B) *As soon as possible prior to a runoff* from any general primary or election but no later than the second Monday immediately prior to such runoff

and shall end on the Friday immediately prior to each primary, election, or runoff. Voting shall be conducted beginning at 9:00 A.M. and ending at 5:00 P.M. on weekdays, other than observed state holidays, during such period and shall be conducted on the second and third Saturdays during the hours of 9:00 A.M. through 5:00 P.M. and, if the registrar or absentee ballot clerk so chooses, the second

Sunday, the third Sunday, or both the second and third Sundays prior to a primary or election during hours determined by the registrar or absentee ballot clerk, but no longer than 7:00 A.M. through 7:00 P.M.; provided, however, that, if such second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday, or if such second Saturday immediately precedes a public and legal holiday occurring on the following Sunday or Monday, such advance voting shall not be held on such second Saturday but shall be held on the third Saturday prior to such primary or election beginning at 9:00 A.M. and ending at 5:00 P.M. Except as otherwise provided in this paragraph, the registrars may extend the hours for voting to permit advance voting from 7:00 A.M. until 7:00 P.M. and may provide for additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the jurisdiction at their option; provided, however, that voting shall occur only on the days specified in this paragraph and counties and municipalities shall not be authorized to conduct advance voting on any other days. (Emphasis added.)

17. On November 9, 2022, Secretary Raffensperger stated in an appearance on national television that he “anticipate[s] that some counties may likely have Saturday voting following Thanksgiving.”³ That same day, his office’s Chief Operating Officer, Mr. Sterling, appeared on a different national network and reiterated the Secretary’s statement, affirming that counties had the option to open their polls to voters on the Saturday after Thanksgiving.⁴

18. However, just three days later, the Secretary’s Office reversed course. On November 12, 2022, Blake Evans, the Director of the Elections Division of the Secretary of State’s Office, issued an “official election bulletin” addressed to county election officials and county registrars. The subject line of the November 12 Bulletin reads “Certification Target for General Election and Advance Voting for December 6th Runoff.” Exhibit 1 (“Nov. 12 Bulletin”).

19. With respect to advance voting, the November 12 Bulletin instructs that “[p]ursuant to O.C.G.A. 21-2-385(d)(1)(B), Advance Voting for the December 6th general election runoff must begin as soon as possible prior to the runoff and no later than Monday, November 28th.” *Id.*

³ CSPAN, *supra* note 1.

⁴ CNN, *supra* note 2.

20. However, the November 12 Bulletin also instructs:

Pursuant to O.C.G.A. 21-2-385(d)(1), ***Advance Voting cannot occur on Thursday, November 24th (Thanksgiving Day), Friday, November 25th (Observance of State Holiday 1), or Saturday, November 26th.*** Advanced Voting on Saturday, November 26th is prohibited by OCGA 21-2- 385(d)(1), which states that if the second Saturday before the runoff follows a Thursday or Friday that is a state holiday, voting on that Saturday is not allowed. (Emphasis added.)

21. The remainder of the November 12 Bulletin discusses, in relevant part, two tasks that counties must perform prior to beginning advance voting. First, citing § 21-2-385(d)(3), it explained that counties must publish, “no later than seven days prior to beginning [advance] voting,” the “dates, times, and locations” where advance voting will occur. Second, citing § 21-2-379.25(c), the bulletin noted that at least three days prior to the beginning of advance voting, counties “must also commence Logic & Accuracy testing of equipment to be used in the runoff.”

II. Defendant’s instruction to counties that they may not allow voters to cast in-person ballots on Saturday, November 26 contradicts Georgia law.

22. The November 12 Bulletin’s instruction to counties that they may not conduct advance voting on November 26 contradicts § 21-2-385(d)(1)’s plain language.

23. In drafting § 21-2-385(d)(1), the Legislature expressly distinguished between three different categories of elections: (1) a primary election (referred to as a “primary”); (2) a general election (referred to as an “election,” *see id.* § 21-2-2(5) (defining “election” as a “general or special election and not . . . a primary or special primary”)); and (3) a runoff, *id.* § 21-2-385(d)(1)(B).

24. Specifically, § 21-2-385(d)(1) sets forth different dates for when advance voting may (or must) begin based on the type of election: For primary and general elections, advance voting must begin the “fourth Monday immediately prior to” the election; by contrast, for a runoff election, advance voting must begin as “soon as possible . . . but no later than the second Monday” before the election.

25. In the clause that follows, § 21-2-385(d)(1) continues expressly and distinctly referring to all three categories of elections under Georgia law, instructing that advance voting “shall end on the Friday immediately prior to each *primary, election, or runoff*.” (Emphasis added.)

26. The Legislature’s specific references to each of Georgia’s three categories of elections in these initial clauses of §§ 21-2-385(d)(1)(A) & (B) make “clear that the legislature knew how to specify” among different categories of elections when it so desired, including between the different advance voting rules for runoffs, as compared to general and primary elections. *Avila v. State*, 333 Ga. App. 66, 70 (2015). By the same token, by expressly and consistently identifying three distinct types of elections in § 21-2-385(d)(1), the Legislature also made clear that if an instruction in that provision names some but not all three election types, that instruction does not apply to the omitted election. *See Allen v. Wright*, 282 Ga. 9, 13–14 (2007) (“Georgia law provides that the express mention of one thing in an Act or statute implies the exclusion of all other things.” (quoting *Abdulkadir v. State*, 279 Ga. 122, 123 (2005))); *see also Citibank (S.D.), N.A. v. Graham*, 315 Ga. App. 120, 122 (2012) (explaining legislature’s intentional omission of a term it used elsewhere shows “legislature knew how” to include it when desired but decision not to do so was “a matter of considered choice”).

27. That is the case for the second sentence of § 21-2-385(d)(1), which reads in full:

Voting shall be conducted beginning at 9:00 A.M. and ending at 5:00 P.M. on weekdays, other than observed state holidays, during such period and shall be conducted on the second and third Saturdays during the hours of 9:00 A.M. through 5:00 P.M. and, if the registrar or absentee ballot clerk so chooses, the second Sunday, the third Sunday, or both the second and third Sundays prior to *a primary or election* during hours determined by the registrar or absentee ballot clerk, but no longer than 7:00 A.M. through 7:00 P.M.; provided, however, that, if such second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday, or if such second Saturday immediately precedes a public and legal holiday occurring on the following Sunday or Monday, such advance voting shall not be held on such second Saturday but shall

be held on the third Saturday prior to such primary or election beginning at 9:00 A.M. and ending at 5:00 P.M. (Emphases added.)

28. As the emphasized portions of the language provided above make clear, § 21-2-385(d)(1)'s exception for advance voting on Saturdays falling on or after a holiday applies only to *primary* and *general* elections, not *runoffs*. If the legislature desired otherwise, it “knew how” to say so and its decision *not* to refer to runoffs—which it references elsewhere throughout the provision—should be respected as a “matter of considered choice.” *Graham*, 315 Ga. App. at 122.

29. Moreover, § 21-2-385(d)(1)'s statutory history confirms that the view expressed in the November 12 Bulletin is wrong. When the General Assembly in 2016 first added the provision regarding advance voting on the Saturday after a holiday, it named all three categories of elections, stating that the provision applied during a “primary, election, or runoff.” 2016 Ga. Laws Act 347 § 4 (emphasis added). Just one year later, the General Assembly updated the provision, deliberately deleting the words “or runoff,” leaving only “primary or election.” 2017 Ga. Laws Act 250 § 18.

30. What's more, prior to issuing the November 12 Bulletin, Secretary Raffensperger publicly acknowledged that counties may choose to conduct advance voting for a runoff on the Saturday immediately following a holiday. In a news conference on November 9, he stated “we do anticipate that some counties may likely have Saturday voting following Thanksgiving,” and, consistent with that expectation, his office was working with counties to ensure that their “voters can make the best plans.”⁵ A few minutes later in the interview, he confirmed the point again, noting that counties would provide five days of mandated advance voting “plus most likely a Saturday,”⁶ which, given that § 21-2-385(d)(1) prohibits advance voting the last Saturday before Election Day, could only be a reference to Saturday, November 26.

⁵ CSPAN, *supra* note 1.

⁶ *Id.* at 8:18–27.

31. The same day Secretary Raffensperger made that public statement, the Chief Operating Officer of the Secretary of State’s Office, Gabriel Sterling, stated on CNN that “[t]here’s a very good possibility that we’ll probably have voting on Saturday, November 26th, in many of the counties if they so choose and we’re planning for that right now.”⁷

32. Yet, just three days after Georgia’s chief election official made these statements—broadcast nationwide to millions of viewers, including no doubt many voters across Georgia—his office issued the November 12 Bulletin, which reversed course by instructing counties that they may *not* hold advance voting on November 26.

33. The November 12 Bulletin’s interpretation of the statute is flawed on its own terms, but should further be discarded because it fails to follow the natural consequences of its own reading of the statute. If the second sentence of § 21-2-385(d)(1) does in fact apply to runoffs—despite its reference only to “a primary or election”—then it mandates that all counties in Georgia “*shall* . . . conduct [in-person advance voting] on the second and third Saturdays” prior to the December 6 runoff, subject to the exception cited in the November 12 Bulletin—that voting need not be held on a “second Saturday” if it “follows a public and legal holiday occurring on the Thursday or Friday” prior. O.C.G.A. § 21-2-385(d)(1). That would still, at minimum, require that every county in Georgia open their polls on November 19, the *third* Saturday prior to the runoff.⁸

34. Tellingly, neither the Secretary nor the November 12 Bulletin have instructed

⁷ CNN, *supra* note 2.

⁸ Plaintiffs recognize the logistical burden of requiring each county across the state to hold advance voting on Saturday, November 19. That practical consideration reinforces Plaintiffs’ reading of the statute—that the language quoted above from § 21-2-385(d)(1) does not apply to runoff elections, including the prohibition on holding advance voting on the second Saturday before the runoff when it follows a Thursday or Friday holiday. *Cf. Najarian Cap., LLC v. Fed. Nat’l Mortg. Ass’n*, 354 Ga. App. 159, 162 (2020) (noting that “interpretation of a statute must conform with common sense and sound reasoning”), *cert. denied* (Mar. 1, 2021).

counties across Georgia that they must hold advance voting on that date, opting instead to cherry-pick portions of the provision and apply them selectively to runoffs. That is not how the statute operates: if the sentence's prohibition on holding advance voting on a Saturday after a holiday applies to runoffs, so too must its command that advance voting be held on the second and third Saturday in the first place. To read the statute otherwise is nonsensical.

COUNT I
Request for Declaratory Relief, O.C.G.A. § 9-4-2

35. Plaintiffs reallege and incorporate all prior paragraphs of this Complaint as if fully set forth herein.

36. As explained, O.C.G.A. § 21-2-385(d)(1)'s prohibition against advance voting on a Saturday immediately following a legal holiday applies only to primary and general elections, not runoffs.

37. Defendant, through its agent the Secretary, has issued guidance instructing counties that they may not hold advance voting on Saturday, November 26—the Saturday immediately following Thanksgiving—based on the incorrect view that § 21-2-385(d)(1) prohibits counties from doing so.

38. Upon information and belief, several counties within Georgia would hold in-person advance voting on Saturday, November 26 but for Defendant's issuance of the November 12 Bulletin. Thus, in issuing such guidance, the Defendant is unlawfully restricting the number of advance voting days counties may provide to voters for the 2022 senate runoff election. This restriction specifically harms Plaintiffs and their preferred candidate in the forthcoming runoff, as well as DPG's members, by eliminating a potential advance voting day that is likely to be used by voters who affiliate with the Democratic Party.

39. Plaintiffs' injuries are therefore traceable to Defendant's issuance of the November

12 Bulletin and the faulty interpretation of § 21-2-385(d)(1) therein, and will be redressed by declaratory or injunctive relief that nullifies the November 12 Bulletin or makes clear that it is not a correct interpretation of the law.

40. Defendant's actions have created a real and actual controversy between Plaintiffs and Defendant in that Plaintiffs and their members and constituents face an imminent risk of suffering irreparable injury during the advance voting period.

41. Plaintiffs are entitled to a declaration from this Court that Georgia law does not preclude counties from holding advance voting on Saturday, November 26, 2022, and neither Defendant nor its agents may take any action to prevent or impede counties' efforts to do so.

COUNT II
Request for Temporary Restraining Order and/or Interlocutory Injunctive Relief,
O.C.G.A. §§ 9-4-3, 9-11-65

42. Plaintiffs reallege and incorporate all prior paragraphs of this Complaint as if fully set forth herein.

43. Plaintiffs are entitled to a temporary restraining order and/or interlocutory injunctive relief under O.C.G.A. §§ 9-4-3 and 9-11-65 ordering Defendant and its agents to immediately refrain from taking any action to prevent counties from holding advance voting on Saturday, November 26, 2022, or to prevent any votes cast on that day from being counted or included in the certified election results, and accordingly enjoy a substantial likelihood that they will prevail on the merits of their claims at trial.

44. Absent injunctive relief, Plaintiffs and their members and constituents will suffer actual, immediate, and irreparable injury for which Plaintiffs have no adequate remedy at law.

45. Without temporary injunctive relief, Plaintiffs' members and constituents will be deprived of their right to vote during the advance voting period permitted by Georgia law. Immediate and effective relief is essential to protect against that irreparable harm.

46. The injury that would be inflicted upon Plaintiffs and their members and constituents by the denial of relief outweighs the injury that would be inflicted upon Defendant by granting relief.

47. Issuance of an injunction granting relief to Plaintiffs will not substantially harm Defendant. An injunction will properly restore the parties to their status as it existed prior to the wrongful conduct described herein.

48. The public interest weighs heavily in favor of entry of an injunction designed to protect the right to a full and fair election, including permitting counties to hold advance voting on all days they are permitted to do so under Georgia law.

PRAYER FOR RELIEF

Plaintiffs pray that this Court:

a. Issue an order declaring that O.C.G.A. § 21-2-385(d)(1) does not prohibit counties from conducting in-person advance voting on November 26;

b. Issue an order enjoining Defendant State of Georgia through any of its agents, including Secretary of State Brad Raffensperger, from instructing counties that they may not provide advance voting on Saturday, November 26, 2022, or from interfering in any effort by counties to provide advance voting on Saturday, November 26, 2022, or from taking any action to prevent votes cast during advance voting on November 26 from being counted and included in the certified election results;

c. Issue an order enjoining Defendant State of Georgia through any of its agents, including the State Elections Board, from taking any action against any county based on the county offering Saturday voting in advance of a general election runoff;

d. Issue an order enjoining Defendant State of Georgia through any of its agents,

including Secretary of State Brad Raffensperger and the State Elections Board, from interfering in any effort by the counties to provide advance voting on Saturday, November 26 due to any failure by the board of registrars to comply with the requirement in O.C.G.A. § 21-2-385(d)(3) to publish the date, time, and locations of the availability of advance voting in its jurisdiction at least seven days prior to November 26;

e. Grant such other and further relief as the Court deems necessary, appropriate, and equitable.

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Respectfully submitted on this 14th day of November, 2022.

KREVOLIN & HORST, LLC

/s/ Adam M. Sparks

Joyce Gist Lewis

Georgia Bar No. 296261

Adam M. Sparks

Georgia Bar No. 341578

One Atlantic Center

1201 W. Peachtree Street, NW, Ste. 3250

Atlanta, GA 30309

Telephone: (404) 888-9700

Facsimile: (404) 888-9577

jlewis@khalawfirm.com

sparks@khalawfirm.com

Uzoma N. Nkwonta*

Christopher D. Dodge*

Daniel C. Osher*

Graham White*

Marcos Mocine-McQueen*

ELIAS LAW GROUP LLP

10 G St. NE, Suite 600

Washington, D.C. 20002

Telephone: (202) 968-4490

Facsimile: (202) 968-4498

unkwonta@elias.law

cdodge@elias.law

dosher@elias.law

gwhite@elias.law

mmcqueen@elias.law

** Pro Hac Vice application forthcoming*

Counsel for Plaintiffs

Exhibit 1

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OFFICIAL ELECTION BULLETIN

November 12, 2022

TO: County Election Officials and County Registrars

FROM: Blake Evans, Elections Division Director

RE: Certification Target for General Election and Advance Voting for December 6th Runoff.

The Secretary of State's Office is targeting Monday, November 21st for state certification of the November 8th General Election. While this target date is subject to change if delays come up during the statutorily required audit or if issues arise during normal pre-certification processes, I am sharing it with you to assist with preparation for the December 6th Runoff.

Pursuant to O.C.G.A. 21-2-385(d)(1)(B), Advance Voting for the December 6th general election runoff must begin as soon as possible prior to the runoff and no later than Monday, November 28th.

Advance Voting must be held Monday, November 28th through Friday, December 2nd from 9:00 a.m. to 5:00 p.m., with the option of extending those hours by beginning at 7:00 a.m. and ending no later than 7:00 p.m. Advance Voting may be held on Sunday, November 27th. Advance Voting may also be held prior to Thanksgiving if you are able to complete all required preparations and notifications by then.

Pursuant to OCGA 21-2-385(d)(1), Advance Voting cannot occur on Thursday, November 24th (Thanksgiving Day), Friday, November 25th (Observance of State Holiday 1), or Saturday, November 26th. Advanced Voting on Saturday, November 26th is prohibited by OCGA 21-2-385(d)(1), which states that if the second Saturday before the runoff follows a Thursday or Friday that is a state holiday, voting on that Saturday is not allowed.

In determining when it is possible for you to begin Advance Voting for the runoff, remember that dates, times, and locations for Advance Voting must be published no later than seven days prior to beginning early voting on your county election's website (or, if you don't have a website, in a paper of general circulation and in a prominent location in the county). OCGA 21-2-385(d)(3). SEB Regulations also require that you "shall endeavor not to remove or alter any advance voting locations after they are published, unless there are emergency or unforeseen circumstances that make such a change necessary." SEB Rule 183-1-14-.02(2).

On or before the third day prior to beginning Advance Voting, you must also commence Logic & Accuracy testing of equipment to be used in the runoff. OCGA 21-2-379.25(c), SEB Rule 183-1-12-.08(1)(b). Public notice of the date, time, and location of L&A testing must be published on your website and in a paper of general circulation five days prior to the commencement of L&A testing. OCGA 21-2-379.25(c), SEB Rule 183-1-12-.08(1)(c).

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

DEMOCRATIC PARTY OF GEORGIA, INC.
DSCC, and WARNOCK FOR GEORGIA,

Plaintiffs,

v.

THE STATE OF GEORGIA,

Defendant.

Civil Action

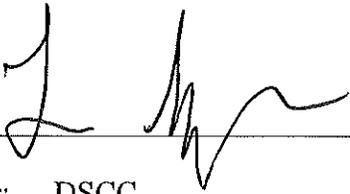
Case No. _____

VERIFICATION

Personally appeared before me, the undersigned officer, duly authorized by law to administer oaths, came Lauren Brainerd and who on oath, does depose and say that I have reviewed the foregoing VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF with regard to the facts contained therein, and that the facts set forth therein are true where derived from my own knowledge or from documents that are maintained in the course of business and are believed to be true where derived from the knowledge of others or from documents that are maintained in the course of business.

[verified signature on following page]

This 14th day of November, 2022.

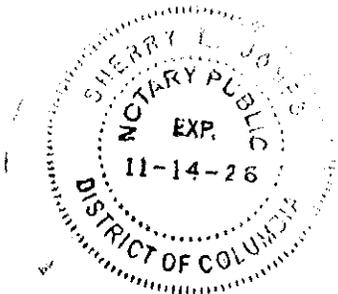


For: DSCC
By: Lili Snyder
Its: Chief Operating Officer

Sworn to and subscribed before me

This 14th day of ~~October 2020~~ ^{November} 2022

SHERRY L. JONES
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires November 14, 2026
Notary Public



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Exhibit C

Intervenors' Opposition to TRO

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IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

DEMOCRATIC PARTY OF GEORGIA,)
INC., DSCC, and WARNOCK FOR)
GEORGIA,)
)
Plaintiffs,)
)
v.) CIVIL ACTION NO.: 2022-CV-372734
)
THE STATE OF GEORGIA,)
)
Defendant.)

**GEORGIA REPUBLICAN PARTY, INC., NATIONAL REPUBLICAN SENATORIAL
COMMITTEE, AND REPUBLICAN NATIONAL COMMITTEE'S OPPOSITION TO
PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND/OR INTERLOCUTORY INJUNCTION**

Intervenors Georgia Republican Party, Inc., National Republican Senatorial Committee ("NRSC"), and Republican National Committee ("RNC") submit this opposition to Plaintiffs' motion for declaratory relief, a temporary restraining order, or interlocutory injunction.

Introduction

Georgia will hold a runoff election on December 6, 2022, for one of Georgia's seats in the United States Senate, four weeks after the November 8, 2022, general election. The "run-off election ... shall be a continuation of the ... election ... for the particular office concerned." O.C.G.A. § 21-2-501(a)(5). As with primary and general elections, the runoff will be overseen and administered by the Secretary of State (the "Secretary"), Ga. Const. art. V, § III, ¶ I; O.C.G.A. § 21-2-50, and the State Election Board (the "SEB"). O.C.G.A., § 21-2-31.

Georgia law allows for a period of advance voting that must begin "[a]s soon as possible prior to a runoff from any general . . . election but no later than the second Monday immediately

prior to such runoff.” O.C.G.A. § 21-2-385(d)(1)(B). For this runoff, mandatory advance voting begins on Monday, November 28, 2022, and concludes Friday, December 2, 2022. *See id.* The law further provides for other permissible times and dates to hold advance voting on weekdays and weekends. *Id.*

The dispute in this case concerns the statutory language prohibiting advance voting on the second Saturday before the election “if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday.” *Id.* This year’s second Saturday qualifies, as both Thanksgiving Day and another state holiday on the day after Thanksgiving “immediately preced[e]” the second Saturday.

Prior to conducting advance voting, counties, in coordination with the Secretary, must complete a series of statutory requirements. These include, among other requirements, voting machine testing, O.C.G.A. §§ 21-2-374(b), 379.6(c), precertification tabulation audits, *id.* 21-2-498, and the Secretary’s certification of the general election results, *id.* § 21-2-499. All those statutory requirements are ongoing or are still to be completed. *See, e.g.,* Bulletin, Pl.’s Compl., Ex. 1; Dover Affidavit at ¶ 7, attached as **Exhibit A**; Natt Affidavit at ¶ 7, attached as **Exhibit B**; O’Lenick Affidavit at ¶¶ 7, 8, attached as **Exhibit C**.

Counties are also required to publish information concerning the availability, times, dates, and locations of polling places at least one week before the beginning of advance voting. *See id.* § 21-2-385(d)(3) (“The board of registrars shall publish the dates, times, and locations of the availability of advance voting . . . no later than seven days prior to the beginning of the advance voting period for any run-off election.”); *see also id.* § 21-2-385(d)(2) (requiring that registrars or absentee ballot clerks give “reasonable notice” to voters “of the availability of advance voting as well as the times, dates, and locations at which advance voting will be conducted”). Similarly,

political parties, such as the Intervenors, must submit lists for credentialed poll watchers at least seven days prior to the start of advance voting. *See id.* § 21-2-408(b)(1).

To help counties comply with the statutory requirements to certify the general election and conduct advance voting for the runoff, the Secretary's Office circulated an Official Election Bulletin to county election officials on November 12, 2022. *See* Bulletin, Pl.'s Compl., Ex. 1. The Bulletin notified election officials that advance voting must be held November 28 through December 2 and explained that while advance voting may begin before November 28, advance voting "cannot occur on Thursday, November 24 (Thanksgiving Day), Friday, November 25 (Observance of State Holiday 1), or Saturday, November 26. Advanced Voting on Saturday, November 26 is prohibited by OCGA 21-2-385(d)(1), which states that if the second Saturday before the runoff follows a Thursday or Friday that is a state holiday, voting on that Saturday is not allowed." *Id.*

Each county across the State has since taken administrative and logistical measures to prepare for advanced voting for the runoff, in compliance with the Secretary's guidance. Despite unanimity amongst the counties that advance voting will *not* occur on November 26, 2022 (notwithstanding a change in the Secretary's guidance), Plaintiffs seek relief permitting advance voting on November 26, 2022, that, if entered, would create a disparate impact on counties and voters across the State. Accordingly, Intervenors ask that this Court deny Plaintiffs' request for injunctive relief.

Statutory Text

O.C.G.A. § 21-2-385(d)(1) states:

There shall be a period of advance voting that shall commence:

(A) On the fourth Monday immediately prior to each primary or election;
and

(B) As soon as possible prior to a runoff from any general primary or election but no later than the second Monday immediately prior to such runoff and shall end on the Friday immediately prior to each primary, election, or runoff. Voting shall be conducted beginning at 9:00 A.M. and ending at 5:00 P.M. on weekdays, other than observed state holidays, during such period and shall be conducted on the second and third Saturdays during the hours of 9:00 A.M. through 5:00 P.M. and, if the registrar or absentee ballot clerk so chooses, the second Sunday, the third Sunday, or both the second and third Sundays prior to a primary or election during hours determined by the registrar or absentee ballot clerk, but no longer than 7:00 A.M. through 7:00 P.M.; provided, however, that, if such second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday, or if such second Saturday immediately precedes a public and legal holiday occurring on the following Sunday or Monday, such advance voting shall not be held on such second Saturday but shall be held on the third Saturday prior to such primary or election beginning at 9:00 A.M. and ending at 5:00 P.M. Except as otherwise provided in this paragraph, the registrars may extend the hours for voting to permit advance voting from 7:00 A.M. until 7:00 P.M. and may provide for additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the jurisdiction at their option; provided, however, that voting shall occur only on the days specified in this paragraph and counties and municipalities shall not be authorized to conduct advance voting on any other days.

See O.C.G.A. § 21-2-385(d)(1).

Legal Standard

“The purpose for granting interlocutory injunctions is to preserve the status quo, as well as balance the conveniences of the parties, pending a final adjudication of the case.” *Benton v. Patel*, 257 Ga. 669, 672 (1987).

An interlocutory injunction should not be granted unless the moving party shows that: (1) there is a substantial threat that the moving party will suffer irreparable injury if the injunction is not granted; (2) the threatened injury to the moving party outweighs the threatened harm that the injunction may do to the party being enjoined; (3) there is a substantial likelihood that the moving party will prevail on the merits of her claims at trial; and (4) granting the interlocutory injunction will not disserve the public interest.

City of Waycross v. Pierce Cnty. Bd. of Comm'rs, 300 Ga. 109, 111 (2016) (internal quotation omitted). An interlocutory injunction is an “extraordinary remedy, and the power to grant it must

be ‘prudently and cautiously exercised.’” *SRB Inv. Servs., LLLP v. Branch Banking & Tr. Co.*, 289 Ga. 1, 5 (2011) (quoting *Bishop v. Patton*, 288 Ga. 600, 604 (2011)).

Argument

A. The Secretary of State’s position in the Official Election Bulletin is the correct interpretation of the statute.

On November 12, 2022, the Secretary of State’s office circulated an Official Election Bulletin to county election officials. The only part that Plaintiffs dispute is the Bulletin’s ruling that “Advanced Voting on Saturday, November 26th is prohibited by OCGA 21-2- 385(d)(1), which states that if the second Saturday before the runoff follows a Thursday or Friday that is a state holiday, voting on that Saturday is not allowed.” See Bulletin, Pl.’s Compl., Ex. 1. The Secretary of State gives the correct reading of Section 21-2-385(d)(1) because his interpretation accords with principles of statutory construction. As the Bulletin states, and the text of the statute shows, advance voting on Saturday, November 26, 2022, is not allowed because it follows Thanksgiving and another state holiday, “public and legal holiday[s] occurring on the Thursday or Friday immediately preceding such second Saturday.” *Id.* The Secretary reaches this conclusion by interpreting the term “election” to also include the term “runoff.”

O.C.G.A. § 21-2-2(5), which sets out general definitions for this chapter, provides that “[e]lection’ ordinarily means any general or special election and shall not include a primary or special primary unless the context in which the term is used clearly requires that a primary or special primary is included.” The drafters of the definition expressly excluded primaries *but not runoffs*. That is because runoffs are a natural continuation of general elections. See O.C.G.A. § 21-2-501(a)(5) (“[t]he run-off primary, special primary runoff, run-off election, or special election runoff *shall be a continuation of* the primary, special primary, election, or special election for the particular office concerned.” (emphasis added)). Thus, following those statutory sections, the

Secretary correctly interprets the term “election” to also apply to rules and regulations for subsequent runoffs unless expressly stated otherwise.

The Secretary of State’s conclusion that “election” includes a runoff election is also consistent with Georgia caselaw. Numerous decisions from the Supreme Court of Georgia use the terms “election,” “run-off election,” and “runoff” interchangeably in reference to the same election. *See, e.g., Fuller v. Thomas*, 284 Ga. 397 (2008) (referring to a contested run-off election as an “election,” “runoff,” and “runoff election” throughout the decision); *Spalding County Bd. of Elections v. McCord*, 287 Ga. 835 (2010) (same); *Meade v. Williamson*, 293 Ga. 142 (2013) (same). In considering the statutory meaning, those decisions should also be taken into account. *See Hasty v. Castleberry*, 293 Ga. 727, 731, 749 S.E.2d 676, 681 (2013) (a statute is “to be construed in connection and in harmony with the existing law, and as a part of a general and uniform system of jurisprudence,” “with reference to other statutes and the decisions of the courts”).

Likewise, this interpretation is correct under the maxim that statutory construction requires “read[ing] a particular statute as a whole, considering specific words and phrases not in isolation, but in relation to each other.” *Gary v. State*, 338 Ga. App. 403, 405 (Ga. Ct. App. 2016). Although “runoff” does not appear in the second sentence of Section 21-2-385(d)(1), “runoff” does appear at the beginning of the prior sentence in a preceding phrase: “There shall be a period of advance voting that shall commence as soon as possible . . . prior to a *runoff* from any general primary or election but no later than the second Monday immediately prior to such *runoff* and shall end on the Friday immediately prior to each primary, election, or *runoff*.” O.C.G.A. § 21-2-385(d)(1) (cleaned up) (emphasis added). This indicates that all the text that follows, including the second

sentence, thus applies to runoffs. The text of this provision, read as a whole, shows that the General Assembly intended for “election” to encompass runoffs as well.

B. This Court should not overturn the Secretary of State’s guidance to election officials in the Bulletin.

This Court should decline Plaintiffs’ request to order advance voting in contravention of the ruling from the Secretary of State’s Bulletin. The Secretary of State is the “state’s chief election official.” O.C.G.A. § 21-2-50(b). His duties in administering the state’s election laws are extensively defined by statute, O.C.G.A. § 21-2-50(a), as well as constitutional provisions. Ga. Const. art. II, § II, I. As such, this Court should apply every presumption in favor of the Secretary’s guidance. *See Gundy v. Balli*, 362 Ga. App. 304, 311 (Ga. Ct. App. 2022) (“Finally, we adhere to the well-settled principle that courts should presume public officials, such as senators, acted in accordance with their statutory duties and read the statute in a manner that renders their conduct proper.”); *see also Selph v. Williams*, 284 Ga. 349, 352, 667 S.E.2d 40 (2008) (“there is a presumption of regularity that requires the courts to presume that public officers have properly discharged their official duties”). This Court should lend deference to the Secretary’s guidance in the Bulletin that advance voting may not be held on Saturday, November 26.

C. Plaintiffs fail to prove a preliminary injunction is warranted.

Plaintiffs’ requested relief is an extraordinary remedy, and Plaintiffs have not met their burden of proof on each of the four elements required to earn such relief: (1) a substantial threat that they will suffer irreparable injury; (2) that the threatened injury outweighs the threatened harm that the injunction may do to the party being enjoined (*i.e.*, the State of Georgia); (3) a substantial likelihood that they prevail on the merits of her claims at trial; and (4) that the public interest will not be disserved by granting the interlocutory injunction. *City of Waycross*, 300 Ga. at 111. Rather,

Plaintiffs' request is a politically motivated misinterpretation of Georgia law that would have a disparate impact on Georgia voters, counties, and interested political parties.

1. Plaintiffs have not shown a substantial likelihood of success on the merits.

Plaintiffs fail to demonstrate they are likely to succeed on the merits of their claim. The statutory section under dispute consists of two sentences:

(d)(1) There shall be a period of advance voting that shall commence:

(A) On the fourth Monday immediately prior to each primary or election;
and

(B) As soon as possible prior to a runoff from any general primary or election but no later than the second Monday immediately prior to such runoff

and shall end on the Friday immediately prior to each primary, election, or runoff. Voting shall be conducted beginning at 9:00 A.M. and ending at 5:00 P.M. on weekdays, other than observed state holidays, during such period and shall be conducted on the second and third Saturdays during the hours of 9:00 A.M. through 5:00 P.M. and, if the registrar or absentee ballot clerk so chooses, the second Sunday, the third Sunday, or both the second and third Sundays *prior to a primary or election* during hours determined by the registrar or absentee ballot clerk, but no longer than 7:00 A.M. through 7:00 P.M.; provided, however, that, if such second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday, or if such second Saturday immediately precedes a public and legal holiday occurring on the following Sunday or Monday, *such advance voting shall not be held on such second Saturday but shall be held on the third Saturday prior to such primary or election* beginning at 9:00 A.M. and ending at 5:00 P.M.

O.C.G.A. § 21-2-385(d)(1) (emphasis added). Plaintiffs focus on the second instance of "primary or election" (which is in the last line of the block quote above); the same phrase also appears roughly halfway through the sentence.

Plaintiffs want this Court to declare that advance voting may¹ occur on November 26. They argue that the second-Saturday holiday prohibition at the end of Section 21-2-385(d)(1) “expressly applies only to primary or general elections, and not runoffs.” Pls.’ Memo. at 6–7. As detailed in Section A, that is not consistent with Georgia statute or case law.

Even if “primary or election” as used in Section 21-2-385(d)(1) does not include runoff elections, Plaintiffs’ interpretation fails because the “primary or election” phrase at issue only modifies a small section of the statute. The second-Saturday prohibition in this sentence states, “if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday, ... such advance voting shall not be held on such second Saturday but shall be held on the third Saturday prior to such primary or election” O.C.G.A. § 21-2-385(d)(1). Plaintiffs construe this portion of the sentence as meaning (1) if the conditional clause is satisfied (the second Saturday follows a legal holiday on the preceding Thursday or Friday), then (2) advance voting is prohibited on the second Saturday *only before primaries and general elections, but not for runoffs*. The better reading, however, is that (1) if the second Saturday follows a legal holiday on the preceding Thursday or Friday, then (2) advance voting is prohibited on the Saturday *for all elections, primaries, general elections and runoffs*, (3) but then advance voting “shall be held on the third Saturday prior to such primary or election” (which excludes runoffs). This interpretation follows from the function of the word “but,” which separates two clauses. Therefore, the phrase “primary or election” at the end of the second clause

¹ Notably, Plaintiffs are not seeking for the Court to enter an order mandating all counties “shall” have early voting on Saturday, November 26, despite the statute plainly stating that advance voting “shall be conducted on the second and third Saturdays during the hours of 9:00 A.M. through 5:00 P.M.” O.C.G.A. § 21-2-385(d)(1). This is dubious; “shall” is a mandatory phrase while “may” is permissive. See *McGee v. Patterson*, 323 Ga.App. 103, 111 (Ga. Ct. App. 2013) (“In general, the use of the term ‘shall’ indicates a command or a mandatory requirement.”); *Jones v. State*, 246 Ga.App. 596, 597 (Ga. Ct. App. 2000) (“The word ‘may’ is permissive, rather than mandatory.”).

shouldn't be read to modify anything from the first clause, that is, all the words before "but." The upshot is that the second-Saturday holiday prohibition does apply to all elections, including runoffs, and it is only the third Saturday guarantee of advance voting that is restricted to primaries and general elections.

This interpretation also makes sense of the legislative intent behind this rule. The Georgia Assembly did not want to open voting, and place practical burdens on county election workers, on the second Saturday immediately after a holiday. In such instances, however, the third Saturday will still be open for advance voting. But because advance voting on third Saturdays may not be possible before runoffs (as a result of the compressed calendar between the general election and the runoff), the Assembly made that third-Saturday guarantee as to only a "primary or [general] election" and intended to exclude runoffs. Without that qualification, then this provision would end up mandating third-Saturday voting in runoffs, which raises a host of logistical problems for election officials.

In addition, there is another flaw in Plaintiffs' interpretation: construing "primary or election" as excluding runoffs would logically entail that almost none of the advance voting rules apply to runoffs. As mentioned earlier, "primary or election" appears twice in the second sentence of Section 21-2-385(d)(1). Plaintiffs discuss only the second instance of "primary or election" in the sentence, and fail to mention that "primary or election" also appears much earlier in the sentence: "Voting shall be conducted beginning at 9:00 A.M. and ending at 5:00 P.M. on weekdays, other than observed state holidays, during such period and shall be conducted on the second and third Saturdays during the hours of 9:00 A.M. through 5:00 P.M. and, if the registrar or absentee ballot clerk so chooses, the second Sunday, the third Sunday, or both the second and third Sundays *prior to a primary or election* ..." O.C.G.A. § 21-2-385(d)(1) (emphasis added).

There is no reason why that first use of “primary or election” would include runoffs if the second use does not. *Zaldivar v. Prickett*, 297 Ga. 589, 592 (2015) (“After all, ‘there is a natural presumption that identical words used in different parts of the same act are intended to have the same meaning.’” (quoting *Atlantic Cleaners & Dyers, Inc. v. United States*, 286 U.S. 427, 433 (1932))).

If runoffs are excluded from “primary or election,” then the second-Saturday holiday prohibition is not the only provision that would cease to apply to runoffs. The earlier provisions containing rules about both weekday and weekend voting would have no application to the runoff either. That would include rules for applicable hours to vote and permissible and mandatory times for weekend voting. Under Plaintiffs’ interpretation, counties could presumably open advance voting for half-an-hour on Monday, November 28, and half-an-hour on Friday, December 2, nothing more. Simply put, Plaintiffs cannot remove the holiday exception from runoff elections without removing the other rules in the second sentence as well. To borrow a phrase from Plaintiffs, the extension of their interpretation of the statute would be “nonsensical.” “The judiciary has the duty to reject a construction of a statute which will result in unreasonable consequences or absurd results not contemplated by the legislature.” *Haugen v. Henry County*, 277 Ga. 743, 746 (2004). A radical and unreasonable interpretation that eviscerates the statutory rules applying to runoff elections must be rejected when a far more reasonable one—here, the Secretary’s—is available.

The choice between the two proffered interpretations of the statute is an easy one. Plaintiffs’ premise that “primary or election” excludes runoffs, if applied consistently to this statute, would knock out nearly all the rules for advance voting in runoffs, creating utter chaos for this year’s runoff election. The Secretary’s interpretation allows weekend voting and voting before

Thanksgiving, if possible. This year, however, the second Saturday is unavailable for voting because it falls after Thanksgiving. The Secretary's interpretation is the one that all counties in Georgia have followed as they solicit poll workers, test voting machines, prepare polling places for advance voting, and fulfill their other election duties. The Secretary's interpretation ought to be adopted because it gives the better construction of the statutory text, deserves deference from courts, and has been relied upon by county election officials. As a result, Plaintiffs have not shown a "substantial likelihood of success on the merits."²

2. Plaintiffs have not shown that they will suffer any irreparable harm.

Plaintiffs cannot show that the Court's denial of their requested relief will cause them irreparable harm. Again, the Plaintiffs have the burden of proof on this element. *Waycross*, 300 Ga. at 11. It is not clear what, if any, harm Plaintiffs may suffer if advance voting is not available across the State of Georgia on Saturday, November 26, in advance of the runoff.

By their own admission, Plaintiffs are "dedicated to electing candidates of the Democratic Party to public office," including Senator Warnock. Compl., ¶¶ 8–10. Yet Plaintiffs couch their arguments about irreparable harm in much broader terms, referencing the fundamental right to vote. It is widely recognized that "voting is of the most fundamental significance under our constitutional structure." *Ill. Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173, 184 (1979). And any restriction on the right to vote can constitute an injury for voters. *See Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012). But if there is any harm caused by the Secretary's

² Even if the Court finds that Section 21-2-385(d)(1) is ambiguous, Plaintiffs are still unlikely to be successful on the merits. "Where statutory provisions are ambiguous, courts should give great weight to the interpretation adopted by the administrative agency charged with enforcing the statute." *Moulder v. Bartow Cnty. Bd. of Educ.*, 267 Ga. App. 339, 341 (Ga. Ct. App. 2004). The Secretary of State chairs the State Election Board, *see* O.C.G.A. §§ 21-2-30, 21-2-31, and has broad powers and duties regarding elections, *see id.* § 21-2-50 et seq.

guidance, it would be to an individual voter whose only chance to vote in the runoff election is in-person on Saturday, November 26. This harm, of course, results only if an individual voter has no means to (1) request an absentee ballot and vote by mail,³ (2) vote in person during Georgia's permissive or mandatory advance voting period, or (3) vote in person on the day of the runoff. Plaintiffs are not the appropriate party to allege such harm.

Plaintiffs assert that losing one day of advance voting will impede their efforts to increase turnout. As support, they cite *Georgia Coalition for the People's Agenda v. Kemp*, 347 F. Supp. 3d 1251, 1268 (N.D. Ga. 2018). But that case concerned a specific class of voters—individuals flagged by the State of Georgia as ineligible to vote because of errors with their voter registration. *Id.* at 1255. The Secretary's guidance does not affect a specific class of voters.⁴ Rather, the guidance has the same effect for all voters equally, and so it is not a legally recognized harm. *See Gwinnett Cnty. NAACP v. Gwinnett Cnty. Bd. of Registration & Elections*, 446 F. Supp. 3d 1111, 1126 (N.D. Ga. 2020) (finding no irreparable harm when a voting regulation "applies equally to all . . . voters" without any "indication that th[e] decision was used as a proxy for voter suppression or targeted a protected class"). Furthermore, like the plaintiffs in *Gwinnett County NAACP*, Plaintiffs do not allege that any voters will be "entirely unable to vote" if a single day—Saturday, November 26—is not available for advance voting. *See id.*

In addition, any injury to Plaintiffs would be highly speculative. "Allegations of mere speculative or contingent injuries, with nothing to show that in fact they will happen, are

³ Georgia law allows for any registered voter to request an absentee ballot and vote by mail. O.C.G.A. § 21-2-385(a).

⁴ If voters able to vote only via advance voting on November 26 were a legally protected class, there would be no limited principle. Voters able to vote only via advance voting on Thanksgiving Day would have the same basis to claim harm from the law. Without such a limiting principle, there is no plausible class creation.

insufficient to support a prayer for injunctive relief.” *Powell v. Garmany*, 208 Ga. 550, 551 (1951). Intervenor can only presume that Plaintiffs seek relief because they believe it might benefit Senator Warnock’s chances at reelection. Of course, Plaintiffs offer no evidence to support any such political benefit. It is just as possible that if certain Republican-leaning counties were able to satisfy the statutory notice periods and open for advance voting on Saturday, November 26, Intervenor would likely benefit. This is exactly why Plaintiffs’ requested relief cannot be granted. This is nothing more than a political ruse because Plaintiffs are aware that certain Democrat-leaning counties intend to open on Saturday, November 26 if allowed via Court order; whereas other counties are relying on the Secretary’s guidance and will be unable to open on that day.

Because Plaintiffs have not alleged a specific, non-speculative injury to themselves rather than to voters generally, they have not shown that *they themselves* will be irreparably harmed.

3. Plaintiffs have not shown that the speculative harm to Plaintiffs outweighs the State’s interest in applying its election laws as written.

Plaintiffs’ request for an injunction also fails because they have not carried their burden to show that any possible injury that they might suffer outweighs the harm to the defendant State of Georgia. *See City of Waycross*, 300 Ga. at 111. Plaintiffs cannot demonstrate this element given the State of Georgia’s compelling interests in conducting an efficient, fair, and free election.

The State of Georgia, through the Secretary of State, *see, e.g.*, Ga. Const. art. V, § III, ¶ I; O.C.G.A. § 21-2-50, and the State Election Board, *see O.C.G.A.*, § 21-2-31, has a legal duty and compelling interest to oversee and administer this election. “A State indisputably has a compelling interest in preserving the integrity of its election process.” *Eu v. San Francisco Democratic Cent. Comm.*, 489 U.S. 214, 231 (1989). Georgia’s interest in “conducting an efficient election, maintaining order, quickly certifying election results, and preventing voter fraud” are “strong” and “important” interests. *New Ga. Project v. Raffensperger*, 976 F.3d 1278, 1282 (11th Cir. 2020).

As such, states like Georgia must have “a substantial regulation of elections if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic processes.” *Storer v. Brown*, 415 U.S. 724, 730 (1974). The Supreme Court has repeatedly emphasized that courts “should ordinarily not alter the election rules on the eve of an election.” *Republican Nat’l Comm. v. Democratic Nat’l Comm.*, 140 S.Ct. 1205, 1207 (April 6, 2020) (per curiam) (citing *Purcell v. Gonzalez*, 549 U.S. 1 (2006)); *see also New Ga. Project*, 976 F.3d at 1283 (11th Cir. 2020).

The Secretary of State issued the Bulletin to provide uniform guidance to counties across the state in advance of the runoff. County election officials have been relying on the guidance as they plan for the runoff election. *See* Dover Affidavit (Ex. A) ¶ 8; Natt Affidavit (Ex. B) ¶ 8; O’Lenick Affidavit (Ex. C) ¶ 8. According to their sworn testimony, officials have recruited poll workers and planned the dates for logic and accuracy testing of voting machines, delivery of machines, and other runoff preparations under the assumption that the polling locations would not be open on Saturday, November 26. Dover Affidavit (Ex. A) ¶¶ 7-8, 11-13; Natt Affidavit (Ex. B) ¶¶ 7-8, 11-13; O’Lenick Affidavit (Ex. C) ¶¶ 7-8, 10-13.

If Plaintiffs’ requested relief were granted, and some, but not all, counties were able to conduct advance voting on November 26, 2022, counties would no longer be acting uniformly on Saturday, November 26, nor acting in compliance with state law. As detailed above, Section C.1, Plaintiffs’ interpretation of the statute would eviscerate the majority of the advance voting rules that county election officials have been planning to implement for this runoff election. Counties would operate in a state of anarchy, with the Secretary and the SEB having no clear rules to oversee and administer the runoff election.

Georgia also has an interest in its election laws being applied as written. A judicially mandated, last-minute change to the election laws passed by elected representatives and signed by an elected Governor would undermine credibility and faith in the democratic process. In *New Georgia Project v. Raffensperger*, the Eleventh Circuit held that Georgia would suffer irreparable harm if a court barred “the State from conducting . . . elections pursuant to a statute enacted by the Legislature unless the statute is unconstitutional.” 976 F.3d at 1283 (internal quotation omitted). This is no different, except Plaintiffs are not even alleging the statute is unconstitutional.

Relatedly, granting the injunction requested by Plaintiffs would be a mistake because it *alters* rather than *preserves* the status quo. See *Benton*, 257 Ga. at 672 (“The purpose for granting interlocutory injunctions is to preserve the status quo, as well as balance the conveniences of the parties, pending a final adjudication of the case.”). The status quo is what the Secretary of State has ruled: that advance voting will not be available on Saturday, November 26. Granting the Plaintiffs an injunction would not be consistent with the purposes of injunctive relief. The State has compelling reasons for preserving the status quo. And Plaintiffs have not shown that their speculative theory of harm outweighs those interests.

4. Plaintiffs have not shown that an injunction serves the public interest.

Finally, Plaintiffs do not carry their burden of proof as to whether an injunction would serve the public interest. *City of Waycross*, 300 Ga. at 111 (“An interlocutory injunction should not be granted unless the moving party shows . . . granting the interlocutory injunction will not disserve the public interest.”). Just as the State has an interest in fair, orderly, and predictable elections, so too does the public. The most prudent course is to follow the Secretary’s interpretation that election officials have already planned to implement. There are 159 counties in Georgia. To Intervenors’ knowledge, only Fulton County and DeKalb County are prepared to open polls on

Saturday, November 26, if the Court grants Plaintiffs' requested relief.⁵ Most of the other 157 counties do not have the time or the resources to open polls on such short notice after the Thanksgiving holiday.

By way of example, according to sworn testimony from election officials for Cherokee, Gwinnett, and Forsyth counties, it will be impossible for those counties' advance voting locations to be adequately staffed with poll workers on Saturday, November 26. Dover Affidavit (Ex. A) ¶¶ 10-11, 14; Natt Affidavit (Ex. B) ¶¶ 10-11, 13; O'Lenick Affidavit (Ex. C) ¶¶ 10, 13. In addition to the problem of finding poll workers, the staff of those counties' election boards will be fully occupied with the statewide risk-limiting audit that began today, processing absentee ballot and vote by mail requests, conducting the legally mandated logic and accuracy testing for voting machines, and delivering and setting up the machines, Dover Affidavit (Ex. A) ¶¶ 5-7, 11-13; Natt Affidavit (Ex. B) ¶¶ 5-7, 11-12; O'Lenick Affidavit (Ex. C) ¶¶ 5-7, 10-12. As of the date of this filing, there are only nine days until November 26, two of which are legal state holidays. It is completely unrealistic to expect these county officials to now turn on a dime and have advance voting open on November 26 that complies with all the legal and practical requirements.

Any potential harm to Plaintiffs is far outweighed by a scenario where only some counties have early voting on Saturday, November 26, in turn creating a disparate impact on the election results. *Cf. Gwinnett County NAACP*, 446 F. Supp. 3d at 1126. Ironically, Plaintiffs make this very argument for Intervenors. *See* Pls.' Mem. at 11. If Plaintiffs' requested relief is granted, a significant class of Georgia voters will be denied access to advance voting on Saturday, November 26; whereas a limited class of voters in a small group of counties will be able to vote. At this stage,

⁵ Neither Fulton County Board of Elections nor DeKalb County Board of Elections have posted minutes from their November 15, 2022, meetings in which they voted to hold early voting on Saturday, November 26, if Plaintiffs' requested relief is granted.

issuing an injunction will sow confusion into the voting process and inevitably end up with county-by-county early voting rather than a uniform rule.

Intervenors, like Plaintiffs, have “a direct, particularized interest in the outcome of an election,” *see, e.g., N.C. State Conf. of NAACP v. McCrory*, 997 F.Supp.2d 322, 342 (M.D.N.C. 2014), *aff’d in part, rev’d in part and remanded sub nom. League of Women Voters of N.C. v. N.C.*, 769 F.3d 224 (4th Cir. 2014), and in ensuring that its Senatorial candidate enjoys a fair electoral environment in accord with state election laws and the United States Constitution. *See, e.g., McCrory*, 997 F.Supp.2d at 342; *New Georgia Project v. Raffensperger*, 1:21-CV-01229-JPB, 2021 WL 2450647, at *2 (N.D. Ga. June 4, 2021). If the Court grants Plaintiffs’ requested relief, Intervenors and the State of Georgia will have no means to ensure a fair electoral environment for all Georgians on Saturday, November 26.

Conclusion

The Court should deny Plaintiffs’ motion for declaratory and injunctive relief. Because any decision at this stage will likely be the last word before votes are cast, it is of the utmost importance that the Court consider the merits here. The Secretary’s interpretation of Section 21-2-385(d)(1) is reasonable and presents the most tenable outcome. Plaintiffs’ proffered interpretation would dissolve rules for advance voting in runoffs entirely and create utter chaos. Even a tailored order to grant Plaintiffs’ requested relief as to advance voting on Saturday, November 26, will result in the disparate impact of opening advance voting for a very limited number of counties, while leaving most other counties (rural, suburban and urban) to stick with their existing advance voting schedules. For the foregoing reasons, Plaintiffs cannot show a substantial likelihood of success on the merits, and because Plaintiffs also failed to meet their burden for the remaining three factors, injunctive relief is inappropriate.

DATED: November 17, 2022

Respectfully submitted,

/s/ Mark D. Johnson

Mark D. Johnson

OF COUNSEL

R. Thomas Warburton
Georgia Bar No. 218175
Thomas L. Oliver III
Georgia Bar No. 745597
BRADLEY ARANT BOULT CUMMINGS LLP
1819 Fifth Avenue North
Birmingham, AL 35203-2119
Telephone: (205) 521-8000
Facsimile: (205) 521-8800
twarburton@bradley.com
toliver@bradley.com

OF COUNSEL

Judson H. Turner
Georgia Bar No. 719485
Mark D. Johnson
Georgia Bar No. 395041
Mark M. Middleton
Georgia Bar No. 504907
Robert L. Fortson
Georgia Bar No. 142684
Amber M. Carter
Georgia Bar No. 631649
GILBERT HARRELL SUMERFORD & MARTIN, P.C.
777 Gloucester St., Suite 200
Brunswick, GA 31520
Telephone: (912) 265-6700
Facsimile: (912) 264-0244
jturner@ghsmlaw.com
mjohanson@ghsmlaw.com
mmiddleton@ghsmlaw.com
rfortson@ghsmlaw.com
acarter@ghsmlaw.com

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CERTIFICATE OF SERVICE

I, Mark D. Johnson, do hereby certify that on the 17th day of November, 2022, a true and correct copy of the foregoing **Georgia Republican Party, Inc., National Republican Senatorial Committee and Republican National Committee's Opposition to Plaintiffs' Emergency Motion for Temporary Restraining Order and/or Interlocutory Injunction** was served via First-Class United States Mail, postage prepaid, addressed to:

Office of the Georgia Attorney General
Christopher Carr
Bryan K. Webb
Russell D. Willard
Charlene McGowan
40 Capitol Square
Atlanta, Georgia 30334
cmcgowan@law.ga.gov

Attorneys for Defendant

R. Thomas Warburton
Thomas L. Oliver III
BRADLEY ARANT BOULT CUMMINGS LLP
1819 Fifth Avenue North
Birmingham, AL 35203-2119
twarburton@bradley.com
toliver@bradley.com

Attorneys for Intervening Defendants

Judge Thomas A. Cox, Jr.
Justice Center Tower
185 Central Ave, S.W.
Atlanta, Georgia 30303
erik.smith@fultoncountyga.gov

Joyce Gist Lewis
Adam M. Sparks
KREVOLIN & HORST, LLC
One Atlantic Center
1201 W. Peachtree St., NW
Ste. 3250
Atlanta, GA
P: (404) 888-9700
F: (404) 888-9577
jlewis@khlawfirm.com
sparks@khlawfirm.com

Uzoma N. Nkwonta
Christopher D. Dodge
Daniel C. Osbe
Graham White
Marcos Mocine-McQueen
ELIAS LAW GROUP LLP
10 G Street, NE
Suite 600
Washington, DC 20002
P: (202) 968-4490
F: (202) 968-4498
cdodge@elias.law
dosher@elias.law
gwhite@elias.law
mmcqueen@elias.law

Counsel for Plaintiff

This 17th day of November, 2022.

/s/ Mark D. Johnson
Mark D. Johnson

EXHIBIT A

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

**DEMOCRATIC PARTY OF GEORGIA,)
INC., DSCC, and WARNOCK FOR)
GEORGIA,)**

Plaintiffs,)

v.)

THE STATE OF GEORGIA,)

Defendant.)

CIVIL ACTION NO.: 2022-CV-372734

AFFIDAVIT OF ANNE DOVER

STATE OF GEORGIA

CHEROKEE COUNTY

Before me, the undersigned authority, personally appeared Anne Dover, who, being by me duly sworn, states as follows:

1. My name is Anne Dover. I am over twenty-one years old. I have never been convicted of a felony or a crime involving moral turpitude, and am otherwise competent to give this Affidavit. All of the facts recited in this Affidavit are within my personal knowledge and are true and correct.
2. I am the Director of Elections & Registration at the Cherokee County Board of Elections and Voter Registration. I have held my current position for approximately two years and have a total of fifteen years' experience working for a board of elections.
3. I am unbiased and non-partisan in performing my duties as Director, as the role requires. All of my testimony in this Affidavit is provided from an honest and impartial perspective that is not intended to aid any candidate or political party.
4. Cherokee County has a total of forty polling places available for the general election.
5. The Cherokee County Board of Elections staff is currently working on tasks related both to the general election and runoff election.
6. As to the general election, the Cherokee County of Elections staff is currently working on the state-required risk limiting audit.

7. Before the December 6, 2022 runoff election, we must accomplish tasks that include answering questions regarding vote by mail requests, processing vote by mail applications, preparing supplies for early voting, and delivering equipment to polling locations in advance of early voting, which is currently set to begin in Cherokee County on November 28, 2022 at 8:30 am.
8. The Board has been preparing for the runoff election based on the guidance provided by the Secretary of State's Office in the November 12, 2022, Official Election Bulletin titled "Certification Target for General Election and Advance Voting for December 6th Runoff."
9. Based on my reading of the Georgia statute for advance voting (O.C.G.A. 31-2-385), I do not believe polling places may be open for advance voting on Saturday, November 26.
10. Our office previously determined that Cherokee County would not be able to hold advance voting on Saturday, November 26, based on the Secretary of State's Bulletin and my interpretation of the law.
11. The challenges of preparing and staffing locations for advance voting existed a week ago when the Secretary of State gave his instructions to elections officials, but the hurdle to pivot to staffing advance voting on Saturday, November 26, is truly insurmountable at this point in time for Cherokee County for several reasons.
12. First, logic and accuracy testing for voting machines is taking place from Monday, November 21 to Wednesday, November 23, and will resume on Monday, November 28.
13. Second, to the extent our staff is available, they will be busy working on absentee ballot applications, which must be processed within three days of receiving applications. The last day to accept applications is November 28.
14. Third, finding poll workers will be extremely challenging on that date due to the fact that (1) I previously informed potential poll workers that early voting would not take place on that date, and (2) it is Thanksgiving weekend and a high percentage of potential poll workers will be busy with holiday festivities, travel and other family-related activities.

Anne Dover
ANNE DOVER

Subscribed and sworn before me on this 17th day of November 2022

Janis Rodgers
Notary Public



EXHIBIT B

RETRIEVED FROM DEMOCRACYDOCKET.COM

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

DEMOCRATIC PARTY OF GEORGIA,)
INC., DSCC, and WARNOCK FOR)
GEORGIA,)

Plaintiffs,)

v.)

THE STATE OF GEORGIA,)

Defendant.)

CIVIL ACTION NO.: 2022-CV-372734

AFFIDAVIT OF JOEL NATT

STATE OF GEORGIA

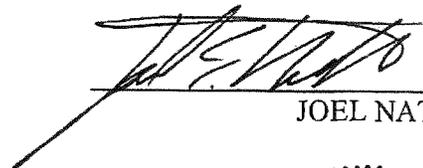
FORSYTH COUNTY

Before me, the undersigned authority, personally appeared Joel Natt, who, being by me duly sworn, states as follows:

1. My name is Joel Natt. I am over twenty-one years old. I have never been convicted of a felony or a crime involving moral turpitude, and am otherwise competent to give this Affidavit. All of the facts recited in this Affidavit are within my personal knowledge and are true and correct.
2. I am the Vice Chairman for the Forsyth County Board of Registrars and Elections. I have held this position since 2015.
3. I am unbiased and non-partisan in performing my duties as Vice Chairman, as the role requires. All of my testimony in this Affidavit is provided from an honest and impartial perspective that is not intended to aid any candidate or political party.
4. Forsyth County has a total of four advance voting polling locations.
5. The Forsyth County Board of Registrars and Elections staff is currently working on tasks related both to the general election and runoff election.
6. Remaining tasks for the general election include the processing of provisional ballots, contacting voters with reminders to cure deficient ballots, preparing for certification of

the final vote tallies, and preparation for the statewide audit that has a deadline of November 22, 2022.

7. Our remaining tasks for the December 6, 2022 runoff election include fulfilling absentee ballot requests, processing vote by mail applications, preparing supplies for early voting, and delivering equipment to polling locations in advance of early voting, which is currently set to begin on November 28, 2022 at 8:30 am.
8. The Board has been preparing for the runoff election based on the guidance provided by the Secretary of State's Office in the November 12, 2022, Official Election Bulletin titled "Certification Target for General Election and Advance Voting for December 6th Runoff."
9. Based on my reading of the Georgia statute for advance voting (O.C.G.A. 31-2-385), I do not believe polling places may be open for advance voting on Saturday, November 26.
10. Our office previously determined that Forsyth County would not be able to hold advance voting on Saturday, November 26, based on the Secretary of State's Bulletin and my interpretation of the law.
11. The challenges of preparing and staffing locations for advance voting existed a week ago when the Secretary of State gave his instructions to elections officials, but the hurdle to pivot to staffing advance voting on Saturday, November 26, is truly insurmountable at this point in time for Forsyth County for several reasons.
12. First, to the extent our staff is available, they will be busy working on absentee ballot applications, which must be mailed out to voters who requested ballots by November 28.
13. Second, finding poll workers will be extremely challenging on that date due to the fact that (1) I previously informed potential poll workers that early voting would not take place on that date, and (2) it is Thanksgiving weekend and a high percentage of potential poll workers will be busy with holiday festivities, travel and other family-related activities.
14. I believe that the voters of Forsyth County should have the same number of days to vote as voters in other counties.


JOEL NATT

Subscribed and sworn before me on this 17 day of November, 2022



Marilyn J Kirkbride
Notary Public



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EXHIBIT C

RETRIEVED FROM DEMOCRACYDOCKET.COM

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

DEMOCRATIC PARTY OF GEORGIA,)
INC., DSCC, and WARNOCK FOR)
GEORGIA,)

Plaintiffs,)

v.)

THE STATE OF GEORGIA,)

Defendant.)

CIVIL ACTION NO.: 2022-CV-372734

AFFIDAVIT OF ALICE O'LENICK

STATE OF GEORGIA

GWINNETT COUNTY

Before me, the undersigned authority, personally appeared Alice O'Lenick, who, being by me duly sworn, states as follows:

1. My name is Alice O'Lenick. I am over twenty-one years old. I have never been convicted of a felony or a crime involving moral turpitude, and am otherwise competent to give this Affidavit. All of the facts recited in this Affidavit are within my personal knowledge and are true and correct.
2. I am the Chairman for the Gwinnett County Board of Registrations and Elections. I have been Chairman since 2021 and have been on the Board for a total of 11 years.
3. I am unbiased and non-partisan in performing my duties as Chairman, as the role requires. All of my testimony in this Affidavit is provided from an honest and impartial perspective that is not intended to aid any candidate or political party.
4. Gwinnett County has a total of eleven advance voting polling locations.
5. The Gwinnett County Board of Registrations and Elections staff is currently working on tasks related both to the general election and runoff election.
6. Remaining tasks for the general election include the processing of provisional ballots, contacting voters with reminders to cure deficient ballots, preparing for certification of the final vote tallies, and preparation for the statewide audit that has a deadline of

November 22, 2022 (which will occupy two days of the Gwinnett Board's time due to the size of our county).

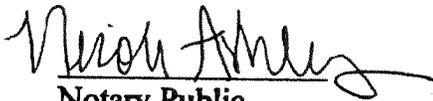
7. Our remaining tasks that relate to the December 6, 2022 runoff election include fulfilling absentee ballot requests, processing vote by mail applications, preparing supplies for early voting, conducting logic and accuracy testing of the advance voting machines, and delivering and setting up the machines in time for the start of our advance voting, which will begin on Sunday, November 27, 2022 at 7:00 am.
8. The Board has been preparing for the runoff election based on the guidance provided by the Secretary of State's Office in the November 12, 2022, Official Election Bulletin titled "Certification Target for General Election and Advance Voting for December 6th Runoff."
9. Based on my reading of the Georgia statute for advance voting (O.C.G.A. 31-2-385), I do not believe polling places may be open for advance voting on Saturday, November 26.
10. I do not believe that Gwinnett County would not be able to hold early voting on Saturday, November 26 for several reasons.
11. First, our advance voting machines require extensive testing and preparation before they can be ready for voters. The logic and accuracy testing alone requires ~~three~~^{two} days. Among *oto* other things, our staff must also test the scanners and charge the backup battery systems (so that the machines will work in the event of a power failure). Moving up the timeline to have these ready on Saturday, November 26, will not be possible.
12. Second, our entire staff – not only office staff, but also clerical and warehouse staff – will be occupied on Friday (November 25) and Saturday (November 26) delivering and setting up the voting machines at our eleven advance voting locations. Some Gwinnett County polling locations are in parks department facilities, and so will not be open on either Thanksgiving Day or Friday, November 25. This already poses a difficulty for our preparations for advance voting on Sunday, November 27, and there is no way that those locations could be open on Saturday, November 26.
13. Third, finding poll workers for any day on the weekend following Thanksgiving is challenging. Many of our potential poll workers have already told us they will be busy with holiday festivities and activities. We are already not sure whether we will be able to bring in enough poll workers for advance voting at all locations on Sunday, November 27, and ultimately may Gwinnett County may only be able to open some but not all locations on that day. It would certainly not be possible for us to line up enough poll workers to also staff our locations on Saturday, November 26, for advance voting.
14. The public is used to all the advance locations being open, and it is a burden to voters and a source of potential confusion if some but not all locations are able to be opened.

15. The challenges of preparing and staffing locations for advance voting existed a week ago when the Secretary of State gave his instructions to elections officials, but the hurdle to pivot to staffing advance voting on Saturday, November 26, is truly insurmountable at this point in time.

16. I believe that the voters of Gwinnett County should not be deprived of voting days that are available in other counties.


ALICE O'LENICK

Subscribed and sworn before me on this 17 day of November, 2022


Notary Public

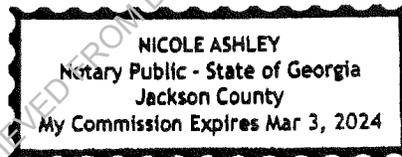


Exhibit D

Affidavit of Adam M. Sparks

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IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

DEMOCRATIC PARTY OF GEORGIA,
INC., DSCC, and WARNOCK FOR
GEORGIA,

Plaintiffs,

v.

STATE OF GEORGIA,

Defendant.

Civil Action No. 2022CV372734

EMERGENCY RELIEF REQUESTED

**AFFIDAVIT OF ADAM M. SPARKS REGARDING PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING ORDER AND/OR INTERLOCUTORY INJUNCTION**

1. My name is Adam M. Sparks. I am over 21 years of age and am competent to give this affidavit, which is based upon my personal knowledge. I am a member in good standing of the bar of the State of Georgia.

2. I am a partner at Krevolin & Horst, LLC. I give this Affidavit in connection with our representation of Plaintiffs in the above-styled action.

3. I offer the following facts and information for the Court's benefit in advance of the November 18, 2022 hearing in this matter.

4. Provided herewith as **Exhibit 1** is a true and correct copy of a certified transcript of the Fulton County Board of Registration and Elections meeting held on November 15, 2022, after Plaintiffs filed their Complaint and Motion for temporary restraining order and/or interlocutory order in this case. As indicated on pages 42 to 45 of the transcript, the Fulton County Board authorized its staff to hold advance voting for the December 6, 2022 runoff on November 26, 2022 if "there's a change from the Secretary of State on allowing [] early voting on" that date or a "[j]udge's order" allowing voting on that date. A recording of this proceeding can be found at

<https://www.youtube.com/watch?v=vkoPBb7mIfg>, with the relevant portion at timestamps 41:10 to 43:09.

5. Provided herewith as **Exhibit 2** is a true and correct copy of a certified transcript of the Cobb County Board of Elections and Registration meeting held on November 15, 2022, after Plaintiffs filed their Complaint and Motion for temporary restraining order and/or interlocutory order in this case. As indicated at pages 98 to 101 of the transcript, the Cobb County Board passed a resolution authorizing its staff to hold advanced voting on November 26, 2022 “in the event a judicial order is issued or direction is provided by the Secretary of State that permits voting” on that day, and “if doing so would not be in violation of the statutory advanced notice requirements.” A recording of that proceeding can be found at <https://www.youtube.com/watch?v=wo4F6F24dZ0>, with the relevant portion at timestamps 1:55:05 to 1:58:42.

6. Provided herewith as **Exhibit 3** is a true and correct copy of a certified transcript of the DeKalb County Board of Registration and Elections held on November 15, 2022, after Plaintiffs filed their Complaint and Motion for temporary restraining order and/or interlocutory order in this case. At pages 29 to 31 of the transcript, the DeKalb County Board passed a resolution to “allow Saturday voting [on November 26], subject to the outcome of pending litigation against” the State of Georgia, making clear that Saturday voting was “subject to the finding . . . of the court and pending litigation against the State of Georgia related to their guidance that Saturday voting is now allowed.” A recording of that proceeding can be found at <https://video.ibm.com/channel/xUJgKs6n2VW>, with the relevant portion at timestamps at 28:40 to 30:58.

7. Provided herewith as **Exhibit 4** is a true and correct copy of an article published by WRBL on November 15, 2022 at 6:17 PM, entitled *Muscogee County Elections Board adds additional early in-person voting day on Sunday, Nov. 27*, the second to last paragraph of which reads: “The Muscogee County Board said they would consider in-person advance voting on the Saturday after Thanksgiving if it got court approval.”

8. Provided herewith as **Exhibit 5** is a true and correct capture of a December 17, 2020 post on Fulton County Government’s Facebook page, which lists “Saturday, December 19 and December 26” as early voting dates for the January 5, 2021 runoff. That post can be found at <https://www.facebook.com/photo/?fbid=10157982536743031&set=a.205348438030>.

9. Provided herewith as **Exhibit 6** is a true and correct copy of a webpage from Gwinnett County’s website, as of December 13, 2020, publishing early voting dates and times for the January 5, 2021 runoff election, which included Saturday, December 26, 2020. The webpage reflected in **Exhibit 6** was obtained from the Internet Archive at <https://web.archive.org/web/20201213154157/https://www.gwinnettcounty.com/web/gwinnett/Departments/Elections/AbsenteeVoting-Civilians/AdvanceVoting>.

10. For the Court’s benefit, provided herewith as **Exhibit 7** is a true and correct copy of House Bill 268 as passed, the 2017 legislation that removed the word “runoff” from the second sentence in O.C.G.A. § 21-2-385(d)(1). The removal of “runoff” from § 21-2-385(d)(1) is found at page 17 of the document, at line 579.

11. For the Court’s benefit, provided herewith as **Exhibit 8** is a true and correct copy of O.C.G.A. § 21-2-385 in its entirety, with mentions of the terms “primary,” “election,” and “runoff” highlighted.

12. Provided herewith as **Exhibit 9** is a true and correct copy of a December 18, 2020 order of the Superior Court of Houston County in *The New Georgia Project v. Shelton, et al.*, Civil Action No. 2020 V 123366, *aff'd* No. A21A0808 (Ga. Ct. App. Jan. 2, 2021).

13. For the Court's benefit, provided herewith as **Exhibit 10** is a true and correct copy of O.C.G.A. § 21-2-385 in its entirety, as enacted between April 2, 2019 and July 1, 2021.

FURTHER AFFIANT SAYETH NOT

This 17th day of November 2022.

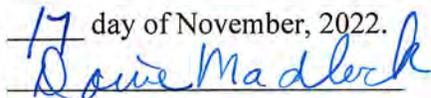


Adam M. Sparks

Counsel to Plaintiffs Democratic Party of Georgia, Inc., DSCC, and Warnock for Georgia

Sworn and subscribed before me this

17 day of November, 2022.



Notary Public

My commission expires 4/16/2023

Dovie Madlock
NOTARY PUBLIC
Clayton County, GEORGIA
My Commission Expires 04/16/2023

Exhibit 1

RETRIEVED FROM DEMOCRACYDOCKET.COM

TRANSCRIPTION OF VIDEO FILE:
FULTON COUNTY BOARD OF
REGISTRATION AND ELECTIONS MEETING
November 15, 2022
VIDEO RUNTIME: 1:20:58

RETRIEVED FROM DEMOCRACYDOCKET.COM

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646

1

2

(Beginning of Video Recording.)

3

4

5

6

7

MS. WOOLARD: We're -- Mr. Johnson said he's going to be here momentarily, but a number of us, myself included have other things on our schedule that were unanticipated for the timing of this particular meeting.

8

9

10

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13

14

So we're going to go ahead and start, and like I said he'll join us momentarily. We have a quorum. We have Mr. Wingate on the screen. And let me just announce this is the regularly -- this is the -- this is the delayed regular meeting of the Board of Registration Election.

15

16

17

18

19

20

Normally, we meet the second Thursday of each month but during election season and the additional things that we have to do on the Secretary of State's timeline, we decided to move all of the meetings that we were needing to have today to today.

21

22

23

24

25

So what I would request is everybody please turn your cell phones off. And we will start with public comment. Well, we're going to start with the approval of the agenda. But for those who are speaking, if you've signed

1 up for a card, please make sure that we have
2 it here right now, and you'll get two minutes,
3 and we will give you a warning when you're
4 about 30 seconds out, and when you get to the
5 time please just wrap up your sentence.

6 So I'm going to ask the board to
7 connect -- first of all I want to ask for a
8 modification of the agenda --

9 FEMALE VOICE: Uh-hum.

10 MS. WOOLARD: -- that isn't substantive
11 but timing wise if we could move new business
12 ahead of old business. I have an appointment
13 I have to get to. I think I can make it
14 through the whole (inaudible) discussion and
15 votes. So if somebody would make a motion
16 that we if somebody would make a motion to
17 make a motion to make a motion to make a
18 motion to --

19 MALE VOICE: (inaudible).

20 MS. WOOLARD: I'm interesting but not
21 doubly interesting. Okay. Go ahead.

22 MS. CRAWFORD: Okay. I'd like to make
23 a motion to approve the agenda with the caveat
24 that we change old business we swap old
25 business with new business to to move the

1 meeting along.

2 DR. RUTH: Second.

3 MS. WOOLARD: Properly moved and
4 seconded all those in favor please say aye.

5 VOICES: Aye.

6 MS. WOOLARD: Opposed (inaudible).

7 MALE VOICE: Aye.

8 MS. WOOLARD: Thank you. We will begin
9 with communications and public response. I
10 think I have all the cards. I'm going to try
11 to do them in the order that I got them. The
12 first speaker is Margaret Breen. If you'll
13 come right down here and turn the microphone
14 on. And then Mary Jo Pete, if you'll be ready
15 to be the second speaker that'd be great.

16 Please also identify yourself and where
17 you live. Yep, right there pull the mic down,
18 push the button on the right. It should light
19 up.

20 MS. BREEN: It did.

21 MS. WOOLARD: And you'll be good to go.

22 MS. BREEN: Okay. Hi, I'm Margaret
23 Breen. I'm a Fulton County voter, and I'm
24 here to urge you guys to start early voting as
25 early as possible on the 22nd and 23rd before

1 Thanksgiving so we can hopefully get kids who
2 are home for the holidays to vote.

3 I know several college students had
4 trouble voting absentee because of the late
5 receipt of their absentee ballots. So
6 anything you can do to expand early voting to
7 capture those kids would be much appreciated.
8 Thank you.

9 MS. WOOLARD: Thank you. Mary Jo Pete
10 is next and the speaker after that is Julie
11 Adams.

12 MS. PETE: There's a button and the
13 light. MS. WOOLARD: Yeah, it should light up.

14 MS. PETE: Oh.

15 MS. WOOLARD: And just pull that mic to
16 a comfortable level.

17 MS. PETE: Oh, up here.

18 MS. WOOLARD: Yep.

19 MS. PETE: Yep, great. Hello. Good
20 morning. My name is Mary Jo Pete. I'm a
21 registered voter in Fulton County. I wanted
22 to come down and thank the Board and the
23 department for a well-planned, well-executed
24 election. From early voting, absentee voting,
25 all of the different departments. The

1 education, outreach, just fantastic job.

2 I had a bird's eye view of both early
3 voting and Election Day voting and it was just
4 terrific. I just -- it was just marvelous. I
5 had a lot of poll observers who were highly
6 complimentary of the managers and the workers
7 in -- at the polls. The goals of the
8 Department and the Board of a fair,
9 transparent voting available to all was
10 readily apparent in the execution and I
11 believe that they were met completely.

12 I have confidence that this Department
13 and this Board when making decisions about
14 early, the early voting schedule will do so
15 with those goals in mind as well as their
16 workload and logistics.

17 It's certainly clear that all voters
18 love early voting. And that it would be the
19 intent of this Department and the Board to set
20 a schedule as robust as the Department can
21 logistically and humanly handle. Thank you
22 very much.

23 MS. WOOLARD: Thank you. Julie Adams
24 is next. And after her Mark Putman.

25 MS. ADAMS: Good morning. I'm Julie

1 Adams and I'm a Fulton County resident. On
2 this day of certifying our general election,
3 please remember a few things. This election
4 you need to be reconciling all of the numbers.
5 The numbers are the check in numbers, the
6 (inaudible) numbers, the scanner numbers and
7 the number of physical ballots.

8 We all know there are questions on
9 these numbers matching. For the past several
10 elections, Fulton County has had to re-certify
11 the elections. This time we really need to
12 reconcile and make sure that we have the
13 numbers correct.

14 Fulton's budget is over \$37 million,
15 which is about \$48 dollars per registered
16 voter, while there are many other counties in
17 Georgia that are spending ten dollars per
18 registered voter. We have the resources to
19 allow us for an accurate certification
20 process.

21 Fulton needs, really still needs
22 transparency in our elections. A case in
23 point is the elections department has not
24 responded to an open records request I have
25 that I placed on October 23rd. I have no

1 response for the straightforward request that
2 would show that Adam's Park Library early
3 voting center was or was not 364 votes higher
4 on the (inaudible) --

5 FEMALE VOICE: 30 seconds.

6 MS. ADAMS: -- scanners. 17 business
7 days ago I filed to this open records request
8 and I am demanding that it's fulfilled today.
9 And I think you guys should have those numbers
10 too.

11 We need as residents and you need as
12 board members to know the numbers and have
13 them reconciled and -- and show a little
14 transparency. Thank you.

15 MS. WOOLARD: Mark Putman is next and
16 after that Vikas Nagarajan. And I apologize
17 if I didn't say your name right.

18 MR. PUTNAM: Thank you for letting me
19 speak. Can I just go ahead?

20 MS. WOOLARD: Yes.

21 MR. PUTNAM: I'll --

22 MS. WOOLARD: Just say your name and
23 where you live.

24 MR. PUTNAM: Yup. All righty. Hello
25 everybody. My name is Mark Putman. I'm the

1 state lead at Voters of Tomorrow for the
2 Georgia chapter and I'm also a student at
3 Georgia Tech. I'm here to speak because for
4 me and many other students, Election Day on
5 December 6th, is right in the middle of our
6 finals. Smackdab.

7 When we're trying to figure out a plan
8 to go vote we're also going to be studying for
9 our future. And we are going to be relying on
10 the flexibility that early voting provides and
11 you know we're not the only ones that rely on
12 this. People that were working multiple jobs,
13 people that are single parents and have to
14 have a job and do the other job of raising a
15 kid and people with disabilities. They all
16 rely on this flexibility.

17 So I encourage you all to make sure
18 that we have as early voting on Sunday, on the
19 weekend, when people do not have a job and are
20 able to take that time off to go vote. And
21 make sure that you also start early voting as
22 soon as possible as as you all can. And make
23 sure that there are early voting options on
24 campus for students so that they do not have
25 to trek all the way back home or they do not

1 have to -- if they do not have a car they have
2 that option right there on campus where they
3 live.

4 So if you all could keep that in mind
5 it would be greatly appreciated. Thank you.

6 MS. WOOLARD: Okay. Thank you. Mr.
7 Nagarajan?

8 MR. NAGARAJAN: Yeah. Good morning.
9 I'm Vikas Nagarajan. I'm a master's student
10 at Georgia Tech and the Vice President for
11 Partnership for Voters of Tomorrow. I first
12 would like to thank the Board for recognizing
13 the importance of having early voting at
14 Georgia Tech during the general election.

15 As the Board knows there were over a
16 thousand students who had the opportunity of
17 early voting at Georgia Tech at the first
18 center during the 25th and 26th of October
19 2022. That the Board has recognized that good
20 -- the importance of early voting at college
21 campuses we would request that the board have
22 early voting for at least three days during
23 the early voting period at Georgia Tech at the
24 First Center.

25 The First Center is a central location

1 which allows a lot of students to go finish
2 their process in five to ten minutes and then
3 get along with classes, lunch, meeting their
4 friends. And I recognize that the Board has a
5 lot of requests from college campuses and
6 other places to have early voting but I do
7 recommend -- I hope that the Board recognizes
8 how important early voting at Georgia Tech is.

9 As a politically astute institution, it
10 is important that we do recognize that these
11 kind of students have an ability to do this.
12 Because as a master's student and as an
13 undergrad student like Mark was just talking
14 about there are a lot of exams which are going
15 to come up. And right after Thanksgiving is
16 when things are going to get more difficult
17 for students to take that time off and go
18 somewhere outside campus and perform their
19 executive duty. Thank you so much.

20 MS. WOOLARD: Thank you. Okie doke. I
21 think that concludes our public comment. I
22 appreciate it. Mr. Johnson, we moved new
23 business ahead of old business because I have
24 an appointment I need to get to at noon. So
25 I'm going to stay as long as I can but I

1 wanted to get to the kind of the meat of the
2 agenda.

3 So without further ado, unless
4 anybody's got any comments or questions, we're
5 just going to go right into new business and
6 go through the certification of the general
7 and special election on November 8th, 2022.

8 MS. WILLIAMS: Good morning, Board.

9 MS. WOOLARD: Good morning.

10 MS. WILLIAMS: On -- we've submitted
11 the official election results to the Board
12 yesterday for review. We have the numbers in
13 front of us in regards to the general election
14 for all locations as well as the City of
15 Fairburn alcohol sales ballot question and are
16 seeking Board approval to certify the
17 election.

18 MS. WOOLARD: I'm sorry. I'm just
19 talking away without the mic. Before we
20 make -- get a motion to approve, can I just
21 ask if any members of the Board have any
22 specific questions relative to the
23 certification or any particular item relative
24 to that? Mr. Wingate, I wasn't sure. Yep, go
25 ahead.

1 MR. WINGATE: Yeah. Thank you,
2 Chairperson Willard. Just so I'm clear, are
3 we now also moving the monthly operations
4 report behind new business?

5 MS. WOOLARD: Yes.

6 MR. WINGATE: Okay.

7 MS. WOOLARD: If you have a specific
8 question, go ahead. We're just trying to
9 facilitate --

10 MR. WINGATE: No, I'm fine. I just
11 wanted to make sure that we were all clear
12 that we are, in essence, going to back and
13 taking up monthly operations I'm assuming
14 after we do the certification and the approval
15 of early voting locations?

16 MS. WOOLARD: Yeah. So with the agenda
17 what we what we did was we just flipped new
18 business and old business. So we're going to
19 do the new business section right now, and
20 then we're going to do the old business --

21 MR. WINGATE: Okay. I just want to
22 make sure that everybody was clear.

23 MS. WOOLARD: Uh-hum.

24 MR. WINGATE: Thank you.

25 MS. WOOLARD: Any questions about the

1 certification?

2 MS. WILLIAMS: Yeah. Let me also state
3 that the certification will require a runoff
4 in the City of Fairburn, I'm sorry City of
5 Roswell, City of East Point and City of South
6 Fulton from the election results.

7 MS. WOOLARD: Okay.

8 MS. WILLIAMS: As well as the statewide
9 runoff as well.

10 MS. WOOLARD: And anything else you
11 want to say about the election before we make
12 that motion?

13 MS. WILLIAMS: No, ma'am.

14 MS. WOOLARD: Okay. Well, I just want
15 to say thank you and congratulations. I know
16 you all worked really, really hard. And
17 you're going to do it now all over again in
18 half the time with a holiday in the middle of
19 it.

20 So I just want to thank you for your
21 work because I know that it's relentless and
22 there's not much we can do to give you a
23 break. But we do appreciate all of the
24 improvements that we've worked so hard this
25 year to accomplish and that they paid off. So

1 I just want to recognize that. And we are
2 still striving for even more and better. But
3 Mr. Wingate, go ahead.

4 MR. WINGATE: Yeah. I'm sorry again.
5 I'm just trying to get back in sequence here.
6 One quick comment that I'll make even though
7 it has absolutely no bearing on this
8 certification as a result, there are
9 continuing to be in my last review we have
10 five precincts that show that we have no
11 registered voters but votes (inaudible) cast.

12 MS. WOOLARD: I'm sorry. I'm sorry,
13 Mr. Wingate we missed that sentence.

14 MR. WINGATE: (inaudible). Yes, ma'am?

15 MS. WOOLARD: You just broke up so we
16 didn't get to hear you.

17 MR. WINGATE: Yeah. Technology.

18 MS. WOOLARD: Yeah.

19 MR. WINGATE: Yeah, in my review I have
20 found again that there are five precincts that
21 show no registered voters, but we have votes
22 cast in those precincts. It was five
23 precincts, and the votes that were cast
24 totaled eight.

25 Now, again, that's not going to change

1 obviously the certification, but I just wanted
2 to put that on the record. And I will follow
3 up to staff and the Board with, you know,
4 specifically what I'm referring to so that
5 that can be reviewed and looked into.

6 MS. WILLIAMS: Yes. So we're also
7 researching that. I think it's a total of
8 eight persons or something --

9 MR. WINGATE: Yeah.

10 MS. WILLIAMS: -- a small number. So
11 it's most likely a clerical error that the
12 person chose the incorrect combo when they
13 were checking the person in. But we're
14 reviewing those to ensure those eight people
15 did get the correct same ballot so it would
16 not affect the election.

17 MR. WINGATE: Okay.

18 MS. WILLIAMS: But we're pretty
19 positive of that at this point.

20 MR. WINGATE: Okay. Good. Well you're
21 aware of it and I, you know in my review, it
22 you know popped up, you know on my screen so
23 just want to make sure that we are going
24 through a review process to understand exactly
25 what -- why that is. Thank you.

1 MS. WOOLARD: Thank you. Thanks for
2 the review. Anything else? All right.
3 Everything's accounted for? All the cards are
4 in? We double checked?

5 MS. WILLIAMS: We have triple and
6 quadruple checked. We are good.

7 MS. WOOLARD: Okay. I'll take them --

8 MR. JOHNSON: Madam Chair, I make a
9 motion that we accept this -- we approve the
10 certification.

11 MS. CRAWFORD: Second.

12 MS. WOOLARD: Properly moved and
13 seconded. All those in favor please say aye.

14 MULTIPLE VOICES: Aye. Aye.

15 MS. WOOLARD: Opposed?

16 MR. JOHNSON: Aye.

17 MS. WOOLARD: There are none. The
18 motion carries. For the Board that are here
19 in person, I'm going to sign all of these
20 where these little flags are. And then to the
21 left where it says assistant you'll sign on
22 one of those lines. So I'll start that
23 process in one minute.

24 Let's move and again congratulations,
25 staff, we really appreciate you. Now we want

1 to have a discussion about the approval of
2 early voting locations, dates, hours for
3 general runoff election on December 6th, 2022.
4 I'm going to try to provide as much detail
5 that goes into our process and decision
6 making.

7 As many of you know and I appreciate
8 people who came down with your public comments
9 today, we have a very limited time frame to
10 turn around this election and prepare for the
11 next election. As I said in about half the
12 time to do the same thing all over again.

13 And we have timing constraints that are
14 dictated by Georgia law as to when and how we
15 give notice for when and how we have early
16 voting locations. There are lawsuits that
17 have been filed at this point to even
18 challenge some of those assumptions.

19 So you will hear in the discussion
20 today that and I'm going to ask questions that
21 might help reveal some of the challenges that
22 we are facing. But be that as it may, again,
23 I'm very excited for the work the staff's done
24 to get us ready for this discussion and to
25 provide as much opportunity for people to vote

1 as we possibly can within the limits of the
2 law and our capacity to get it done right.

3 MS. WILLIAMS: I just want to make sure
4 I clarify that I need to publicly announce
5 that we are certifying the City of Fairburn
6 special referendum, the Fulton County wide
7 election, and the special election for the
8 City of Atlanta, City of East Point City of
9 Fairburn, City of Roswell, and City of South
10 Fulton.

11 MS. WOOLARD: Do we need to clarify
12 that?

13 MR. JOHNSON: Out of abundance of
14 caution.

15 MS. WOOLARD: Yes.

16 MR. JOHNSON: I make a motion that we
17 certify the list that everyone -- should I
18 read them all?

19 MS. WOOLARD: Yes.

20 MR. JOHNSON: I'm sorry. Madam Chair,
21 I make a motion that we cert -- that we
22 approve the certification of general and
23 special elections from November the 8th for
24 municipalities the City of Atlanta, the City
25 of East Point, the City of Fairburn, the City

1 of Milton, the City of Roswell, the City of
2 South Fulton and Fulton County as a whole.

3 MS. WOOLARD: Anything else? Is there
4 a second?

5 FEMALE VOICE: Second.

6 MS. WOOLARD: Properly moved and
7 seconded. All those in favor please say aye.

8 MULTIPLE VOICES: Aye, aye.

9 MS. WOOLARD: Opposed? There are none.
10 We will certify it for a second time with more
11 detail. Thank you so much I appreciate that
12 help.

13 Okay. Let's talk about early voting
14 locations and dates and times.

15 MS. WILLIAMS: So we are proposing 24
16 locations to the Board for approval. We have
17 given you all a map as well as the locations
18 themselves. If -- there is some discussion
19 regards to advanced voting being able to start
20 on the Saturday prior to election. And we
21 would like pending approval for that.
22 Honestly we would like to maybe -- expand
23 those dates.

24 We're going to double check our budget,
25 double check with the facilities if we can

1 possibly start on the 22nd for two days before
2 the holiday. So we would like pending
3 approval for those for those dates, if
4 possible, as well as a possible campus
5 locations if the campuses are available as
6 well.

7 MS. WOOLARD: Can you -- thank you for
8 that. Can you please tell me what page that
9 the list of locations?

10 MS. WILLIAMS: It's on page 43 and the
11 map is on page 44.

12 MS. WOOLARD: Thank you. Thank you.
13 All right. I apologize that I could not see
14 this. So we had 43 and we have drop boxes
15 at --

16 MS. WILLIAMS: At seven locations. The
17 drop boxes will not change. It would just be
18 the dates that we would possibly -- if we were
19 able to start on the 22nd, depending on our
20 ballot project and some budgetary review.

21 So we would like to do that if
22 possible. It would be the same 24 that would
23 open up on the 22nd, and possibly if we can
24 add a few college campuses, we'll do so if the
25 college campuses are available and if our

1 budget allows.

2 MS. WOOLARD: Okay.

3 MS. WILLIAMS: Those dates would be
4 pending. It would be dependent upon the
5 college itself and what their schedule is.

6 MS. WOOLARD: All right. So let me
7 just talk just a little bit more for
8 clarification for people who are watching. We
9 have seven drop box locations. They will be
10 the same locations as they were during the --

11 MS. WILLIAMS: Well, no, one has
12 changed.

13 MS. WOOLARD: Okay.

14 MS. WILLIAMS: Since we are not using
15 New Beginnings. It's the, the drop box will
16 be out front the library, Buckhead Library, CT
17 Martin, the Benson Senior Center, East Roswell
18 Library, Dennard Library, and Wolf Creek
19 Library. And then of course people can also
20 utilize the offices to drop off absentee
21 ballots in North Phoenix, South Phoenix and
22 Government Center.

23 MS. WOOLARD: Okay.

24 MR. JOHNSON: Dennard (inaudible)?

25 MS. WOOLARD: Dennard?

1 MS. WILLIAMS: Yes, Dennard is
2 included.

3 MS. WOOLARD: So just to be clear,
4 because this is a good educational opportunity
5 for everybody. The number of drop boxes we
6 have is determined by state law that instructs
7 that we have one drop box per 100,000 voters.
8 So that's why we have the number of drop boxes
9 we have and then you also have the option of
10 the North Fulton Annex. Our office here or
11 the South Fulton Annex, to bring your ballots
12 in directly there.

13 So just to be clear about that. Now
14 what we are proposing in this particular
15 discussion is that we are going to approve
16 starting voting at 7 a.m. on Sunday, November
17 27th, to end on Friday, December 2nd. So that
18 is one week that begins on a Sunday morning,
19 goes through the Friday morning.

20 Now, there are a couple of things that
21 are in flux right now, one of which is whether
22 Saturday after Thanksgiving voting is
23 permitted by state law. There are
24 contradictory opinions about that.

25 We will act accordingly if there is

1 instruction -- well, the Board can consider
2 this. I'd like the Board to consider that we
3 give the staff the option to increase voting
4 to that Saturday if we get instruction from a
5 Judge and/or the Secretary of State that
6 changes the Secretary of State's directive at
7 this point. I hope I'm phrasing that
8 correctly. But we want to give you the option
9 to move forward.

10 And there's a couple things again for
11 people who are watching. Not only do we need
12 the instruction from either the Judge or the
13 Secretary of State changing that directive,
14 but we must give a week's notice prior to
15 extending the voting.

16 So that direction has to come to us
17 with enough time that we're able to meet that
18 other part of the law in terms of the notice.
19 So I just want to hold that out there for a
20 second.

21 Now, Georgia law also allows us to have
22 voting on the Tuesday and Wednesday before
23 Thanksgiving. The challenge for us is we are
24 right on the notification deadline for a week
25 out for Wednesday voting. Tuesday we might be

1 right on the deadline, but we're right at the
2 deadline.

3 In the midst of all of that what we
4 have to do is we have other requirements that
5 demand our staff's time between now and then
6 to get ready to do the election. And do you
7 want to just talk a little bit about what the
8 staff has to do between now and then?

9 MS. WILLIAMS: Yes, we have to conduct
10 an RLA.

11 MS. WOOLARD: Will you say what that
12 is?

13 MS. WILLIAMS: Yes, I'm sorry. The
14 risk slimming audit. It is a hand count that
15 we will be conducting starting on the 17th, so
16 we have to prepare for that at the Georgia
17 International Convention Center. That should
18 hopefully take one day, we're hoping. The
19 deadline to complete that is on Friday.

20 So our plan is to do that as well as
21 get prepared for the runoff at the same time.
22 So if we're able to obtain approval to start
23 voting and for budget -- of our budgetary --
24 if our budget allows we will do so and we'll
25 make sure we make the decision by the end of

1 today. And it will be advertised on the
2 website if we're able to open up those sites
3 as early as the 22nd or 23rd.

4 MS. WOOLARD: Okay. Thank you. So
5 again, what I want people to be really clear
6 is we have a mandated by the Secretary of the
7 State, hand count of his race that we -- that
8 was announced that we would have a hand count
9 we didn't know which race prior to the
10 election. That's going to take a tremendous
11 amount of time. It may take a day for doing
12 the count, but the preparation and the
13 recruitment of the people and the training of
14 the people that have to do that is another,
15 another extra thing that we have to do and we
16 happily do that.

17 But it again, puts some constraints on
18 what our staff is actually able to do while
19 still maintaining our expectations of a
20 perfectly run election as we get into the
21 runoff part.

22 So let me see if anybody has any
23 questions, and then I'm going to make a
24 statement that might guide how we consider a
25 motion. Does anybody have any questions or

1 statements that they want to make relative to
2 that? Mr. Johnson?

3 MR. JOHNSON: Actually, let's go ahead
4 and take care of that first, and then I'll
5 speak after.

6 MS. WOOLARD: Okay. Anybody else? Mr.
7 Wingate, anything?

8 MR. WINGATE: Yeah. Let me make sure I
9 understand correctly from what Ms. Williams
10 just stated. Going to look at the cost issues
11 to include November 22 and 23, as early voting
12 days. You're also going to be looking at
13 whether or not we can (inaudible).

14 MS. WOOLARD: Yes.

15 MR. WINGATE: Are -- is the work to be
16 done here to look at what that cost is going
17 to be that would actually increase the number
18 of days by 3? Meaning that that would include
19 the Saturday the 26th, as well is that what
20 we're considering?

21 MS. WOOLARD: Well we don't have a
22 motion, but what we -- but yes, what we're
23 discussing is a couple things. One, whether
24 we have the staffing and budget to do -- to
25 extend early voting to Tuesday and/ or,

1 and/or --

2 MR. WINGATE: Uh-hum.

3 MS. WOOLARD: -- Wednesday, November
4 22nd and 23rd. Separately but also, if we get
5 a Judge's decision or instruction from the
6 Secretary of State that voting on Saturday,
7 November 26th, is permitted by law -- because
8 there are some discussions and lawsuits and
9 things going on to try to see if there's a
10 resolution to that -- then it would be good if
11 we could give staff the ability to respond to
12 that and make a decision. Is that --

13 MR. WINGATE: Okay.

14 MS. WOOLARD: -- is that clear enough?
15 I'm sorry.

16 MR. WINGATE: Yeah, that's clear.

17 MS. WOOLARD: Okay. Thank you.

18 MR. WINGATE: I just want to make sure
19 we all are clear --

20 MS. WOOLARD: Yeah.

21 MR. WINGATE: -- what's being
22 considered.

23 MS. WOOLARD: And just one more thing.
24 One of the things I just want to say is again
25 we're doing what we have to do which is

1 basically change the tires while the car is
2 moving and we're trying to do the best we can.
3 But because we have a short early voting
4 period and incredibly high interest in this
5 election, as evidenced by the general
6 election, we do want to give as many
7 opportunities for advanced voting that we can
8 in order to keep the lines at a manageable
9 level so that people can come out and cast
10 their vote.

11 And when you only have less than, what
12 we have now, six days that we know we can do,
13 you know and then Election Day with a
14 potential for thousands of people, well in our
15 in our instance up to 700 people, come out to
16 vote in that period of time, we just want to
17 make all the opportunities we can.

18 So I think I'm going to just propose a
19 motion and then if somebody wants to rephrase
20 it or change it or what --

21 DR. RUTH: I just want --

22 MS. WOOLARD: Oh, please.

23 DR. RUTH: And then so we also have to
24 consider poll I guess poll watchers --

25 MS. WOOLARD: Yes.

1 DR. RUTH: -- getting them credentialed
2 because that would mean getting that done
3 earlier. All of the other things that we do
4 in preparation for the 26th would have to be
5 done like this week.

6 MS. WOOLARD: Yes.

7 MR. JOHNSON: (inaudible).

8 DR. RUTH: But yeah that's what I'm
9 saying for the 22nd we have to be even done
10 much earlier.

11 MR. JOHNSON: Tomorrow.

12 DR. RUTH: Right. Exactly, tomorrow.

13 MS. WOOLARD: In a minute.

14 DR. RUTH: Yeah.

15 MS. WOOLARD: Yeah. Go ahead,
16 continue. You still have a floor, Ms. Ruth.

17 DR. RUTH: Yeah, and so Ms. Williams, I
18 guess, maybe can you talk about the
19 considerations that will be made from a
20 budgetary standpoint and staffing as to
21 whether or not --

22 MS. WILLIAMS: We will have to ensure
23 we have the budget to pay the staff. But the
24 secondly to see if we -- if staff is
25 available. A lot of people do travel for the

1 holidays, so we'd have to see if these
2 managers that worked the previous election who
3 already trained can come in and work prior to
4 Thanksgiving. They could possibly not be
5 available.

6 So all that has to be done in a short
7 period of time, and you know if we're not able
8 to fully staff them -- what we don't want to
9 do is open a few sites and then have long
10 lines on the 22nd and 23rd.

11 So our opinion is if we cannot open all
12 of them we would prefer to wait until the
13 27th, if we have to do so to not start
14 bottlenecks of certain locations for those two
15 days. So we have to factor all those things in
16 to ensure that we can possibly not cause chaos
17 honestly on those two days.

18 MS. WOOLARD: Other questions?

19 Every --

20 MR. JOHNSON: (inaudible) talking a lot
21 today. It looks like he has a question.

22 MS. WOOLARD: Yeah. Mr. Wingate, do
23 you have another question?

24 MR. WINGATE: Yeah. And I'm assuming,
25 Ms. Williams, you're going to have to do a

1 check today to make sure that all of the EV
2 locations are, in fact, adaptable to take on
3 those extra days?

4 MS. WILLIAMS: Yeah. So it's a
5 facility issue as well. They might not be --
6 I guess most of them are County buildings so
7 we should be okay.

8 MR. WINGATE: Yeah.

9 MS. WILLIAMS: But we'd have to still
10 double check that we can't assume anything at
11 this point.

12 MS. WOOLARD: Okay. And also you know
13 all of us on this Board are probably getting
14 emails from parents of public school students
15 who are concerned about schools closing for
16 voting.

17 Let me just say, we are not using any
18 school buildings for this runoff. That
19 doesn't mean that the school board isn't
20 making a different choice about whether
21 they're going to have school during this
22 period of time or not. But we hear you. And
23 I know Mr. Wingate's been real concerned. Oh,
24 we have one?

25 MS. WILLIAMS: Or did you say for

1 advanced voting or for Election Day?

2 MR. WINGATE: Election Day.

3 MS. WILLIAMS: Election Day we do --

4 MS. WOOLARD: Oh, we do want Election
5 Day? Okay.

6 MS. WILLIAMS: Yes, we do have schools
7 on Election Day.

8 MS. WOOLARD: Got it. Got it. Got it.
9 Okay. So anyway --

10 MS. WILLIAMS: (inaudible).

11 MS. WOOLARD: -- but we hear you. It's
12 not something we can do something about this
13 particular election cycle, but we will, we
14 will hear -- you know we hear you and we'll
15 make some discussion about how or if we can
16 make some changes relative to that in upcoming
17 elections.

18 It's difficult to find spaces that are
19 available to us that can handle the
20 accessibility issues, the power issues, the
21 timing issues, parking, locations but we do
22 the best we can.

23 And I want to thank everybody at Fulton
24 County for making the libraries and other
25 office buildings available to us for the early

1 voting during the holiday.

2 All right. So what I would propose --
3 well so for the people who are listening right
4 now, what is firm and known is that early
5 voting, advance voting, in Fulton County will
6 begin on Sunday, November 27th, 7 a.m. to 7
7 p.m. each day up to and through Friday,
8 December 2nd. So that's six days. What also
9 is pending are -- is one or more lawsuits to
10 determine whether Georgia law would permit
11 advance voting on Saturday, November 11th
12 which --

13 FEMALE VOICE: No, November 26th.

14 MS. WOOLARD: Sorry. Sorry. November
15 26th. And if there is a change relative to a
16 Judge's decision or the Secretary of State's
17 instruction, I think the staff would like to
18 extend or advance voting to the locations that
19 are already permanent, that are -- that are
20 already in this list. But there's, you know
21 again, we need to get that in enough time for
22 notice and other kinds of things that need to
23 be done.

24 And then if staff feels like they can
25 accommodate early voting at these locations

1 and possibly including some campus locations,
2 which may or may not be open those days,
3 perhaps we would like to give them the
4 authority to do it at the campuses, at one or
5 more of the campuses, that we have extended
6 voting for in the general election. Does that
7 sound clear and right?

8 FEMALE VOICE: Yup.

9 MS. WOOLARD: So I'll entertain
10 discussion and a motion. And if we want to
11 break it up we could do that into two motions.

12 DR. RUTH: Yeah, I would recommend that
13 we have two motions.

14 MS. WOOLARD: Okay.

15 DR. RUTH: One is in reference to the
16 giving the department the ability to
17 investigate and to make a determination based
18 on budget. And then the other has to do with
19 extending the early -- adding another early
20 voting site, right?

21 MR. JOHNSON: That'd be the same thing.

22 FEMALE VOICE: That'd be the same
23 thing.

24 MS. WOOLARD: Well, no there's --
25 you're right. There -- the one thing that's

1 on the thing is whether we have the budget and
2 schools are open and other kinds of things to
3 add advanced voting locations at one or more
4 of the campuses, right? Is that what you're
5 saying?

6 DR. RUTH: Uh-hum.

7 FEMALE VOICE: And the extra --

8 MS. WOOLARD: No, no, what she's saying
9 is break it up during early voting.

10 MR. WINGATE: We're not dealing with
11 schools are part of are not part of early
12 voting.

13 MS. WOOLARD: What she's, what she's --

14 DR. RUTH: But the schools are part
15 of -- are not part of early voting?

16 MS. WOOLARD: Not right now.

17 MR. WINGATE: Correct.

18 DR. RUTH: But --

19 MR. JOHNSON: Well, colleges.

20 DR. RUTH: Colleges. You're talking
21 about colleges?

22 FEMALE VOICE: Satellite. College
23 satellite.

24 MR. JOHNSON: Are you talking about
25 colleges?

1 DR. RUTH: Yeah. The coll -- the
2 colleges. That's what we're talking about,
3 right?

4 MS. WOOLARD: Right. Yeah.

5 MR. JOHNSON: (inaudible).

6 FEMALE VOICE: And the 22nd and 23rd --

7 MS. WOOLARD: Wait, wait, wait, wait.
8 Let's -- there's I hear stuff over here and
9 it's distracting.

10 FEMALE VOICE: Sorry.

11 DR. RUTH: We're talking also talking
12 about colleges. So adding an extra early
13 voting site, am I correct? At one of the
14 universities, is that correct?

15 MS. WILLIAMS: That is correct. It
16 depend -- which is dependent upon the school's
17 availability and the budget also as well. So
18 those are two factors. If we're able to add
19 to the college campuses, we will advise as
20 soon as possible.

21 MS. SMITH: Okay. Question? Would we
22 be doing the entire week?

23 MS. WILLIAMS: No.

24 MS. SMITH: We would just be like we
25 did during --

1 MS. WILLIAMS: Yes. Most likely two
2 days on each campus.

3 MS. SMITH: Okay. That's what I --
4 thank you.

5 MS. WILLIAMS: If they have
6 availability.

7 MS. SMITH: Thank you. Okay. I think
8 that maybe we should look at two motions.
9 One, with what's given for sure. And the
10 other is the option to the department to make
11 the determination per budget and facilities
12 and manpower on the Saturday the 26th and
13 Tuesday and Wednesday the 22nd and 23rd and
14 the college satellite locations.

15 MR. JOHNSON: Is that your motion?

16 MS. SMITH: That's just a suggestion.
17 Any discussion -- I mean, just I'm just
18 throwing that out there, it's two different
19 motions.

20 MS. WOOLARD: Does that -- is that
21 support with what you were suggesting?

22 DR. RUTH: It's fine. It's fine.

23 MS. WOOLARD: I'm sort of hearing
24 three, actually.

25 DR. RUTH: Yeah.

1 MR. JOHNSON: I thought I heard three.

2 MS. WOOLARD: Yeah. So why don't we,
3 why doesn't somebody make a motion right now
4 just to get it off the table --

5 MS. SMITH: Okay.

6 MS. WOOLARD: -- that we approve
7 advanced voting and absentee drop box
8 locations that are per staff recommendations
9 from Sunday, November 27th to Friday, December
10 2nd from 7 a.m. to 7 p.m. Let's -- let's
11 just --

12 MR. JOHNSON: So moved.

13 MS. WOOLARD: No, I can't make the
14 motion.

15 DR. RUTH: I make a --

16 MS. WOOLARD: Oh you just made it.
17 Okay.

18 MR. JOHNSON: I can. So moved.

19 MS. WOOLARD: Is there a second?

20 DR. RUTH: Second.

21 MS. WOOLARD: Okay, second. Any
22 discussion? Okay. Properly moved and
23 seconded. All those in favor please say aye.

24 MULTIPLE VOICES: Aye.

25 MR. JOHNSON: Aye.

1 MS. WOOLARD: Opposed? There are none.

2 You okay, Mr. Wingate with that?

3 MR. WINGATE: Yes.

4 MS. WOOLARD: Thank you. Okay. That
5 motion carries, so that is done. Now, what we
6 have, what we have as part of our discussion
7 is --

8 MS. SMITH: Option 2.

9 MS. WOOLARD: Options for college
10 campuses. Option for Saturday if the law is
11 interpreted differently. And options for the
12 22nd or 23rd, for any and all if the budget
13 and staffing and timing of notice can be met.

14 DR. RUTH: And Ms. Williams, have you
15 spoken with the Secretary of State's office as
16 late to just get an idea of whether or not
17 that is going to be approved or allowed?

18 MS. WILLIAMS: They did send out an
19 election bulletin that says those dates are
20 available if we're able to do so.

21 DR. RUTH: Okay. So the dates --

22 MS. WILLIAMS: The 22nd and 23rd not
23 the 26th.

24 DR. RUTH: Okay. So the dates are
25 available and are allowable by law, it's just

1 whether or not we have the staff and
2 budgetary?

3 MS. SMITH: And can meet the notice
4 requirements.

5 DR. RUTH: And can meet the notice
6 requirements?

7 MS. WILLIAMS: Notice to place it on
8 the website. We're one day short of that
9 notice. We're going to want to see if we can
10 get an exception to that rule.

11 DR. RUTH: And then what's the notice
12 date that it has to go out?

13 MS. WILLIAMS: Seven days prior to the
14 start date on the web, to be placed on the
15 website.

16 DR. RUTH: Okay. So that is what,
17 tomorrow?

18 MR. JOHNSON: Today.

19 DR. RUTH: Or today.

20 MS. SMITH: So if we put -- so if we
21 put it on today that would suffice as a seven
22 day notice?

23 MS. WILLIAMS: It could. Yes. Yeah.
24 Yes, it would be we would meet them if we can
25 get everything answered today we can make that

1 requirement to put on the website today.

2 MS. SMITH: Okay.

3 DR. RUTH: Okay. And then do you need
4 to go to the BOC for approval from a budget or
5 no? Okay.

6 MS. WILLIAMS: No, ma'am.

7 DR. RUTH: Okay.

8 MS. WOOLARD: All right. So we've got
9 it -- we've done the kind of the base
10 locations. We've got colleges one or more.
11 We've got that Saturday thing, and we've got
12 the 22nd and 23rd. And would somebody like to
13 make a motion of any or all of that?

14 MS. SMITH: Can I -- I'd like to make a
15 motion that's -- and let's -- let's carve out
16 Saturday the 26th separate from the other
17 dates --

18 MS. WOOLARD: Okay.

19 MS. SMITH: -- because I think that
20 that's dependent on litigation and -- or
21 that's different from the Secretary of State.
22 So I'll make a motion to if there's a change
23 from the Secretary of State on allowing
24 voting, early voting on the Saturday the --
25 November 26th, that we give you the permission

1 to move ahead with that option.

2 MS. WOOLARD: Before there's a second,
3 is there any discussion to that? Okay. Is
4 there -- I'll entertain the second?

5 MS. SMITH: Oh Mark's got his hand up.

6 MS. WOOLARD: Oh Mark, I'm sorry I
7 didn't see you.

8 MR. WINGATE: No, real -- can we
9 address which college campuses are in
10 consideration here for this?

11 MS. SMITH: Well, that that isn't, that
12 isn't part of the motion I just made. The
13 motion I just made was just on Saturday the
14 26th, leaving -- giving the department the
15 option to if there's a change from the SOS
16 that they can put that date in as a start date
17 for early vote.

18 MR. WINGATE: So I can't ask that
19 question at this point?

20 MS. WOOLARD: But we're going to answer
21 after we after we just dispose with this.

22 MR. WINGATE: Okay, fine. Okay.

23 MS. WOOLARD: So right now, the motion
24 on the table is -- can I suggest you amend
25 that to say direction of Secretary of State

1 and/or a Judge's order?

2 MS. SMITH: Direction of Secretary of
3 State and/or Judge's order. Yes.

4 MS. WOOLARD: The only reason I'm
5 making the distinction --

6 MS. SMITH: Yeah, that's fine.

7 MS. WOOLARD: -- I think we would get
8 something from the Secretary of State --

9 MS. SMITH: Right

10 MS. WOOLARD: -- but we have a timing
11 notice issue --

12 MS. SMITH: Right.

13 MS. WOOLARD: -- and so I just want to
14 make sure that --

15 MS. SMITH: Yeah. So amended.

16 MS. WOOLARD: Is that okay with
17 everybody? I'm not trying to --

18 MS. SMITH: Uh-hum. No that's fine.

19 MS. WOOLARD: -- game the system here.
20 I just want to make sure we're broad and
21 inclusive.

22 MS. SMITH: That's fine.

23 DR. RUTH: That's fine.

24 MS. WOOLARD: Okay. Okay. We have a
25 motion?

1 MS. SMITH: I need a second.

2 MS. WOOLARD: And there's a second? Is
3 there a second?

4 MR. JOHNSON: Second.

5 MS. WOOLARD: Properly moved and
6 seconded. All those in favor please say aye.

7 MULTIPLE VOICES: Aye.

8 MS. WOOLARD: Opposed?

9 MR. WINGATE: Aye. That's fine.

10 MS. WOOLARD: There are none. Okay.
11 We're moving on to -- let's see, we've done
12 the base.

13 MS. SMITH: Yeah.

14 MS. WOOLARD: We've done the Saturday.
15 And now we're on the colleges with your
16 question being in order, Mr. Wingate. I'll
17 let Ms. Williams discuss that.

18 MS. WILLIAMS: Yeah. So the only
19 campus that reached out to us was Georgia
20 Tech, and they honestly had the highest
21 turnout when it came to voter turnout at the
22 campus.

23 So at this point it would be Georgia
24 Tech. We have not heard from the other
25 campuses expressing interest at this point.

1 So it may just be one. And if depending on
2 the budget we probably only go with one site.
3 We will reach out to the other campuses to see
4 if they're interested, but again, we have
5 budgetary constraints in regards to that.

6 MR. WINGATE: But we have to assume now
7 that that's on the table that you may hear
8 from the other college campuses --

9 MS. WILLIAMS: Right.

10 MR. WINGATE: -- that would have to be
11 to -- that'd have to be today, correct?

12 MS. WILLIAMS: Exactly. We have heard
13 from Georgia Tech. We have not heard from the
14 others. If we are able to reach and contact
15 them that we will do so and add it to the
16 sites.

17 MS. WOOLARD: So would you like us to
18 give you the authority to do one or more
19 college campuses as availability --

20 MS. WILLIAMS: Yes, please.

21 MS. WOOLARD: -- interest --

22 MS. WILLIAMS: It would be --

23 MS. WOOLARD: -- budget --

24 MS. WILLIAMS: -- it would be the same
25 campuses that we had for the general. We

1 would like to do those same ones if we're able
2 to.

3 MS. WOOLARD: And you'll make your
4 determination based on all of those things and
5 including their performance during that two-
6 day period?

7 MS. WILLIAMS: Yes, I will.

8 MS. WOOLARD: Okay. Any questions
9 about that? Dr. Ruth?

10 DR. RUTH: Yeah, as well as including
11 you know, if Georgia Tech reached out,
12 thinking about the location of those other
13 campuses and the ability of students to get to
14 -- get to Georgia Tech if that's the closest
15 and what other -- it may not just be camp --
16 you know another school campus but what other
17 early voting campuses, early voting locations
18 are close to that campus.

19 So I think we need to be very strategic
20 if we're talking about having monetary
21 constraints and you know, monetary
22 constraints, budget being an issue that we
23 take that into consideration when we are
24 making this decision. It may be that we can
25 only accommodate one college campus, and so

1 that needs to be -- that needs to be
2 considered. That's -- that's my point.

3 MS. WOOLARD: Okay.

4 MR. WINGATE: Yes, Ms. -- yes, Dr.
5 Ruth. And also, too, is, again, I think one
6 of the challenges here I think that Ms.
7 Williams brought up is going to be at this
8 particular closeness to the commencement of
9 this is to get it staffed.

10 MS. WOOLARD: All right. So --

11 MR. WINGATE: I think I have I think we
12 have to think that that you know, is certainly
13 something today that's going to have to be
14 done by, you know, Ms. Williams staff and you
15 know. I think that'll probably lead a lot to
16 where you know, this all ends up.

17 MS. WOOLARD: That's correct.

18 MR. WINGATE: Because it is that we
19 it's a couple of days before Thanksgiving as
20 we all know people do travel and go places so
21 you know, we'll have to see where they all
22 come out there.

23 MS. WOOLARD: Yes. Okay. Can I have a
24 motion relative to the college campuses?

25 MS. SMITH: Can I have -- make one

1 discussion?

2 MS. WOOLARD: Yeah.

3 MS. SMITH: I think that we also need
4 to -- since these are the options and we're
5 leaving it up to the department, that we need
6 to add the Tuesday and Wednesday in there
7 because we have not addressed that yet. The
8 22nd and 23rd?

9 MS. WOOLARD: Yeah, let's do that as a
10 separate motion.

11 MS. SMITH: You want to do that as a
12 separate motion?

13 MS. WOOLARD: Would you mind because --

14 MS. SMITH: No, that's fine.

15 MS. WOOLARD: -- because the college
16 campuses is a slightly different topic okay
17 don't go --

18 MS. SMITH: That's fine.

19 MS. WOOLARD: -- determined.

20 MS. SMITH: Right. I'd make a motion
21 on giving the department the authority once
22 they've done the research on having satellite
23 voting locations at the colleges we had during
24 general election.

25 MS. WOOLARD: And some are --

1 MS. SMITH: Pardon?

2 MS. WOOLARD: -- at some, one or all

3 MS. SMITH: -- at one or all the --

4 MS. WOOLARD: -- one or more. Sorry.

5 MS. SMITH: -- of the -- of the

6 locations that we had during general election.

7 MS. WOOLARD: All right. Was there a
8 second?

9 MR. JOHNSON: Is that it?

10 MS. WOOLARD: Second? Is there a
11 second?

12 MR. WINGATE: Second.

13 MS. WOOLARD: Properly moved and
14 seconded. All those in favor please say aye.

15 MS. SMITH: Aye.

16 MR. WINGATE: Aye.

17 MS. WOOLARD: Opposed? There are none.

18 The motion carries. Thank you. Okay. Last

19 one is extending advance voting to Tuesday,

20 November 22nd or Wednesday, November 23rd.

21 With -- there are similar considerations about

22 budget, staff, availability of locations and

23 whether or not the staff can get -- and legal

24 notice that we will -- I'll entertain a motion

25 that we let staff try to explore that and make

1 the best determination possible for our
2 ability to execute the great election, we know
3 you're going to execute.

4 MR. JOHNSON: So moved.

5 MS. SMITH: Second.

6 MS. WOOLARD: Properly moved and
7 seconded. All those in favor please say aye.

8 MS. SMITH: Aye.

9 MR. JOHNSON: Aye.

10 MS. WOOLARD: Opposed? All right. Mr.
11 Wingate, I'm sorry we didn't mean to move
12 fast, but you were making a face that looked
13 like you had something to say?

14 MR. WINGATE: No.

15 MS. WOOLARD: I apologize for that.
16 The motion, let me say the motion carries. I
17 apologize.

18 MR. WINGATE: No, it. No, it's a point
19 as a point of order I was just curious about
20 the chair making the motion.

21 MS. WOOLARD: I'm sorry, I didn't make
22 the motion. I didn't think I was.

23 MS. SMITH: Aaron made the motion.

24 MR. WINGATE: I guess, I think you so
25 moved it but that's okay.

1 MS. WOOLARD: Did I?

2 MR. WINGATE: No, that's fine.

3 MR. JOHNSON: So moved means that
4 whatever they the person said I'm making
5 the --

6 MR. WINGATE: I understand what so
7 moved means Mr. Johnson.

8 MR. JOHNSON: Well --

9 MR. WINGATE: Thank you.

10 MR. JOHNSON: -- you didn't recognize
11 that.

12 MS. WOOLARD: Well, I heard -- I heard
13 the chair you know laying it out and then you
14 so moved her motion. That's --

15 MS. WOOLARD: We can take it over well
16 and we can't really take it over because --

17 MR. JOHNSON: Yeah (inaudible).

18 MR. WINGATE: Look okay, not -- let's
19 move on. Thank you.

20 MS. WOOLARD: Okay. Thanks a lot.

21 MR. JOHNSON: Uh-hum.

22 MS. WOOLARD: Okay, so what we have
23 done now is approve the advanced voting
24 locations. The kind of the base, if you will.
25 And then we have given staff some very

1 specific instruction on other things that they
2 might consider and expand to should budget,
3 personnel, timing, notice, legal factors allow
4 them but let me just manage the expectations
5 of the people who are watching that even
6 though we have given the staff the option for
7 all those things, that does not mean that the
8 staff is going to do all of those things.

9 We have really a lot of constraints
10 about what we're able to do beyond this base
11 but because time is moving very quickly and
12 having a special called meeting to come back
13 and reconsider specifics relative to that, we
14 will trust their judgment and their ability to
15 do what's right --

16 MS. SMITH: Uh-hum.

17 MS. WOOLARD: -- to allow as many
18 people to vote in this little, teeny time.
19 And the last thing that I'll say about that is
20 please, voters, make a plan, come out early,
21 and vote as soon as you possibly can because
22 Election Day is bound to be a very
23 enthusiastic voting day, and it'll be best for
24 all if we can get people in and out early.

25 All right. Now, we will move to the

1 old business section of the agenda and the
2 first thing would be the approval of minutes
3 for the special meeting on September 13th, the
4 executive session, excuse me, on September
5 13th. Regular meeting on September 28th,
6 executive session on September 28th, regular
7 meeting on October 13th, executive session on
8 October 13th. Any discussion? Corrections?
9 Things you want to pull off?

10 MS. SMITH: Nope.

11 MS. WOOLARD: Okay. Anybody want to
12 make a motion?

13 MS. SMITH: I make a motion that we
14 accept -- we approve the minutes of the
15 special September 13th, executive September
16 13th, regular meeting the 28th, executive
17 session the 28th, regular meeting the 13th,
18 executive session the 13th minutes.

19 DR. RUTH: Second.

20 MS. WOOLARD: Properly moved and
21 seconded. All those in favor please say aye.

22 MS. SMITH: Aye.

23 DR. RUTH: Aye.

24 MS. WOOLARD: Opposed? There are none.
25 The motion carries to approve those minutes.

1 And now I think we're going to do a short
2 monthly operations report. I will let you,
3 Ms. Williams, you know, move us through that.

4 MS. WILLIAMS: Okay. We will start on
5 page 23 with the administrative division. I'm
6 sorry, page 22 with the administrative
7 division.

8 MS. LITTLE: Good morning, Board and
9 citizens.

10 MS. WOOLARD: Good morning.

11 MS. LITTLE: Okay. The October report
12 for the administration division. We will
13 discuss vacancies. We currently recruiting
14 for the following: director, that position is
15 still open. Registration manager, interviews
16 have been completed and employees on board.
17 Registration officer, we are still reviewing
18 and conducting interviews.

19 Preparation of the 2022 elections, we
20 recruited additionally 26 security specialists
21 who provide security during our advanced
22 voting. We have continued procurement of the
23 necessary goods and services for the November
24 and December election. And we routinely
25 process and submit invoices for payment.

1 Campaign contribution disclosure
2 report, late and non-filers report has been
3 submitted to the state for the September 30th
4 filing. And the next one will be -- was on
5 Friday, October the 25th, with the grace
6 period of Wednesday, November 2nd. And this
7 is the conclusion of our October
8 administration report. Any questions?

9 MS. WOOLARD: Okay. Is someone going
10 to discuss the budget in that report? The
11 2022 election budget? At the bottom of that
12 page?

13 MS. WILLIAMS: Okay. Ms. Janell will
14 cover the budget portion.

15 MS. BARGANER: All right we are
16 operating within our budget for 2022. So we
17 are currently on track for our full budget.
18 As you see the total elections budget for 2022
19 is the \$33 million dollars that you see on the
20 operating report. The operations budget is at
21 \$4.4 million, so we are currently tracking
22 within our budget, including coming into the
23 December runoff of where we are for budget
24 purposes.

25 I've run the budget actual reports and

1 provided that to the finance department, and
2 so we're currently tracking within our budget.
3 And we have lots of projects that we've got
4 going on as well as getting ready for the
5 recount that's coming up and providing the
6 funding that's needed for the recount at the
7 Georgia International Convention Center with
8 400 staff that we're bringing on for that
9 recount project.

10 So all of those things are within the
11 budget numbers that we have. Thank you.

12 MS. WOOLARD: Any questions about that?
13 Can I just say thank you all so very much for
14 operating within a budget that is faced often
15 times with really unanticipated things like a
16 runoff, like a recount that requires 400 staff
17 in the renting of a major hall to have room to
18 do that.

19 Those were not things that we could
20 anticipate going in but you guys did a great
21 job of forecasting your budget to get us there
22 and having a runoff on top of that just adds
23 to the equation.

24 Also just to say for folks that listen
25 in, we are still on track with our new

1 election center where everything is going to
2 be in one location, and the staff will be in a
3 location together. I'm really excited about
4 that. That's something that's kind of first
5 and second quarter of the new year, and we'll
6 be talking a lot more about it but that goes
7 into this budget. And again with all those
8 moving parts; inflation, the run ups, really
9 appreciate your management of our budget,
10 given all of those challenges. Thank you.

11 MS. WILLIAMS: On page 24, we will
12 cover the absentee division.

13 MS. BODISON: Good morning, Board.

14 MS. WOOLARD: Good morning.

15 MS. BODISON: During the month of
16 October again, we spoke with several vendors
17 Bluecrest Ballot Solutions, Opex, and Fort
18 Orange. Also in the month of October we began
19 mailing out absentee ballots on the 11th. We
20 concluded absentee ballot mail out on the
21 October 28th.

22 Drop box is opened October 17th, and we
23 were able to collect almost 6,000 from the
24 drop boxes during the time that they were
25 open -- during operational, during early

1 voting hours.

2 The statistics at the time of this
3 report was 23,167, but as you can see that in
4 this report was provided as of I think
5 Thursday or Friday, so it hadn't changed much
6 from what was provided in the results. So I
7 think that was 23,200, if I'm not mistaken, or
8 220.

9 Electors had the ability to cure their
10 ballot up until November 14th, and some of
11 them did. And that will conclude the report.

12 MS. WOOLARD: I'm going to have some
13 questions, but I'll defer to y'all that if you
14 have questions for the Board. Mr. Johnson,
15 sorry.

16 MR. JOHNSON: Just a couple questions.
17 For the runoff, people are able to apply for
18 their absentee ballot currently?

19 MS. BODISON: Yes.

20 MR. JOHNSON: And when will the
21 absentee ballots start going out?

22 MS. BODISON: Whenever the ballot
23 project is approved. So we're anticipating
24 between Friday and Monday.

25 MS. WOOLARD: Can you just say --

1 MR. JOHNSON: What are those dates?

2 I'm sorry.

3 MS. BODISON: Okay. I'm sorry.

4 MS. WOOLARD: I just want to make sure
5 that we're explaining for the public.

6 MS. BODISON: Sure.

7 MS. WOOLARD: Could you say what that
8 is so that people understand what the process
9 is?

10 MS. BODISON: Okay.

11 MS. WILLIAMS: Okay, so for the ballot
12 project, we had to make sure all the local
13 races that the ballot itself was proofed and
14 confirmed from the municipality. So we did
15 those things.

16 We have sent our ballot sign off to the
17 Center for Election Systems and they're
18 building the ballot project. Once that
19 happens we will have the program to put on the
20 machines, they'll be able to send the ballot
21 project to our ballot vendor to start making
22 the ballots.

23 So that would be what Ms. Bodison is
24 referring to, to get the actual paper ballots
25 in so she can actually physically put them in

1 the mail. So all those things have to take
2 place before she can mail them.

3 MR. JOHNSON: Do we have to wait for
4 the Secretary of State's office to certify
5 because my understanding they're not
6 certifying today?

7 MS. WILLIAMS: I believe I'd have to
8 confirm that.

9 MR. JOHNSON: Okay.

10 MS. WILLIAMS: I'd have to confirm that
11 information if we're we have to wait for them.
12 But I bel --

13 MR. JOHNSON: So the earliest people --
14 I'm sorry. I didn't mean to cut you off. So
15 the earliest that people who may have already
16 applied for their absentee ballot, that they
17 should start looking for it probably the
18 latter part of next week?

19 MS. BODISON: Yes.

20 MS. WILLIAMS: I'd have to agree with
21 that, yes.

22 MR. JOHNSON: And then they only
23 have -- whatever days we do early voting, for
24 say college students or people who may be in
25 town or people getting ready to go out of town

1 or something like that or folks that just
2 don't necessarily trust that their ballots
3 will get back in the mail fast enough because
4 we only have a week, they'll be able to drop
5 them off at the 7 drop boxes and the 3 offices
6 correct?

7 MS. WILLIAMS: Yes. And they can also
8 surrender their ballot if they choose to vote
9 in person. They can bring it in and surrender
10 it and vote in person as well during advance
11 voting or on Election Day.

12 MR. JOHNSON: Okay. And I feel like I
13 had one more, but that'll do for now. Thank
14 you.

15 MS. WOOLARD: Other questions?

16 MS. SMITH: I have a quick question.
17 On the -- when we're using the 2, the South
18 Annex and the North Annex for dropping off
19 absentee ballots, can we make sure we have
20 signage?

21 MS. WILLIAMS: Yes, so that was that
22 was brought to our attention last election so
23 we have had those signs created and it will be
24 placed.

25 MS. SMITH: Okay. Great. Thank you,

1 ma'am.

2 MS. WOOLARD: Okay. Dr. Ruth?

3 DR. RUTH: And what's the last -- the
4 date of drop off of the absentee ballots
5 just --

6 MS. WILLIAMS: For the drop boxes?
7 It's on the last day of advanced voting which
8 is on the --

9 DR. RUTH: The 2nd.

10 MS. WILLIAMS: When the December 2nd,
11 when the advanced voting sites close, but they
12 have up until Election Day at 7 o'clock to
13 take them to the offices.

14 DR. RUTH: To the -- the North Annex?

15 MS. WILLIAMS: North Annex, South
16 Annex, or Government Center.

17 DR. RUTH: -- or government center.

18 Okay. And they can do that the day -- up till
19 the day of, did you say?

20 MS. WILLIAMS: Until seven o'clock --

21 DR. RUTH: On Election Day.

22 MS. WILLIAMS: -- on Election Day.

23 MS. WOOLARD: Mr. Wingate, did you have
24 any questions? I'm sort of going through the
25 line. Okay. Thank you.

1 MR. WINGATE: I'm good. Thank you.

2 MS. WOOLARD: Okay. So the -- the
3 lesson here for folks who want to vote
4 absentee is get your request in right away and
5 understand you need to return it either by
6 mail or in person at the locations we've just
7 described as soon as possible.

8 And understand if you put things in the
9 mail over the Thanksgiving holiday, there's
10 going to be some delay. Again, none of these
11 things are or hurdles that we've put in place
12 but we just want to make sure that people --
13 and I know we've had a lot of discussion about
14 kids on campus who might or might not be here
15 during Thanksgiving and be able to vote.

16 We're trying to do everything we can to
17 facilitate that, but do us all a favor and get
18 those things in right away and we will get
19 them out as quickly as we can.

20 But again, understand the timing of
21 when we can start sending them out is not
22 dependent on necessarily what we do but the
23 sequence of things that we have to do to get
24 those ballots back to be able to send to you.
25 Thank you for going through those details I

1 appreciate it because we've had a lot of
2 interest.

3 MS. WILLIAMS: Okay. On page 28,
4 registration.

5 MS. MARSHALL: Good morning. As of
6 October 31st, there were 860,722 registered
7 voters in Fulton County. 752,839 of those
8 voters were active, 170,883 were inactive.

9 In the month of October we received
10 15,410 registration applications that was
11 inclusive of DDS applications, online
12 applications, third-party vendors, and
13 applications dropped off at our office.

14 As of November 11th, we have a total of
15 18,541 applications to be processed. Our
16 front office was very busy in the month of
17 October. We received 12 -- I mean I'm sorry,
18 1,265 people come into our office to either
19 verify their polling location, register to
20 vote or check the status of their
21 registration.

22 We have been conducting interviews for
23 the Registration Officer vacancies within our
24 division. Recruitment is still ongoing. We
25 have -- we will continue to do street

1 maintenance, street audits. We work with Blue
2 Raster in order to assure that people were in
3 the correct precinct prior to Election Day and
4 we will continue the list maintenance
5 activities and responding to state election
6 investigations. That will conclude the report
7 for the registration division.

8 MS. WOOLARD: Questions? Mr. Wingate?
9 Sorry, I think --

10 MR. WINGATE: Thank you, Ms. Marshall.
11 Question is, of our current voter file, how
12 many of the voter records are flagged pending?

13 MS. MARSHALL: So currently there are
14 5,572 people flagged as pending.

15 MR. WINGATE: Okay.

16 MS. MARSHALL: Those people are in
17 regards to challenges. But I will have to
18 look at who's pending due to new registration.
19 So that's a different type of pending. Would
20 you like that number as well? Or are you
21 asking only for challenge reasons?

22 MR. WINGATE: Well, combination, I
23 guess, of everything just because we've had so
24 much discussion on this. You know, just
25 trying to make sure that we're all kept up to

1 date on that work that you all have had to do
2 and have done just so we know what that number
3 is going forward because you know, hopefully
4 as it stands right now, you're 5,572 that
5 weekend you're going to have some curing to
6 those hopefully and obviously. Just so that
7 we you know continue to track so we roughly
8 know how many of those that we still have
9 on -- on our -- on our current file.

10 MS. MARSHALL: So currently, as of
11 today, if we look at our current dashboard
12 there are 5,435 pending voters that will be
13 inclusive of people that we placed in pending
14 status due to challenges and people who are
15 newly registered pending verification.

16 MR. WINGATE: Okay. Okay. Those --
17 that there's categorically there's various
18 reasons, as we know, for these voter files
19 that are pending, do you maintain a breakout
20 of those? In other words, lack of date of
21 birth, business address? Some of the things
22 that I think that we've seen and had to deal
23 with here over the last several months. Is
24 that kept that way, Ms. Marshall?

25 MS. MARSHALL: Yes, I can email that to

1 you the breakdown of the people that are
2 currently in pending. But what I can say
3 right now, is I pulled my report so that I'll
4 be prepared this morning there are 663 pending
5 age. There are 4,087 pending the 40-day
6 clock. So they -- those are people that are
7 on the 40-day clock right now. There are 685
8 pending the 26-month clock. And then I'll
9 provide the breakdown of the people that we
10 placed in pending as far as the challenges via
11 email.

12 MR. WINGATE: Beautiful. Thank you.

13 MS. MARSHALL: You're very welcome.

14 MS. WOOLARD: Other questions?

15 MR. JOHNSON: Hi.

16 MS. WOOLARD: Mr. Johnson?

17 MR. JOHNSON: I remember my question
18 that I forgot for Mariska.

19 MS. WOOLARD: Okay.

20 MR. JOHNSON: Sorry. One of the issues
21 that I think a lot -- that we discussed that
22 several people had was how to do the absentee
23 ballot application. Can you make sure that
24 the folks understand exactly what they need to
25 do so they don't run into that issue? Cause

1 they're -- they have fewer, they have less
2 time this time.

3 MS. WOOLARD: Can I -- can I just make
4 sure we're finished with a registration report
5 and then we'll just have her do that? Just
6 one second.

7 MR. JOHNSON: Okay.

8 MS. WOOLARD: That's a good question.
9 Any any other questions for Ms. Marshall
10 relative to that? I have a question so we
11 have 18,000 applications to be processed and
12 those need to be processed prior to the
13 beginning of advanced voting; is that correct?

14 MS. MARSHALL: Yes. In speaking with
15 the SOS this morning, we have already began
16 processing them as of yesterday. When I spoke
17 to them and I spoke with Dominique, they're
18 going to pull the file on Friday evening
19 usually around nine o'clock so we will have
20 those applications in prior to that deadline.

21 MS. WOOLARD: Okay. And I noticed that
22 you have 6 vacancies in the department, so
23 still going to be okay getting all that done
24 with those that many vacancies?

25 MS. MARSHALL: Yes, ma'am, we will.

1 MS. WOOLARD: Okay. Thank you. Other
2 questions? Okay.

3 MR. JOHNSON: Now I have a question for
4 her because you sparked something.

5 MS. WOOLARD: All right you you ask
6 her a question and then we'll -- we'll -- it
7 will bring this part to a conclusion we'll go
8 back to Ms. Bodison.

9 MR. JOHNSON: Okay. For clarity, is
10 there a new registration deadline for the
11 runoff?

12 MS. MARSHALL: Yes. Thank you, Mr.
13 Johnson. So for the runoff, there's a federal
14 deadline which was November 7th. So all of
15 the applications that we received in our
16 office prior to November 7th, we are
17 responsible for processing those.

18 For the citizens, we would like to let
19 you know that if you are registering for the
20 first time or making -- if you're registering
21 for the first time, you will receive a federal
22 only contest ballot. So you will not get
23 anything outside of the federal election.

24 MR. JOHNSON: So what that means is,
25 the registration deadline before was October

1 3rd?

2 MS. MARSHALL: The registration
3 deadline before was October 11th.

4 MR. JOHNSON: Oh, it was the 11th? I
5 apologize.

6 MS. MARSHALL: Yes, sir.

7 MR. JOHNSON: Oh it was October the
8 11th. So everyone who submitted an
9 application, a registration application
10 between October 12th and November --

11 MS. MARSHALL: 7th.

12 MR. JOHNSON: -- 7th, they will be able
13 to vote in the runoff but they will only be
14 able to vote for the federal election which is
15 the U.S Senate race?

16 MS. MARSHALL: Yes, sir. That is
17 correct

18 MR. JOHNSON: Okay. I just wanted to
19 clarify that because there's been a lot of
20 question on can people vote if they weren't
21 registered. Or what about -- and this may not
22 be a registration question, but if you didn't
23 vote at all but you were registered you didn't
24 vote in the general, can you vote in the
25 runoff?

1 MS. MARSHALL: Yes, sir, you can.

2 MR. JOHNSON: Okay. That's it.

3 MS. WOOLARD: Other questions?

4 Comments? Just to in wrapping up with that to
5 your point then I'll go back to you again, if
6 people are watching people in this room
7 please, please, please go to the Secretary of
8 State's website check My Voter page make sure
9 everything is in order. If it's not, contact
10 us now.

11 I also want to thank my colleagues who
12 were available all day long from 10 a.m. to I
13 think 6 p.m. on Election Day to hear --
14 challenge voters who came in with corrections.
15 We had a number of people who made a point to
16 come and do that and then return to their
17 polling place for voting, and I just
18 appreciate you all because that was again some
19 extra and appreciate you doing that.

20 All right, now back to Ms. Bodison to
21 answer Mr. Johnson's question.

22 MR. JOHNSON: So just to go back, and I
23 apologize for -- I almost wrote it down.
24 Apparently, we had an issue with a lot of
25 people when they were applying for their

1 absentee ballot and this primarily pertaining
2 to people who applied online.

3 There's a two-step process and it seems
4 as though a good number of people only did the
5 first step, thinking they were going to get
6 their absentee ballot in the mail, but because
7 they didn't do the second step it was not
8 totally processed. Can you go through that
9 process just so people understand what they
10 need to do?

11 MS. BODISON: So when you go to the
12 Secretary of State's website, Jarvis, their
13 new system, it has you fill out this form,
14 your name, information phone number. If you
15 do not upload the application signed, not an
16 electronic signature, you have not submitted
17 an absentee request. So we have where some
18 electors are filling the form out, and there's
19 no PDF, there's no attachment. That's not a
20 request.

21 MR. JOHNSON: So basically what you're
22 saying is when you go online you need to fill
23 out the online form?

24 MS. BODISON: Sure.

25 MR. JOHNSON: Print that online form

1 out. Sign it. Scan it back in and then upload
2 it to the portal so it's a fully completed
3 application?

4 MS. BODISON: Absolutely.

5 MR. JOHNSON: So just for one more
6 time. Because apparently there were a lot of
7 voters who filled out the online form and they
8 completed it. And they thought that that was
9 all they had to do --

10 MS. BODISON: And they thought that was
11 the application.

12 MR. JOHNSON: -- so they were waiting
13 for their absentee ballot and of course it
14 never arrived. And then Mariska and her team
15 were able to go in and see for some people
16 that they had filled it out online but because
17 they didn't have an attachment, they didn't --
18 her team actually reached out to some people
19 as much as they could to say you got -- you
20 have more to do but obviously they weren't
21 able to do that for everyone.

22 So I just wanted the general public to
23 be clear that when you fill the application
24 out online, you fill it out, you print it out,
25 you sign the documentation, you scan it back

1 into the system and then you upload it into
2 the portal, and then that is considered a
3 completed application.

4 MS. WOOLARD: So may I just ask a
5 follow-on question to that? Is there an
6 alternative to scanning and uploading that
7 because you know I just kind of learned how to
8 do that in recent years, so that might be if
9 someone it might be difficult for someone.
10 Can you tell us what they would do?

11 MS. BODISON: Yes. They can simply
12 email to elections with an s dot absentee at
13 fultoncountyga.gov.

14 MS. WOOLARD: And can they also mail it
15 although that would take some time?

16 MS. BODISON: Yes, but we're we're
17 really encouraging voters to email if they can
18 because I mean as you know, if we get it late
19 there's nothing we can do but send them the
20 notice.

21 MS. WOOLARD: Okay. All right. Any
22 other questions about that? Again, folks make
23 a plan, start now, call us if you need help.
24 Thank you. All right. Next?

25 MS. WILLIAMS: On page 32, voter

1 education.

2 MS. LITTLE: Good morning, Board
3 Members.

4 MS. WOOLARD: Good morning.

5 MS. LITTLE: We'll go through this
6 quickly for you. In the month of October, we
7 trained 2 Deputy Registers and that was really
8 just the 2 new members that joined my team,
9 giving us a total of 490 for the year. We
10 registered 476 voters, giving us 2,320 on the
11 year. We recruited 60 poll workers, and that
12 gave that total of 956 for the year. We did 5
13 voter identification cards, giving us a total
14 of 50 for the year.

15 We held 85 events giving us a total of
16 496 for the year. We assisted with 75
17 absentee applications, giving us 372 for the
18 year.

19 Because we were so busy, we only we did
20 a hundred connections and connections it's
21 just the people were outreaching to host
22 events but that gives us a total of 2,336 for
23 the year. We had 6,800 event interactions
24 giving us over 20,000 for the year.

25 We had about 10 media inquiries giving

1 us 41, and I can confirm this number hopefully
2 with Ms. Waller at some point. There were
3 several civic holidays in October and so we
4 wanted to make sure we focused on those
5 holidays and also conducting outreach to the
6 senior centers, colleges and universities, and
7 municipalities and engaging our Deputy
8 registers.

9 So we coordinated 28 events for
10 National Voter Education Week, and you can --
11 those events are listed below for what we did
12 for National Voter Education Week. And then
13 for the sort of National Vote Early sort of
14 weekend, we coordinated 11 events and there
15 were several organizations that we worked with
16 that also hosted events on that weekend to
17 encourage people to vote. And all of those
18 events are listed below as well.

19 We also focused in with our public
20 schools to work with some of them with Fulton
21 County and Atlanta Public Schools we hosted
22 several events with the schools to get those
23 students registered before the federal voter
24 registration deadline of November 7th.

25 And then we're working on right now

1 through the end of -- well, towards the end of
2 October and actually through the beginning of
3 this month, we're working with doing outreach
4 to the senior centers and facilities that
5 we've previously visited just to make sure
6 they're not any others that need absentee
7 applications.

8 We've had several centers already call
9 us -- for to help us, help them fill out
10 applications for December. And as always
11 we're continuing to outreach to the different
12 municipalities and attend various events to
13 make sure we're getting the education outreach
14 initiative out to all the voters in Fulton
15 County. And that would conclude the October
16 report.

17 MS. WOOLARD: Thank you. Questions?

18 MS. SMITH: Can I just make a comment?
19 I want to thank you for all the reach -- the
20 outreach you've done. I think it's made a
21 difference, I appreciate it.

22 MS. LITTLE: Thank you.

23 MS. WOOLARD: Okay. Questions?
24 Comments?

25 MS. WILLIAMS: That concludes our

1 operations report.

2 MS. WOOLARD: Great. Before we move on
3 to the next piece, I don't believe we have a
4 reason for executive session today. Does
5 anybody disagree with that? Okay.

6 Anybody have anything else that they
7 want to say? We had such a good election, I
8 just want to continue to recognize the hard
9 work of the staff and thank all of the voters
10 for getting out early, making a plan, coming
11 to vote and having record turnout. It was it
12 was really a great day and we, we appreciate
13 everybody that helped make this a great
14 election

15 FEMALE VOICE: I think they need a
16 (clapping)

17 MS. WOOLARD: Yeah. (Clapping). Okay.
18 Thank you all so much. I just see the
19 students from Georgia Tech leaving, I just
20 want to acknowledge the great job that they
21 did at getting students to vote. They're not
22 listening to me but they get the accolades.
23 I'm a Georgia Bulldog fan but go Tech. You
24 did good. All right. Motion?

25 DR. RUTH: Entertain a motion -- a

1 motion to adjourn.

2 MS. SMITH: Second.

3 MR. JOHNSON: Oh, I thought we were
4 saying something. Okay.

5 MS. WOOLARD: Oh well, okay oh no well
6 we don't have a second yet.

7 MR. JOHNSON: I did.

8 MS. WOOLARD: Okay, sorry.

9 MR. JOHNSON: Oh, okay. I was going to
10 also echo the sentiments of the Chair. I know
11 that the staff get tired of me calling,
12 texting, calling back and then texting again,
13 but I promise you I only do it because I want
14 to make sure that everyone has equal access
15 and the ability to vote.

16 But I absolutely appreciate the
17 responsiveness, I appreciate the hard work
18 that everyone put into it. Sometimes we run
19 into some bumps, we find them we fix them and
20 we get people going. And no matter what they
21 say in the papers no matter what they say on
22 2, 5, 11 and 46, I believe that Fulton County
23 has the best operation in the State of Georgia
24 and quite frankly the Southeast. So I really
25 appreciate each and every one of you. Thank

1 you.

2 MS. WOOLARD: Thank you. Okay. We
3 have a motion to adjourn? G

4 MR. JOHNSON: Go ahead. You got it.

5 MS. SMITH: Just, just thank you. You
6 all know, I've seen you around a lot, but
7 thank you all again so much for all that you
8 do and you want to say something or am I going
9 to second you?

10 MS. WILLIAMS: Can I say on behalf of
11 myself and the entire department, we thank the
12 Board for your support. Honestly do, thank
13 you.

14 MS. WOOLARD: We're going to have a
15 group hug after this is over so just you know,
16 stick around. We've got a motion to adjourn.
17 Is there a second?

18 MS. SMITH: Second.

19 MS. WOOLARD: Properly moved and
20 seconded. All those in favor please say aye.

21 MS. SMITH: Aye.

22 MR. JOHNSON: Aye.

23 MS. WOOLARD: And then the motion, the
24 motion carries. The meeting is adjourned.
25 Thank you all.

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MS. SMITH: And you can get to your --
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CERTIFICATE

I, Wendy Sawyer, do hereby certify that I was authorized to and transcribed the foregoing recorded proceedings, and that the transcript is a true record, to the best of my ability.

DATED this 17th day of November, 2022.

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a.m 23:16 34:6 39:10 72:12	act 23:25	3:21 8:19	applications	73:19 74:17
Aaron 51:23	active 65:8	11:23 12:25	65:10,11,12,13	attend 78:12
ability 11:11 28:11 35:16 47:13 51:2 53:14 59:9 80:15 83:6	activities 66:5	13:8 15:3 27:3	65:15 69:11,20	attention 62:22
able 9:20 20:19 21:19 24:17 25:22 26:2,18 31:7 37:18 40:20 46:14 47:1 53:10 58:23 59:17 60:20 62:4 64:15,24 71:12 71:14 74:15,21	actual 56:25 60:24	30:15 43:1 81:4	70:15 76:17 78:7,10	audit 25:14
absentee 5:4,5 5:24 22:20 39:7 58:12,19 58:20 59:18,21 61:16 62:19 63:4 64:4 68:22 73:1,6 73:17 74:13 75:12 76:17 78:6	Adam's 8:2	alcohol 12:15	applied 61:16 73:2	audits 66:1
absolutely 15:7 74:4 80:16	Adams 5:11 6:23,25 7:1 8:6	allow 7:19 53:3 53:17	apply 59:17	authority 35:4 46:18 49:21
abundance 19:13	adaptable 32:2	allowable 40:25	applying 72:25	authorized 83:4
accept 17:9 54:14	add 21:24 36:3 37:18 46:15 49:6	allowed 40:17	appointment 3:12 11:24	availability 37:17 38:6 46:19 50:22
access 80:14	adding 35:19 37:12	allowing 42:23	appreciate 11:22 14:23 17:25 18:7 20:11 58:9 65:1 72:18,19 78:21 79:12 80:16,17 80:25	available 6:9 21:5,25 30:25 31:5 33:19,25 40:20,25 72:12
accessibility 33:20	address 43:9 67:21	allows 11:1 22:1 24:21 25:24	appreciated 5:7 10:5	aware 16:21
accolades 79:22	addressed 49:7	alternative 75:6	approval 2:24 12:16 13:14 18:1 20:16,21 21:3 25:22 42:4 54:2	aye 4:4,5,7 17:13 17:14,14,16 20:7,8,8 39:23 39:24,25 45:6 45:7,9 50:14 50:15,16 51:7 51:8,9 54:21 54:22,23 81:20 81:21,22
accommodate 34:25 47:25	adds 57:22	amend 43:24	approve 3:23 12:20 17:9 19:22 23:15 39:6 52:23 54:14,25	B
accomplish 14:25	adjourn 80:1 81:3,16	amended 44:15	approved 40:17 59:23	back 9:25 13:12 15:5 53:12 62:3 64:24 70:8 72:5,20 72:22 74:1,25 80:12
accounted 17:3	adjourned 81:24	amount 26:11	arrived 74:14	ballot 12:15 16:15 21:20 58:17,20 59:10 59:18,22 60:11 60:13,16,18,20 60:21 61:16 62:8 68:23 70:22 73:1,6 74:13
accurate 7:19	administration 55:12 56:8	and/ 27:25	asking 66:21	ballots 5:5 7:7 22:21 23:11 58:19 59:21 60:22,24 62:2 62:19 63:4
acknowledge 79:20	administrative 55:5,6	and/or 24:5 28:1 44:1,3	assistant 17:21	
	ado 12:3	Annex 23:10,11 62:18,18 63:14 63:15,16	assisted 76:16	
	advance 34:5,11 34:18 50:19 62:10	announce 2:11 19:4	assume 32:10 46:6	
	advanced 20:19 29:7 33:1 36:3 39:7 52:23 55:21 63:7,11 69:13	announced 26:8	assuming 13:13 31:24	
	advised 26:1	answer 43:20 72:21	assure 66:2	
	advise 37:19	answered 41:25	astute 11:9	
	affect 16:16	anticipated 57:20 59:23	Atlanta 19:8,24 77:21	
	age 68:5	anybody 26:22 26:25 27:6 54:11 79:5,6	attachment	
	agenda 2:24 3:8 3:23 12:2 13:16 54:1	anybody's 12:4		
	ago 8:7	anyway 33:9		
	agree 61:20	apologize 8:16 21:13 51:15,17 71:5 72:23		
	ahead 2:8 3:12	apparent 6:10		
		apparently 72:24 74:6		
		application 68:23 71:9,9 73:15 74:3,11 74:23 75:3		

<p>64:24 BARGANER 56:15 base 42:9 45:12 52:24 53:10 based 35:17 47:4 basically 29:1 73:21 bearing 15:7 Beautiful 68:12 began 58:18 69:15 beginning 2:2 69:13 78:2 Beginnings 22:15 begins 23:18 behalf 81:10 bel 61:12 believe 6:11 61:7 79:3 80:22 Benson 22:17 best 29:2 33:22 51:1 53:23 80:23 83:6 better 15:2 beyond 53:10 bird's 6:2 birth 67:21 bit 22:7 25:7 Blue 66:1 Bluecrest 58:17 board 1:10 2:13 3:6 5:22 6:8,13 6:19 8:12 10:12,15,19,21 11:4,7 12:8,11 12:16,21 16:3 17:18 20:16 24:1,2 32:13 32:19 55:8,16 58:13 59:14 76:2 81:12 BOC 42:4 Bodison 58:13 58:15 59:19,22 60:3,6,10,23</p>	<p>61:19 70:8 72:20 73:11,24 74:4,10 75:11 75:16 bottlenecks 31:14 bottom 56:11 bound 53:22 box 22:9,15 23:7 39:7 58:22 boxes 21:14,17 23:5,8 58:24 62:5 63:6 break 14:23 35:11 36:9 breakdown 68:1 68:9 breakout 67:19 Breen 4:12,20 4:22,23 bring 23:11 62:9 70:7 bringing 57:8 broad 44:20 broke 15:15 brought 48:7 62:22 Buckhead 22:16 budget 7:14 20:24 22:1 25:23,24 27:24 30:23 35:18 36:1 37:17 38:11 40:12 42:4 46:2,23 47:22 50:22 53:2 56:10,11 56:14,16,17,18 56:20,22,23,25 57:2,11,14,21 58:7,9 budgetary 21:20 25:23 30:20 41:2 46:5 building 60:18 buildings 32:6 32:18 33:25</p>	<p>Bulldog 79:23 bulletin 40:19 bumps 80:19 business 3:11,12 3:24,25,25 8:6 11:23,23 12:5 13:4,18,18,19 13:20 54:1 67:21 busy 65:16 76:19 button 4:18 5:12</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>call 75:23 78:8 called 53:12 calling 80:11,12 camp 47:15 Campaign 56:1 campus 9:24 10:2 11:18 21:4 35:1 38:2 45:19,22 47:16 47:18,25 64:14 campuses 10:21 11:5 21:5,24 21:25 35:4,5 36:4 37:19 40:10 43:9 45:25 46:3,8 46:19,25 47:13 47:17 48:24 49:16 capacity 19:2 capture 5:7 car 10:1 29:1 card 3:1 cards 4:10 17:3 76:13 care 27:4 carries 17:18 40:5 50:18 51:16 54:25 81:24 carve 42:15 case 7:22 cast 15:11,22,23</p>	<p>29:9 categorically 67:17 cause 31:16 68:25 caution 19:14 caveat 3:23 CDLT 83:24 cell 2:22 center 8:3 10:18 10:24,25 22:17 22:22 25:17 57:7 58:1 60:17 63:16,17 centers 77:6 78:4,8 central 10:25 cert 19:21 certain 31:14 certainly 6:17 48:12 CERTIFICATE 83:1 certification 7:19 12:6,23 13:14 14:1,3 15:8 16:1 17:10 19:22 certify 12:16 19:17 20:10 61:4 83:3 certifying 7:2 19:5 61:6 chair 17:8 19:20 51:20 52:13 80:10 Chairperson 13:2 challenge 18:18 24:23 66:21 72:14 challenges 18:21 48:6 58:10 66:17 67:14 68:10 change 3:24 15:25 21:17</p>	<p>29:1,20 34:15 42:22 43:15 changed 22:12 59:5 changes 24:6 33:16 changing 24:13 chaos 31:16 chapter 9:2 check 7:5 20:24 20:25 32:1,10 65:20 72:8 checked 17:4,6 checking 16:13 choice 32:20 choose 62:8 chose 16:12 citizens 55:9 70:18 City 12:14 14:4 14:4,5,5 19:5,8 19:8,8,9,9,24 19:24,25,25 20:1,1 civic 77:3 clapping 79:16 79:17 clarification 22:8 clarify 19:4,11 71:19 clarity 70:9 classes 11:3 clear 6:17 13:2 13:11,22 23:3 23:13 26:5 28:14,16,19 35:7 74:23 clerkal 16:11 clock 68:6,7,8 close 47:18 63:11 closeness 48:8 closest 47:14 closing 32:15 coll 37:1 colleagues 72:11</p>
--	---	--	--	--

<p>collect 58:23 college 5:3 10:20 11:5 21:24,25 22:5 36:22 37:19 38:14 40:9 43:9 46:8 46:19 47:25 48:24 49:15 61:24 colleges 36:19 36:20,21,25 37:2,12 42:10 45:15 49:23 77:6 combination 66:22 combo 16:12 come 4:13 5:22 11:15 24:16 29:9,15 31:3 48:22 53:12,20 65:18 72:16 comfortable 5:16 coming 56:22 57:5 79:10 commencement 48:8 comment 2:23 11:21 15:6 78:18 comments 12:4 18:8 72:4 78:24 communicatio... 4:9 complete 25:19 completed 55:16 74:2,8 75:3 completely 6:11 complimentary 6:6 concerned 32:15 32:23 conclude 59:11 66:6 78:15 concluded 58:20</p>	<p>concludes 11:21 78:25 conclusion 56:7 70:7 conduct 25:9 conducting 25:15 55:18 65:22 77:5 confidence 6:12 confirm 61:8,10 77:1 confirmed 60:14 congratulations 14:15 17:24 connect 3:7 connections 76:20,20 consider 24:1,2 26:24 29:24 53:2 consideration 43:10 47:23 considerations 30:19 50:21 considered 28:22 48:2 75:2 considering 27:20 constraints 18:13 26:17 46:5 47:21,22 53:9 contact 46:14 72:9 contest 70:22 continue 30:16 65:25 66:4 67:7 79:8 continued 55:22 continuing 15:9 78:11 contradictory 23:24 contribution 56:1 Convention</p>	<p>25:17 57:7 coordinated 77:9,14 correct 7:13 16:15 36:17 37:13,14,15 46:11 48:17 62:6 66:3 69:13 71:17 corrections 54:8 72:14 correctly 24:8 27:9 cost 27:10,16 count 25:14 26:7 26:8,12 counties 7:16 County 1:10 4:23 5:21 7:1 7:10 19:6 20:2 32:6 33:24 34:5 65:7 77:21 78:15 86:22 couple 23:20 24:10 27:23 48:19 59:16 course 22:19 74:13 cover 56:14 58:12 CRAWFORD 3:22 17:11 created 62:23 credentialed 30:1 Creek 22:18 CT 22:16 cure 59:9 curing 67:5 curious 51:19 current 66:11 67:9,11 currently 55:13 56:17,21 57:2 59:18 66:13 67:10 68:2</p>	<p>cut 61:14 cycle 33:13 <hr/> D <hr/> D.C 1:24 dashboard 67:11 date 41:12,14 43:16,16 63:4 67:1,20 DATED 83:7 dates 18:2 20:14 20:23 21:3,18 22:3 40:19,21 40:24 42:17 60:1 day 6:3 7:2 9:4 25:18 26:11 29:13 33:1,2,3 33:5,7 34:7 41:8,22 47:6 53:22,23 62:11 63:7,12,18,19 63:21,22 66:3 72:12,13 79:12 83:7 days 8:7 10:22 21:1 27:12,18 29:12 31:15,17 32:3 34:8 35:2 38:2 41:13 48:19 61:23 DDS 65:11 deadline 24:24 25:1,2,19 69:20 70:10,14 70:25 71:3 77:24 deal 67:22 dealing 36:10 December 9:5 18:3 23:17 34:8 39:9 55:24 56:23 63:10 78:10 decided 2:18 decision 18:5</p>	<p>25:25 28:5,12 34:16 47:24 decisions 6:13 defer 59:13 delay 64:10 delayed 2:13 demand 25:5 demanding 8:8 Dennard 22:18 22:24,25 23:1 department 5:23 6:8,12,19,20 7:23 35:16 38:10 43:14 49:5,21 57:1 69:22 81:11 departments 5:25 depend 37:16 dependent 22:4 37:16 42:20 64:22 depending 21:19 46:1 Deputy 76:7 77:7 described 64:7 detail 18:4 20:11 details 64:25 determination 35:17 38:11 47:4 51:1 determine 34:10 determined 23:6 49:19 dictated 18:14 difference 78:21 different 5:25 32:20 38:18 42:21 49:16 66:19 78:11 differently 40:11 difficult 11:16 33:18 75:9 DIGITAL 1:23 direction 24:16</p>
--	--	---	--	--

<p>43:25 44:2 directive 24:6,13 directly 23:12 director 55:14 disabilities 9:15 disagree 79:5 disclosure 56:1 discuss 45:17 55:13 56:10 discussed 68:21 discussing 27:23 discussion 3:14 18:1,19,24 20:18 23:15 33:15 35:10 38:17 39:22 40:6 43:3 49:1 54:8 64:13 66:24 discussions 28:8 dispose 43:21 distinction 44:5 distracting 37:9 division 55:5,7 55:12 58:12 65:24 66:7 documentation 74:25 doing 26:11 28:25 37:22 72:19 78:3 doke 11:20 dollars 7:15,17 56:19 Dominique 69:17 dot 75:12 double 17:4 20:24,25 32:10 doubly 3:21 Dr 4:2 29:21,23 30:1,8,12,14 30:17 35:12,15 36:6,14,18,20 37:1,11 38:22 38:25 39:15,20 40:14,21,24</p>	<p>41:5,11,16,19 42:3,7 44:23 47:9,10 48:4 54:19,23 63:2 63:3,9,14,17 63:21 79:25 drop 21:14,17 22:9,15,20 23:5,7,8 39:7 58:22,24 62:4 62:5 63:4,6 dropped 65:13 dropping 62:18 due 66:18 67:14 duty 11:19</p> <hr/> <p style="text-align: center;">E</p> <p>earlier 30:3,10 earliest 61:13,15 early 4:24,25 5:6 5:24 6:2,14,14 6:18 8:2 9:10 9:18,21,23 10:13,17,20,22 10:23 11:6,8 13:15 18:2,15 20:13 26:3 27:11,25 29:3 33:25 34:4,25 35:19,19 36:9 36:11,15 37:12 42:24 43:17 47:17,17 53:20 53:24 58:25 61:23 77:13 79:10 East 14:5 19:8 19:25 22:17 echo 80:10 education 6:1 76:1 77:10,12 78:13 educational 23:4 eight 15:24 16:8 16:14 either 24:12 64:5 65:18</p>	<p>election 2:14,16 5:24 6:3 7:2,3 9:4 10:14 12:7 12:11,13,17 14:6,11 16:16 18:3,10,11 19:7,7 20:20 25:6 26:10,20 29:5,6,13 31:2 33:1,2,3,4,7,13 35:6 40:19 49:24 50:6 51:2 53:22 55:24 56:11 58:1 60:17 62:11,22 63:12 63:21,22 66:3 66:5 70:23 71:14 72:13 79:7,14 elections 1:11 7:10,11,22,23 19:23 33:17 55:19 56:18 75:12 electors 59:9 73:18 electronic 73:16 email 67:25 68:11 75:12,17 emails 32:14 employees 55:16 encourage 9:17 77:17 encouraging 75:17 ends 48:16 engaging 77:7 ensure 16:14 30:22 31:16 entertain 35:9 43:4 50:24 79:25 enthusiastic 53:23 entire 37:22 81:11</p>	<p>equal 80:14 equation 57:23 error 16:11 essence 13:12 EV 32:1 evening 69:18 event 76:23 events 76:15,22 77:9,11,14,16 77:18,22 78:12 everybody 2:21 8:25 13:22 23:5 33:23 44:17 79:13 Everything's 17:3 EVIDENCE 1:23 evidenced 29:5 exactly 16:24 30:12 46:12 68:24 exams 11:14 exception 41:10 excited 18:23 58:3 excuse 54:4 execute 51:2,3 execution 6:10 executive 11:19 54:4,6,7,15,16 54:18 79:4 expand 5:6 20:22 53:2 expectations 26:19 53:4 explaining 60:5 explore 50:25 expressing 45:25 extend 27:25 34:18 extended 35:5 extending 24:15 35:19 50:19 extra 26:15 32:3 36:7 37:12 72:19</p>	<p>eye 6:2</p> <hr/> <p style="text-align: center;">F</p> <p>face 51:12 faced 57:14 facilitate 13:9 64:17 facilities 20:25 38:11 78:4 facility 32:5 facing 18:22 fact 32:2 factor 31:15 factors 37:18 53:3 fair 6:8 Fairburn 12:15 14:4 19:5,9,25 fan 79:23 fantastic 6:1 far 68:10 fast 51:12 62:3 favor 4:4 17:13 20:7 39:23 45:6 50:14 51:7 54:21 64:17 81:20 federal 70:13,21 70:23 71:14 77:23 feel 62:12 feels 34:24 FEMALE 3:9 8:5 20:5 34:13 35:8,22 36:7 36:22 37:6,10 79:15 fewer 69:1 figure 9:7 file 1:9 66:11 67:9 69:18 filed 8:7 18:17 files 67:18 filing 56:4 fill 73:13,22 74:23,24 78:9 filled 74:7,16</p>
---	---	--	--	---

<p>filling 73:18 finals 9:6 finance 57:1 find 33:18 80:19 fine 13:10 38:22 38:22 43:22 44:6,18,22,23 45:9 49:14,18 52:2 finish 11:1 finished 69:4 firm 34:4 first 3:7 4:12 10:11,17,24,25 27:4 54:2 58:4 70:20,21 73:5 five 11:2 15:10 15:20,22 fix 80:19 flagged 66:12,14 flags 17:20 flexibility 9:10 9:16 flipped 13:17 floor 30:16 flux 23:21 focused 77:4,19 folks 57:24 62:1 64:3 68:24 75:22 follow 16:2 follow-on 75:5 following 55:14 forecasting 57:21 foregoing 83:4 forgot 68:18 form 73:13,18 73:23,25 74:7 Fort 58:17 forward 24:9 67:3 found 15:20 frame 18:9 frankly 80:24 Friday 23:17,19 25:19 34:7</p>	<p>39:9 56:5 59:5 59:24 69:18 friends 11:4 front 12:13 22:16 65:16 fulfilled 8:8 full 56:17 fully 31:8 74:2 Fulton 1:10 4:23 5:21 7:1,10,21 14:6 19:6,10 20:2,2 23:10 23:11 33:23 34:5 65:7 77:20 78:14 80:22 Fulton's 7:14 fultoncountyg... 75:13 funding 57:6 further 12:3 future 9:9</p> <hr/> <p style="text-align: center;">G</p> <p>G 81:3 game 44:19 general 7:2 10:14 12:6,13 18:3 19:22 29:5 35:6 46:25 49:24 50:6 71:24 74:22 Georgia 7:17 9:2 9:3 10:10,14 10:17,23 11:8 18:14 24:21 25:16 34:10 45:19,23 46:13 47:11,14 57:7 79:19,23 80:23 getting 30:1,2 32:13 57:4 61:25 69:23 78:13 79:10,21 give 3:3 14:22 18:15 24:3,8</p>	<p>24:14 28:11 29:6 35:3 42:25 46:18 given 20:17 38:9 52:25 53:6 58:10 gives 76:22 giving 35:16 43:14 49:21 76:9,10,13,15 76:17,24,25 go 2:8 3:21 4:21 8:19 9:8,20 11:1,17 12:5,6 12:24 13:8 15:3 27:3 30:15 41:12 42:4 46:2 48:20 49:17 61:25 70:7 72:5,7,22 73:8 73:11,22 74:15 76:5 79:23 81:4 goals 6:7,15 goes 18:5 23:19 58:6 going 2:4,8,23 3:6 4:10 9:8,9 11:14,16,25 12:5 13:12,18 13:20 14:17 15:25 16:23 17:19 18:4,20 20:24 23:15 26:10,23 27:10 27:12,16 28:9 29:18 31:25 32:21 40:17 41:9 43:20 48:7,13 51:3 53:8 55:1 56:9 57:4,20 58:1 59:12,21 63:24 64:10,25 67:3 67:5 69:18,23 73:5 80:9,20</p>	<p>81:8,14 good 4:21 5:19 6:25 10:8,19 12:8,9 16:20 17:6 23:4 28:10 55:8,10 58:13,14 64:1 65:5 69:8 73:4 76:2,4 79:7,24 goods 55:23 government 22:22 63:16,17 grace 56:5 great 4:15 5:19 51:2 57:20 62:25 79:2,12 79:13,20 greatly 10:5 group 1:23 81:15 guess 29:24 30:18 32:6 51:24 66:23 guide 26:24 guys 4:24 8:9 57:20</p> <hr/> <p style="text-align: center;">H</p> <p>half 14:18 18:11 hall 57:17 hand 25:14 26:7 26:8 43:5 handle 6:21 33:19 happens 60:19 happily 26:16 hard 14:16,24 79:8 80:17 he'll 2:9 hear 15:16 18:19 32:22 33:11,14 33:14 37:8 46:7 72:13 heard 39:1 45:24 46:12,13 52:12,12 hearing 38:23</p>	<p>held 76:15 Hello 5:19 8:24 help 18:21 20:12 75:23 78:9,9 helped 79:13 Hi 4:22 68:15 high 29:4 higher 8:3 highest 45:20 highly 6:5 hold 24:19 holiday 14:18 21:2 34:1 64:9 holidays 5:2 31:1 77:3,5 home 5:2 9:25 honestly 20:22 31:17 45:20 81:12 hope 11:7 24:7 hopefully 5:1 25:18 67:3,6 77:1 hoping 25:18 host 76:21 hosted 77:16,21 hours 18:2 59:1 hug 81:15 humanly 6:21 hundred 76:20 hurdles 64:11</p> <hr/> <p style="text-align: center;">I</p> <p>idea 40:16 identification 76:13 identify 4:16 importance 10:13,20 important 11:8 11:10 improvements 14:24 inactive 65:8 inaudible 3:14 3:19 4:6 7:6 8:4 15:11,14</p>
---	---	---	--	---

<p>22:24 27:13 30:7 31:20 33:10 37:5 52:17 include 27:11,18 included 2:5 23:2 including 35:1 47:5,10 56:22 inclusive 44:21 65:11 67:13 incorrect 16:12 increase 24:3 27:17 incredibly 29:4 inflation 58:8 information 61:11 73:14 initiative 78:14 inquiries 76:25 instance 29:15 institution 11:9 instruction 24:1 24:4,12 28:5 34:17 53:1 instructs 23:6 intent 6:19 interactions 76:23 interest 29:4 45:25 46:21 65:2 interested 46:4 interesting 3:20 3:21 International 25:17 57:7 interpreted 40:11 interviews 55:15 55:18 65:22 investigate 35:17 investigations 66:6 invoices 55:25 issue 32:5 44:11</p>	<p>47:22 68:25 72:24 issues 27:10 33:20,20,21 68:20 it'll 53:23 item 12:23</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>Janell 56:13 Jarvis 73:12 Jo 4:14 5:9,20 job 6:1 9:14,14 9:19 57:21 79:20 jobs 9:12 Johnson 2:3 11:22 17:8,16 19:13,16,20 22:24 27:2,3 30:7,11 31:20 35:21 36:19,24 37:5 38:15 39:1,12,18,25 41:18 45:4 50:9 51:4,9 52:3,7,8,10,17 52:21 59:14,16 59:20 60:1 61:3,9,13,22 62:12 68:15,16 68:17,20 69:7 70:3,9,13,24 71:4,7,12,18 72:2,22 73:21 73:25 74:5,12 80:3,7,9 81:4 81:22 Johnson's 72:21 join 2:9 joined 76:8 Judge 24:5,12 Judge's 28:5 34:16 44:1,3 judgment 53:14 Julie 5:10 6:23 6:25</p>	<p style="text-align: center;">K</p> <hr/> <p>keep 10:4 29:8 kept 66:25 67:24 kid 9:15 kids 5:1,7 64:14 kind 11:11 12:1 42:9 52:24 58:4 75:7 kinds 34:22 36:2 know 5:3 7:8 8:12 9:11 14:15,21 16:3 16:21,22,22 18:7 26:9 29:12,13 31:7 32:12,23 33:14 34:20 47:11,16 47:21 48:12,14 48:15,16,20,21 51:2 52:13 55:3 64:13 66:24 67:2,3,7 67:8,18 70:19 75:7,18 80:10 81:6,15 known 34:4 knows 10:15</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>lack 67:20 late 5:4 40:16 56:2 75:18 law 18:14 19:2 23:6,23 24:18 24:21 28:7 34:10 40:10,25 lawsuits 18:16 28:8 34:9 laying 52:13 lead 9:1 48:15 learned 75:7 leaving 43:14 49:5 79:19 left 17:21 legal 50:23 53:3 lesson 64:3 let's 17:24 20:13</p>	<p>27:3 37:8 39:10,10 42:15 42:15 45:11 49:9 52:18 letting 8:18 level 5:16 29:9 libraries 33:24 library 8:2 22:16,16,18,18 22:19 light 4:18 5:13 5:13 limited 18:9 limits 19:1 line 63:25 lines 17:22 29:8 31:10 list 19:17 21:9 34:20 66:4 listed 77:11,18 listen 57:24 listening 34:3 79:22 litigation 42:20 little 8:13 17:20 22:7 25:7 53:18 55:8,11 76:2,5 78:22 live 4:17 8:23 10:3 local 60:12 location 10:25 47:12 58:2,3 65:19 locations 12:14 13:15 18:2,16 20:14,16,17 21:5,9,16 22:9 22:10 31:14 32:2 33:21 34:18,25 35:1 36:3 38:14 39:8 42:10 47:17 49:23 50:6,22 52:24 64:6 logistically 6:21</p>	<p>logistics 6:16 long 11:25 31:9 72:12 look 27:10,16 38:8 52:18 66:18 67:11 looked 16:5 51:12 looking 27:12 61:17 looks 31:21 lot 6:5 11:1,5,14 30:25 31:20 48:15 52:20 53:9 58:6 64:13 65:1 68:21 71:19 72:24 74:6 81:6 lots 57:3 love 6:18 lunch 11:3</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>M 1:24 ma'am 14:13 15:14 42:6 63:1 69:25 machines 60:20 Madam 17:8 19:20 mail 58:20 61:1 61:2 62:3 64:6 64:9 73:6 75:14 mailing 58:19 maintain 67:19 maintaining 26:19 maintenance 66:1,4 major 57:17 making 6:13 18:6 32:20 33:24 44:5 47:24 51:12,20 52:4 60:21</p>
---	---	--	--	--

70:20 79:10 MALE 3:19 4:7 manage 53:4 manageable 29:8 management 58:9 manager 55:15 managers 6:6 31:2 mandated 26:6 manpower 38:12 map 20:17 21:11 Margaret 4:12 4:22 Mariska 68:18 74:14 Mark 6:24 8:15 8:25 11:13 43:6 Mark's 43:5 Marshall 65:5 66:10,13,16 67:10,24,25 68:13 69:9,14 69:25 70:12 71:2,6,11,16 72:1 Martin 22:17 marvelous 6:4 Mary 4:14 5:9 5:20 master's 10:9 11:12 matching 7:9 matter 80:20,21 mean 30:2 32:19 38:17 51:11 53:7 61:14 65:17 75:18 Meaning 27:18 means 52:3,7 70:24 meat 12:1 media 76:25 meet 2:15 24:17	41:3,5,24 meeting 1:11 2:7 2:13 4:1 11:3 53:12 54:3,5,7 54:16,17 81:24 meetings 2:19 members 8:12 12:21 76:3,8 met 6:11 40:13 mic 4:17 5:15 12:19 microphone 4:13 middle 9:5 14:18 midst 25:3 million 7:14 56:19,21 Milton 20:1 mind 6:15 10:4 49:13 minute 17:23 30:13 minutes 3:2 11:2 54:2,14,18,25 missed 15:13 mistaken 59:7 modification 3:8 momentarily 2:4,9 Monday 59:24 monetary 47:20 47:21 month 2:16 58:15,18 65:9 65:16 76:6 78:3 monthly 13:3,13 55:2 months 67:23 morning 5:20 6:25 10:8 12:8 12:9 23:18,19 55:8,10 58:13 58:14 65:5 68:4 69:15 76:2,4 motion 3:15,16	3:17,17,18,23 12:20 14:12 17:9,18 19:16 19:21 26:25 27:22 29:19 35:10 38:15 39:3,14 40:5 42:13,15,22 43:12,13,23 44:25 48:24 49:10,12,20 50:18,24 51:16 51:16,20,22,23 52:14 54:12,13 54:25 79:24,25 80:1 81:3,16 81:23,24 motions 35:11 35:13 38:8,19 move 2:19 3:11 3:25 17:24 24:9 43:1 51:11 52:19 53:25 55:3 79:2 moved 4:3 11:22 17:12 20:6 39:12,18,22 45:5 50:13 51:4,6,25 52:3 52:7,14 54:20 81:19 moving 13:3 29:2 45:11 53:11 58:8 multiple 9:12 17:14 20:8 39:24 45:7 municipalities 19:24 77:7 78:12 municipality 60:14	name 5:20 8:17 8:22,25 73:14 National 77:10 77:12,13 necessarily 62:2 64:22 necessary 55:23 need 7:4,11 8:11 8:11 11:24 19:4,11 24:11 34:21,22 42:3 45:1 47:19 49:3,5 64:5 68:24 69:12 73:10,22 75:23 78:6 79:15 needed 57:6 needing 2:20 needs 7:21,21 48:1,1 never 74:14 new 3:11,25 11:22 12:5 13:4,17,19 22:15 57:25 58:5 66:18 70:10 73:13 76:8 newly 67:15 nine 69:19 non-filers 56:2 noon 11:24 Nope 54:10 Normally 2:15 North 22:21 23:10 62:18 63:14,15 notice 18:15 24:14,18 34:22 40:13 41:3,5,7 41:9,11,22 44:11 50:24 53:3 75:20 noticed 69:21 notification 24:24 November 1:12	12:7 19:23 23:16 27:11 28:3,7 34:6,11 34:13,14 39:9 42:25 50:20,20 55:23 56:6 59:10 65:14 70:14,16 71:10 77:24 83:7 number 2:5 7:7 16:10 23:5,8 27:17 66:20 67:2 72:15 73:4,14 77:1 numbers 7:4,5,5 7:6,6,9,13 8:9 8:12 12:12 57:11 NW 1:24
O				
				o'clock 63:12,20 69:19 observers 6:5 obtain 25:22 obviously 16:1 67:6 74:20 October 7:25 10:18 54:7,8 55:11 56:5,7 58:16,18,21,22 65:6,9,17 70:25 71:3,7 71:10 76:6 77:3 78:2,15 office 23:10 33:25 40:15 61:4 65:13,16 65:18 70:16 officer 55:17 65:23 offices 22:20 62:5 63:13 official 12:11 oh 5:14,17 12:10 29:22 32:23 33:4 39:16

<p>43:5,6 71:4,7 80:3,5,5,9 okay 3:21,22 4:22 10:6 13:6 13:21 14:7,14 16:17,20 17:7 20:13 22:2,13 22:23 26:4 27:6 28:13,17 32:7,12 33:5,9 35:14 37:21 38:3,7 39:5,17 39:21,22 40:2 40:4,21,24 41:16 42:2,3,5 42:7,18 43:3 43:22,22 44:16 44:24,24 45:10 47:8 48:3,23 49:16 50:18 51:25 52:18,20 52:22 54:11 55:4,11 56:9 56:13 60:3,10 60:11 61:9 62:12,25 63:2 63:18,25 64:2 65:3 66:15 67:16,16 68:19 69:7,21,23 70:1,2,9 71:18 72:2 75:21 78:23 79:5,17 80:4,5,8,9 81:2 Okie 11:20 old 3:12,24,24 11:23 13:18,20 54:1 once 49:21 60:18 ones 9:11 47:1 ongoing 65:24 online 65:11 73:2,22,23,25 74:7,16,24 open 7:24 8:7 21:23 26:2 31:9,11 35:2</p>	<p>36:2 55:15 58:25 opened 58:22 operating 56:16 56:20 57:14 operation 80:23 operational 58:25 operations 13:3 13:13 55:2 56:20 79:1 Opex 58:17 opinion 31:11 opinions 23:24 opportunities 29:7,17 opportunity 10:16 18:25 23:4 Opposed 4:6 17:15 20:9 40:1 45:8 50:17 51:10 54:24 option 10:2 23:9 24:3,8 38:10 40:8,10 43:1 43:15 53:6 options 9:23 40:9,11 49:4 Orange 58:18 order 4:11 29:8 44:1,3 45:16 51:19 66:2 72:9 organizations 77:15 outreach 6:1 77:5 78:3,11 78:13,20 outreaching 76:21 outside 11:18 70:23</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p.m 34:7 39:10</p>	<p>72:13 page 21:8,10,11 55:5,6 56:12 58:11 65:3 72:8 75:25 paid 14:25 paper 60:24 papers 80:21 Pardon 50:1 parents 9:13 32:14 Park 8:2 parking 33:21 part 24:18 26:21 36:11,11,14,15 40:6 43:12 61:18 70:7 particular 2:7 12:23 23:14 33:13 48:8 Partnership 10:11 parts 58:8 pay 30:23 payment 55:25 PDF 73:19 pending 20:21 21:2 22:4 34:9 66:12,14,18,19 67:12,13,15,19 68:2,4,5,8,10 people 9:12,13 9:15,19 16:14 18:8,25 22:8 22:19 24:11 26:5,13,14 29:9,14,15 30:25 34:3 48:20 53:5,18 53:24 59:17 60:8 61:13,15 61:24,25 64:12 65:18 66:2,14 66:16 67:13,14 68:1,6,9,22 71:20 72:6,6 72:15,25 73:2</p>	<p>73:4,9 74:15 74:18 76:21 77:17 80:20 perfectly 26:20 perform 11:18 performance 47:5 period 10:23 29:4,16 31:7 32:22 47:6 56:6 permanent 34:19 permission 42:25 permit 34:10 permitted 23:23 28:7 person 16:12,13 17:19 52:4 62:9,10 64:6 personnel 53:3 persons 16:8 pertaining 73:1 Pete 4:14 5:9,12 5:14,17,19,20 Phoenix 22:21 22:21 phone 73:14 phones 2:22 phrasing 24:7 physical 7:7 physically 60:25 piece 79:3 place 41:7 61:2 64:11 72:17 placed 7:25 41:14 62:24 67:13 68:10 places 11:6 48:20 plan 9:7 25:20 53:20 75:23 79:10 please 2:22 3:1,5 4:4,16 7:3 17:13 20:7</p>	<p>21:8 29:22 39:23 45:6 46:20 50:14 51:7 53:20 54:21 72:7,7,7 81:20 point 7:23 14:5 16:19 18:17 19:8,25 24:7 32:11 43:19 45:23,25 48:2 51:18,19 72:5 72:15 77:2 politically 11:9 poll 6:5 29:24,24 76:11 polling 65:19 72:17 polls 6:7 popped 16:22 portal 74:2 75:2 portion 56:14 position 55:14 positive 16:19 possible 4:25 9:22 21:4,4,22 37:20 51:1 64:7 possibly 19:1 21:1,18,23 31:4,16 35:1 53:21 potential 29:14 power 33:20 precinct 66:3 precincts 15:10 15:20,22,23 prefer 31:12 preparation 26:12 30:4 55:19 prepare 18:10 25:16 prepared 25:21 68:4 President 10:10 pretty 16:18</p>
--	---	--	---	---

<p>previous 31:2 previously 78:5 primarily 73:1 print 73:25 74:24 prior 20:20 24:14 26:9 31:3 41:13 66:3 69:12,20 70:16 probably 32:13 46:2 48:15 61:17 proceedings 83:5 process 7:20 11:2 16:24 17:23 18:5 55:25 60:8 73:3,9 processed 65:15 69:11,12 73:8 processing 69:16 70:17 procurement 55:22 program 60:19 project 21:20 57:9 59:23 60:12,18,21 projects 57:3 promise 80:13 proofed 60:13 Properly 4:3 17:12 20:6 39:22 45:5 50:13 51:6 54:20 81:19 propose 29:18 34:2 proposing 20:15 23:14 provide 18:4,25 55:21 68:9 provided 57:1 59:4,6 provides 9:10</p>	<p>providing 57:5 public 2:23 4:9 11:21 18:8 32:14 60:5 74:22 77:19,21 publicly 19:4 pull 4:17 5:15 54:9 69:18 pulled 68:3 purposes 56:24 push 4:18 put 16:2 41:20 41:21 42:1 43:16 60:19,25 64:8,11 80:18 Putman 6:24 8:15,25 PUTNAM 8:18 8:21,24 puts 26:17</p> <hr/> <p style="text-align: center;">Q</p> <p>quadruple 17:6 quarter 58:5 question 12:15 13:8 31:21,23 37:21 43:19 45:16 62:16 66:11 68:17 69:8,10 70:3,6 71:20,22 72:21 75:5 questions 7:8 12:4,22 13:25 18:20 26:23,25 31:18 47:8 56:8 57:12 59:13,14,16 62:15 63:24 66:8 68:14 69:9 70:2 72:3 75:22 78:17,23 quick 15:6 62:16 quickly 53:11 64:19 76:6 quite 80:24 quorum 2:10</p>	<hr/> <p style="text-align: center;">R</p> <p>race 26:7,9 71:15 races 60:13 raising 9:14 Raster 66:2 re-certify 7:10 reach 46:3,14 78:19 reached 45:19 47:11 74:18 read 19:18 readily 6:10 ready 4:14 18:24 25:6 57:4 61:25 real 32:23 43:8 really 7:11,21 14:16,16 17:25 26:5 52:16 53:9 57:15 58:3,8 75:17 76:7 79:12 80:24 reason 44:4 79:4 reasons 66:21 67:18 receipt 5:5 receive 70:21 received 65:9,17 70:15 recognize 11:4 11:10 15:1 52:10 79:8 recognized 10:19 recognizes 11:7 recognizing 10:12 recommend 11:7 35:12 recommendati... 39:8 reconcile 7:12 reconciled 8:13 reconciling 7:4 reconsider 53:13</p>	<p>record 16:2 79:11 83:5 recorded 83:4 Recording 2:2 82:2 records 7:24 8:7 66:12 recount 57:5,6,9 57:16 recruited 55:20 76:11 recruiting 55:13 recruitment 26:13 65:24 reference 35:15 referendum 19:6 referring 16:4 60:24 regards 12:13 20:19 46:5 66:17 register 65:19 registered 5:21 7:15,18 15:11 15:21 65:6 67:15 71:21,23 76:10 77:23 registering 70:19,20 registers 76:7 77:8 registration 1:11 2:14 55:15,17 65:4 65:10,21,23 66:7,18 69:4 70:10,25 71:2 71:9,22 77:24 regular 2:13 54:5,6,16,17 regularly 2:12 relative 12:22,23 27:1 33:16 34:15 48:24 53:13 69:10 relentless 14:21</p>	<p>rely 9:11,16 relying 9:9 remember 7:3 68:17 renting 57:17 rephrase 29:19 report 13:4 55:2 55:11 56:2,2,8 56:10,20 59:3 59:4,11 66:6 68:3 69:4 78:16 79:1 reports 56:25 request 2:21 7:24 8:1,7 10:21 64:4 73:17,20 requests 11:5 require 14:3 requirement 42:1 requirements 25:4 41:4,6 requires 57:16 research 49:22 researching 16:7 resident 7:1 residents 8:11 resolution 28:10 resources 7:18 respond 28:11 responded 7:24 responding 66:5 response 4:9 8:1 responsible 70:17 responsiveness 80:17 result 15:8 results 12:11 14:6 59:6 return 64:5 72:16 reveal 18:21 review 12:12 15:9,19 16:21 16:24 17:2</p>
--	--	--	---	---

<p>21:20 reviewed 16:5 reviewing 16:14 55:17 right 3:2 4:13,17 4:18 8:17 9:5 10:2 11:15 12:5 13:19 17:2 19:2 21:13 22:6 23:21 24:24 25:1,1 30:12 34:2,3 35:7,20 35:25 36:4,16 37:3,4 39:3 42:8 43:23 44:9,12 46:9 48:10 49:20 50:7 51:10 53:15,25 56:15 64:4,18 67:4 68:3,7 70:5 72:20 75:21,24 77:25 79:24 righty 8:24 risk 25:14 RLA 25:10 robust 6:20 room 57:17 72:6 Roswell 14:5 19:9 20:1 22:17 roughly 67:7 routinely 55:24 rule 41:10 run 26:20 56:25 58:8 68:25 80:18 runoff 14:3,9 18:3 25:21 26:21 32:18 56:23 57:16,22 59:17 70:11,13 71:13,25 RUNTIME 1:13 Ruth 4:2 29:21 29:23 30:1,8</p>	<p>30:12,14,16,17 35:12,15 36:6 36:14,18,20 37:1,11 38:22 38:25 39:15,20 40:14,21,24 41:5,11,16,19 42:3,7 44:23 47:9,10 48:5 54:19,23 63:2 63:3,9,14,17 63:21 79:25</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>s 75:12 sales 12:15 satellite 36:22 36:23 38:14 49:22 Saturday 20:20 23:22 24:4 27:19 28:6 34:11 38:12 40:10 42:11,16 42:24 43:13 45:14 Sawyer 83:3,24 saying 30:9 36:5 36:8 73:22 80:4 says 17:21 40:19 scan 74:1,25 scanner 7:6 scanners 8:6 scanning 75:6 schedule 2:6 6:14,20 22:5 school 32:14,18 32:19,21 47:16 school's 37:16 schools 32:15 33:6 36:2,11 36:14 77:20,21 77:22 screen 2:11 16:22 season 2:16</p>	<p>second 2:15 4:2 4:15 17:11 20:4,5,10 24:20 39:19,20 39:21 43:2,4 45:1,2,3,4 50:8 50:10,11,12 51:5 54:19 58:5 69:6 73:7 80:2,6 81:9,17 81:18 seconded 4:4 17:13 20:7 39:23 45:6 50:14 51:7 54:21 81:20 secondly 30:24 seconds 3:4 8:5 Secretary 2:18 24:5,6,13 26:6 28:6 34:16 40:15 42:21,23 43:25 44:2,8 61:4 72:7 73:12 section 13:19 54:1 security 55:20 55:21 see 21:13 26:22 28:9 30:24 31:1 41:9 43:7 45:11 46:3 48:21 56:18,19 59:3 74:15 79:18 seeking 12:16 seen 67:22 81:6 Senate 71:15 send 40:18 60:20 64:24 75:19 sending 64:21 senior 22:17 77:6 78:4 sent 60:16 sentence 3:5 15:13</p>	<p>sentiments 80:10 separate 42:16 49:10,12 Separately 28:4 September 54:3 54:4,5,6,15,15 56:3 sequence 15:5 64:23 services 55:23 session 54:4,6,7 54:17,18 79:4 set 6:19 seven 21:16 22:9 41:13,21 63:20 short 29:3 31:6 41:8 55:1 show 8:2,13 15:10,21 sign 17:19,21 60:16 74:1,25 signage 62:20 signature 73:16 signed 2:25 73:15 signs 62:23 similar 50:21 simply 75:11 single 9:13 sir 71:6,16 72:1 site 35:20 37:13 46:2 sites 26:2 31:9 46:16 63:11 six 29:12 34:8 slightly 49:16 slimming 25:14 Smackdab 9:6 small 16:10 SMITH 37:21 37:24 38:3,7 38:16 39:5 40:8 41:3,20 42:2,14,19 43:5,11 44:2,6 44:9,12,15,18</p>	<p>44:22 45:1,13 48:25 49:3,11 49:14,18,20 50:1,3,5,15 51:5,8,23 53:16 54:10,13 54:22 62:16,25 78:18 80:2 81:5,18,21 82:1 Solutions 58:17 somebody 3:15 3:16 29:19 39:3 42:12 soon 9:22 37:20 53:21 64:7 sorry 12:18 14:4 15:4,12,12 19:20 25:13 28:15 34:14,14 37:10 43:6 50:4 51:11,21 55:6 59:15 60:2,3 61:14 65:17 66:9 68:20 80:8 sort 38:23 63:24 77:13,13 SOS 43:15 69:15 sound 35:7 South 14:5 19:9 20:2 22:21 23:11 62:17 63:15 Southeast 80:24 spaces 33:18 sparked 70:4 speak 8:19 9:3 27:5 speaker 4:12,15 5:10 speaking 2:25 69:14 special 12:7 19:6 19:7,23 53:12 54:3,15 specialists 55:20</p>
---	---	--	---	---

<p>specific 12:22 13:7 53:1 specifically 16:4 specifics 53:13 spending 7:17 spoke 58:16 69:16,17 spoken 40:15 staff 16:3 17:25 24:3 25:8 26:18 28:11 30:23,24 31:8 34:17,24 39:8 41:1 48:14 50:22,23,25 52:25 53:6,8 57:8,16 58:2 79:9 80:11 staff's 18:23 25:5 staffed 48:9 staffing 27:24 30:20 40:13 standpoint 30:20 stands 67:4 start 2:8,23,24 4:24 9:21 17:22 20:19 21:1,19 25:22 31:13 41:14 43:16 55:4 59:21 60:21 61:17 64:21 75:23 starting 23:16 25:15 state 9:1 14:2 23:6,23 24:5 24:13 26:7 28:6 42:21,23 43:25 44:3,8 56:3 66:5 80:23 State's 2:18 24:6 34:16 40:15 61:4 72:8</p>	<p>73:12 stated 27:10 statement 26:24 statements 27:1 statewide 14:8 statistics 59:2 status 65:20 67:14 stay 11:25 step 73:5,7 stick 81:16 straightforward 8:1 strategic 47:19 street 1:24 65:25 66:1 striving 15:2 student 9:2 10:9 11:12,13 students 5:3 9:4 9:24 10:16 11:1,11,17 32:14 47:13 61:24 77:23 79:19,21 studying 9:8 stuff 37:8 submit 55:25 submitted 12:10 56:3 71:8 73:16 substantive 3:10 suffice 41:21 suggest 43:24 suggesting 38:21 suggestion 38:16 Suite 1:24 Sunday 9:18 23:16,18 34:6 39:9 support 38:21 81:12 sure 3:1 7:12 9:17,21,23 12:24 13:11,22 16:23 19:3 25:25 27:8</p>	<p>28:18 32:1 38:9 44:14,20 60:4,6,12 62:19 64:12 66:25 68:23 69:4 72:8 73:24 77:4 78:5,13 80:14 surrender 62:8 62:9 swap 3:24 system 44:19 73:13 75:1 Systems 60:17</p> <hr/> <p style="text-align: center;">T</p> <p>table 39:4 43:24 46:7 take 9:20 11:17 17:7 25:18 26:10,11 27:4 32:2 47:23 52:15,16 61:1 63:13 75:15 talk 20:13 22:7 25:7 30:18 talking 11:13 12:19 31:20 36:20,24 37:2 37:11,11 47:20 58:6 team 74:14,18 76:8 Tech 9:3 10:10 10:14,17,23 11:8 45:20,24 46:13 47:11,14 79:19,23 Technology 15:17 teeny 53:18 tell 21:8 75:10 ten 7:17 11:2 terms 24:18 terrific 6:4 texting 80:12,12 thank 4:8 5:8,9</p>	<p>5:22 6:21,23 8:14,18 10:5,6 10:12 11:19,20 13:1,24 14:15 14:20 16:25 17:1 20:11 21:7,12,12 26:4 28:17 33:23 38:4,7 40:4 50:18 52:9,19 57:11 57:13 58:10 62:13,25 63:25 64:1,25 66:10 68:12 70:1,12 72:11 75:24 78:17,19,22 79:9,18 80:25 81:2,5,7,11,12 81:25 Thanks 17:1 52:20 Thanksgiving 5:1 11:15 23:22 24:23 31:4 48:19 64:9,15 that'd 4:15 35:21,22 46:11 thing 18:12 26:15 28:23 35:21,23,25 36:1 42:11 53:19 54:2 things 2:6,17 7:3 11:16 23:20 24:10 27:23 28:9,24 30:3 31:15 34:22 36:2 47:4 53:1 53:7,8 54:9 57:10,15,19 60:15 61:1 64:8,11,18,23 67:21 think 3:13 4:10 8:9 11:21 16:7</p>	<p>29:18 34:17 38:7 42:19 44:7 47:19 48:5,6,11,11 48:12,15 49:3 51:22,24 55:1 59:4,7 66:9 67:22 68:21 72:13 78:20 79:15 thinking 47:12 73:5 third-party 65:12 thought 39:1 74:8,10 80:3 thousand 10:16 thousands 29:14 three 10:22 38:24 39:1 throwing 38:18 Thursday 2:15 59:5 till 63:18 time 3:5 7:11 9:20 11:17 14:18 18:9,12 20:10 24:17 25:5,21 26:11 29:16 31:7 32:22 34:21 53:11,18 58:24 59:2 69:2,2 70:20,21 74:6 75:15 timeline 2:18 times 20:14 57:15 timing 2:7 3:11 18:13 33:21 40:13 44:10 53:3 64:20 tired 80:11 tires 29:1 today 2:20,20 8:8 18:9,20 26:1 31:21</p>
--	---	---	---	--

<p>32:1 41:18,19 41:21,25 42:1 46:11 48:13 61:6 67:11 79:4 tomorrow 9:1 10:11 30:11,12 41:17 top 57:22 topic 49:16 total 16:7 56:18 65:14 76:9,12 76:13,15,22 totaled 15:24 totally 73:8 town 61:25,25 track 56:17 57:25 67:7 tracking 56:21 57:2 trained 31:3 76:7 training 26:13 transcribed 83:4 transcript 83:5 TRANSCRIP... 1:9 transparency 7:22 8:14 transparent 6:9 travel 30:25 48:20 trek 9:25 tremendous 26:10 triple 17:5 trouble 5:4 true 83:5 trust 53:14 62:2 try 4:10 18:4 28:9 50:25 trying 9:7 13:8 15:5 29:2 44:17 64:16 66:25 Tuesday 24:22 24:25 27:25</p>	<p>38:13 49:6 50:19 turn 2:22 4:13 18:10 turnout 45:21 45:21 79:11 two 3:2 21:1 31:14,17 35:11 35:13 37:18 38:1,8,18 two- 47:5 two-step 73:3 type 66:19</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>U.S 71:15 Uh-hum 3:9 13:23 28:2 36:6 44:18 52:21 53:16 unanticipated 2:6 57:15 undergrad 11:13 understand 16:24 27:9 52:6 60:8 64:5 64:8,20 68:24 73:9 understanding 61:5 universities 37:14 77:6 upcoming 33:16 upload 73:15 74:1 75:1 uploading 75:6 ups 58:8 urge 4:24 usually 69:19 utilize 22:20</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vacancies 55:13 65:23 69:22,24 various 67:17 78:12 vendor 60:21</p>	<p>vendors 58:16 65:12 verification 67:15 verify 65:19 Vice 10:10 Video 1:9,13 2:2 82:2 view 6:2 Vikas 8:16 10:9 visited 78:5 VOICE 3:9,19 4:7 8:5 20:5 34:13 35:8,22 36:7,22 37:6 37:10 79:15 VOICES 4:5 17:14 20:8 39:24 45:7 vote 5:2 9:8,20 18:25 29:10,16 43:17 53:18,21 62:8,10 64:3 64:15 65:20 71:13,14,20,23 71:24,24 77:13 77:17 79:11,21 80:15 voter 4:23 5:21 7:16,18 45:21 66:11,12 67:18 72:8 75:25 76:13 77:10,12 77:23 voters 6:17 9:1 10:11 15:11,21 23:7 53:20 65:7,8 67:12 72:14 74:7 75:17 76:10 78:14 79:9 votes 3:15 8:3 15:11,21,23 voting 4:24 5:4,6 5:24,24 6:3,3,9 6:14,18 8:3 9:10,18,21,23</p>	<p>10:13,17,20,22 10:23 11:6,8 13:15 18:2,16 20:13,19 23:16 23:22 24:3,15 24:22,25 25:23 27:11,25 28:6 29:3,7 32:16 33:1 34:1,5,5 34:11,18,25 35:6,20 36:3,9 36:12,15 37:13 39:7 42:24,24 47:17,17 49:23 50:19 52:23 53:23 55:22 59:1 61:23 62:11 63:7,11 69:13 72:17</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wait 31:12 37:7 37:7,7,7 61:3 61:11 waiting 74:12 Waller 77:2 want 3:7 13:21 14:11,14,20 15:1 16:23 17:25 19:3 24:8,19 25:7 26:5 27:1 28:18,24 29:6 29:16,21 31:8 33:4,23 35:10 41:9 44:13,20 49:11 54:9,11 60:4 64:3,12 72:11 78:19 79:7,8,20 80:13 81:8 wanted 5:21 12:1 13:11 16:1 71:18 74:22 77:4 wants 29:19 warning 3:3</p>	<p>Washington 1:24 wasn't 12:24 watchers 29:24 watching 22:8 24:11 53:5 72:6 way 9:25 67:24 we'll 21:24 25:24 33:14 48:21 58:5 69:5 70:6,6,7 76:5 we're 2:3,8,23 9:7,8,11 12:4 13:8,18,20 16:6,13,18 20:24 24:17 25:1,18,22 26:2 27:20,22 28:25 29:2 31:7 36:10 37:2,11,18 40:20 41:8,9 43:20 44:20 45:11,15 47:1 47:20 49:4 53:10 55:1 57:2,8 59:23 60:5 61:11 62:17 64:16 66:25 69:4 75:16,16 77:25 78:3,11,13 81:14 we've 12:10 14:24 42:8,9 42:10,11,11 45:11,14 57:3 64:6,11,13 65:1 66:23 67:22 78:5,8 81:16 web 41:14 website 26:2 41:8,15 42:1 72:8 73:12</p>
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<p>Wednesday 24:22,25 28:3 38:13 49:6 50:20 56:6 week 23:18 24:24 30:5 37:22 61:18 62:4 77:10,12 week's 24:14 weekend 9:19 67:5 77:14,16 welcome 68:13 well-executed 5:23 well-planned 5:23 Wendy 83:3,24 weren't 71:20 74:20 wide 19:6 Willard 13:2 Williams 12:8 12:10 14:2,8 14:13 16:6,10 16:18 17:5 19:3 20:15 21:10,16 22:3 22:11,14 23:1 25:9,13 27:9 30:17,22 31:25 32:4,9,25 33:3 33:6,10 37:15 37:23 38:1,5 40:14,18,22 41:7,13,23 42:6 45:17,18 46:9,12,20,22 46:24 47:7 48:7,14 55:3,4 56:13 58:11 60:11 61:7,10 61:20 62:7,21 63:6,10,15,20 63:22 65:3 75:25 78:25 81:10 Wingate 2:10</p>	<p>12:24 13:1,6 13:10,21,24 15:3,4,13,14 15:17,19 16:9 16:17,20 27:7 27:8,15 28:2 28:13,16,18,21 31:22,24 32:8 33:2 36:10,17 40:2,3 43:8,18 43:22 45:9,16 46:6,10 48:4 48:11,18 50:12 50:16 51:11,14 51:18,24 52:2 52:6,9,18 63:23 64:1 66:8,10,15,22 67:16 68:12 Wingate's 32:23 wise 3:11 Wolf 22:18 WOOLARD 2:3 3:10,20 4:3,6,8 4:21 5:9,13,15 5:18 6:23 8:15 8:20,22 10:6 11:20 12:9,18 13:5,7,16,23 13:25 14:7,10 14:14 15:12,15 15:18 17:1,7 17:12,15,17 19:11,15,19 20:3,6,9 21:7 21:12 22:2,6 22:13,23,25 23:3 25:11 26:4 27:6,14 27:21 28:3,14 28:17,20,23 29:22,25 30:6 30:13,15 31:18 31:22 32:12 33:4,8,11 34:14 35:9,14 35:24 36:8,13</p>	<p>36:16 37:4,7 38:20,23 39:2 39:6,13,16,19 39:21 40:1,4,9 42:8,18 43:2,6 43:20,23 44:4 44:7,10,13,16 44:19,24 45:2 45:5,8,10,14 46:17,21,23 47:3,8 48:3,10 48:17,23 49:2 49:9,13,15,19 49:25 50:2,4,7 50:10,13,17 51:6,10,15,21 52:1,12,15,20 52:22 53:17 54:11,20,24 55:10 56:9 57:12 58:14 59:12,25 60:4 60:7 62:15 63:2,23 64:2 66:8 68:14,16 68:19 69:3,8 69:21 70:1,5 72:3 75:4,14 75:21 76:4 78:17,23 79:2 79:17 80:5,8 81:2,14,19,23 words 67:20 work 14:21 18:23 27:15 31:3 66:1 67:1 77:20 79:9 80:17 worked 14:16,24 31:2 77:15 workers 6:6 76:11 working 9:12 77:25 78:3 workload 6:16 wrap 3:5 wrapping 72:4</p>	<p>wrote 72:23 <hr/> X <hr/> Y <hr/> y'all 59:13 yeah 5:13 10:8 13:1,16 14:2 15:4,17,18,19 16:9 27:8 28:16,20 30:8 30:14,15,17 31:22,24 32:4 32:8 35:12 37:1,4 38:25 39:2 41:23 44:6,15 45:13 45:18 47:10 49:2,9 52:17 79:17 year 14:25 58:5 76:9,11,12,14 76:16,18,23,24 years 75:8 Yep 4:17 5:18,19 12:24 yesterday 12:12 69:16 Yup 8:24 35:8 <hr/> Z <hr/> 0 <hr/> 1 1,265 65:18 1:20:58 1:13 10 72:12 76:25 100,000 23:7 11 77:14 80:22 11th 34:11 58:19 65:14 71:3,4,8 12 65:17 12th 71:10 13th 54:3,5,7,8 54:15,16,17,18 14th 59:10 15 1:12</p>	<p>15,410 65:10 17 8:6 170,883 65:8 1730 1:24 17th 25:15 58:22 83:7 18,000 69:11 18,541 65:15 <hr/> 2 <hr/> 2 40:8 62:17 76:7,8 80:22 2,320 76:10 2,336 76:22 20,000 76:24 20036 1:24 202 1:25 2022 1:12 10:19 12:7 18:3 55:19 56:11,16 56:18 83:7 22 27:11 55:6 220 59:8 22nd 4:25 21:1 21:19,23 26:3 28:4 30:9 31:10 37:6 38:13 40:12,22 42:12 49:8 50:20 23 27:11 55:5 23,167 59:3 23,200 59:7 232-0646 1:25 23rd 4:25 7:25 26:3 28:4 31:10 37:6 38:13 40:12,22 42:12 49:8 50:20 24 20:15 21:22 58:11 25th 10:18 56:5 26 55:20 26-month 68:8 26th 10:18 27:19 28:7 30:4</p>
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34:13,15 38:12	60 76:11			
40:23 42:16,25	663 68:4			
43:14	685 68:7			
27th 23:17 31:13	6th 9:5 18:3			
34:6 39:9				
28 65:3 77:9	<u>7</u>			
28th 54:5,6,16	7 23:16 34:6,6			
54:17 58:21	39:10,10 62:5			
2nd 23:17 34:8	63:12			
39:10 56:6	700 29:15			
63:9,10	75 76:16			
<u>3</u>	752,839 65:7			
3 27:18 62:5	7th 70:14,16			
30 3:4 8:5	71:11,12 77:24			
30th 56:3	<u>8</u>			
31st 65:6	812 1:24			
32 75:25	85 76:15			
33 56:19	860,722 65:6			
364 8:3	8th 12:7 19:23			
37 7:14	<u>9</u>			
372 76:17	956 76:12			
3rd 71:1				
<u>4</u>				
4,087 68:5				
4.4 56:21				
40-day 68:5,7				
400 57:8,16				
41 77:1				
43 21:10,14				
44 21:11				
46 80:22				
476 76:10				
48 7:15				
490 76:9				
496 76:16				
<u>5</u>				
5 76:12 80:22				
5,435 67:12				
5,572 66:14 67:4				
50 76:14				
<u>6</u>				
6 69:22 72:13				
6,000 58:23				
6,800 76:23				

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Exhibit 2

RETRIEVED FROM DEMOCRACYDOCKET.COM

TRANSCRIPTION OF VIDEO FILE:
COBB COUNTY BOARD OF ELECTIONS
AND REGISTRATION MEETING
November 15, 2022
VIDEO RUNTIME: 2:02:45

RETRIEVED FROM DEMOCRACYPOCKET.COM

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646

1 (Beginning of Video Recording.)

2 MS. SILAS: Thank you. Good afternoon.

3 It is 3:00 p.m. We'll call to order the
4 regular board meeting for Cobb County Board of
5 Elections for the month of November. We'll
6 take the agenda in order to a certain extent.
7 To those that may be following along with an
8 agenda, we just want to note a couple of
9 changes to the agenda. Thank you, Ketra
10 (phonetic).

11 With respect to the last program,
12 that's associated with the general, and
13 special election, so we plan to move Board
14 Member Mosbacher's report up to Item 3. And
15 then with respect to the items, what's
16 presently noted as Item 7 on the agenda,
17 Advanced Voting for December 6th runoff, I
18 want to be certain that, obviously we have
19 time to take up that -- that item on the
20 agenda, so that will follow Ms. Pringle's
21 report with respect to proposed polling
22 location changes, so. I just want to make
23 those notations.

24 And with that, we'll go ahead, and open
25 up for public comment. I note that we have

1 eight individuals that are signed up, at
2 least, to speak that have joined us virtually.
3 We have another six? Six here in the chambers
4 with us.

5 As noted on the agenda, the Board
6 reserves the right, as previously discussed at
7 prior board meetings, we reserve the right to
8 modify the amount of time based upon the --
9 the number of individuals that have signed up
10 to speak, and so given the number of
11 individuals that have signed up to speak, plus
12 the amount of business that we need to get to
13 today, the limit will be three minutes.

14 And with that, we will go ahead, and
15 open up public comment. We have individuals
16 that are on the line. Is Ms. Lisa Campbell
17 on?

18 FEMALE VOICE: Lisa Campbell, you've
19 been (inaudible).

20 MS. CAMPBELL: Good afternoon,
21 everyone, and thank you for this opportunity
22 to speak to the Cobb Board of Elections,
23 Registration, and Staff. My name is Lisa
24 Campbell, and today, I'm speaking as a Cobb
25 County Citizen, homeowner, taxpayer, business

1 owner, active voter, and pro-voting rights
2 candidate, and hopefully after today's
3 meeting, representative-elect for Georgia's
4 House District 35.

5 First, I'd like to thank the entire
6 Cobb County Board of Elections staff, and poll
7 workers for all of the hard work that went
8 into planning, preparing, and ensuring our
9 recent elections were conducted with accuracy,
10 transparency, fairness, and convenience.

11 I'd specifically like to call attention
12 to the last call absentee ballot voting
13 initiative that allowed many voters to have
14 their vote counted by returning their ballots
15 to local libraries. Just one more proven and
16 popular way to fulfill on our mission to
17 ensure that every voter has access.

18 Regarding the absentee ballots that
19 were not mailed, I wanted to comment on that
20 briefly in addition to sharing my
21 disappointment at this critical problem. I
22 would like to ask the Board and staff to share
23 the risk mitigation efforts that will be put
24 in place to ensure this kind of significant
25 error does not happen in the future. I'd also

1 like to suggest that the Board begin to use
2 mail tracking services that are readily
3 available to help with pro-active
4 communications in the future.

5 Today, I'd also like to ask that you
6 work as a united board to implement changes
7 that will continue to protect voters' access
8 during the upcoming runoff, including
9 communicating all ballot issues, due dates,
10 and voting location changes with voters
11 through every available method, including
12 updating the voting location precincts on the
13 map -- maps on the website.

14 And I'll just highlight that some of
15 the maps in our District 35 have yet to be
16 updated with complete and accurate
17 information.

18 I'd also like to encourage
19 consideration to begin early voting at the
20 earliest possible date after LNA testing and
21 prior to Thanksgiving. I understand there is
22 some question around this, but I would
23 continue to encourage Saturday voting -- as
24 early as Saturday, November the 19th, through
25 Tuesday, November the 22nd, and continued

1 after those holidays, starting again on
2 Saturday, November the 26th, and encourage you
3 to offer Saturday, and Sunday voting on
4 December 3rd and 4th as well, allowing all
5 early voting locations to be open 7A to 7P.

6 And I also encourage the consideration
7 of multiple locations for Sunday voting to be
8 expanded based on the popularity of this
9 option that we've just witnessed. And I'd
10 also continue to encourage that you offer
11 secure drop boxes in all of those precincts,
12 including the main office, and replicate that
13 successful last call drop off at the libraries
14 program.

15 And finally, I would also like to call
16 out the record number of Cobb Countians who
17 voted early in person during this last
18 election, setting a new record, it's my
19 understanding, surpassing the total for the
20 2020 presidential election, indicating that
21 ongoing, and extremely popular pattern of
22 early voting --

23 MS. SILAS: Thank --

24 MS. CAMPBELL: -- by our residents.

25 MS. SILAS: Thank you, Ms. Campbell.

1 Your time is expired.

2 MS. CAMPBELL: Thank you.

3 MS. SILAS: Shelly Northrup?

4 FEMALE VOICE: You've been un-muted.

5 MS. SILAS: Ms. Northrup, are you with
6 us?

7 MS. NORTHRUP: Yes, I am.

8 MS. SILAS: Okay. You may begin.

9 MS. NORTHRUP: Thank you. Good
10 afternoon. My name is Shelly Northrup, and I
11 live in Smyrna. I want to first thank the
12 Board of Elections, and staff for working very
13 hard on behalf of Cobb County voters, and
14 certifying the general election results in a
15 timely manner. I had -- I personally had a
16 great experience voting early this year, and
17 had no waits, and that's all thanks to you all
18 and your staff.

19 I want to ask the Board to continue to
20 prepare for early voting and absentee ballots
21 ahead of the runoff, and to have early voting
22 as soon as possible, and to provide Sunday
23 voting hours, and extended 7:00 a.m. to 7:00
24 p.m. hours.

25 I ask that you all continue to process

1 absentee ballots in a timely manner and notify
2 voters immediately of any issues with their
3 application or ballot. I also ask that the
4 Board continue to support their poll managers,
5 and poll workers to ensure a smooth general
6 election runoff day as well. Thank you so
7 much.

8 MS. SILAS: Thank you, Ms. Northrup.
9 Mr. Boyd Parks?

10 FEMALE VOICE: Boyd, you can un-mute
11 it.

12 MS. SILAS: Mr. Parks, are you with us?

13 MR. PARKS: Yes, I am. Thank you.

14 MS. SILAS: Great. You may begin.

15 MR. PARKS: Thank you. Good afternoon.

16 Thank you for this opportunity to speak. I
17 note one of the items on the agenda for today
18 is to certify the election that transpired
19 over the last month, or so.

20 By the way, whatever became of Election
21 Day that I recall from not only my youth, but
22 not that long ago? I've said this before in
23 person, but it is still true today, and even
24 more important today. You all cannot certify
25 this election because none of you know what

1 transpired during the election because of
2 several factors.

3 By the way, I have each sent you an
4 email today with this information, and some
5 of -- graphs attached. Sent that just about
6 25 minutes ago.

7 Number 1, no one can read the QR-like
8 code on the ballots that we understand, but do
9 not know passes your selections to the
10 scanner/tabulator, thus no transparency.

11 Number 2, no one here at Cobb Elections
12 and Registration has any idea of what is going
13 on inside the cabinets of Dominion equipment.

14 The coded programs are proprietary, and
15 owned by Dominion. How can you think of
16 certifying the outcome of processes and
17 systems that you have no intimate
18 understanding of? Without honest, and
19 verifiable/certifiable elections, we do not
20 have true representative government, and thus
21 live in a banana republic, not our
22 constitutional republic as was beautifully
23 designed and developed by our founding fathers
24 many years ago.

25 Number 3, the data in the attached

1 graphics reported by Edison Research showed a
2 huge spike very late at night in our Georgia
3 race for US Senate. The huge spike had to
4 have been made through some sort of computer
5 fraud, since no such spikes can possibly exist
6 in the natural course of counting, and
7 reporting votes.

8 I, and others, we the people, insist
9 that our elected, appointed, and hired
10 employees not certify this race, in
11 particular, or the entire election in the
12 process until a full forensic audit is
13 performed in all 159 counties, and the vote
14 count's corrected. The source (inaudible)
15 can --

16 MS. SILAS: Thank you, Mr. Boyd. I
17 apologize for interrupting you. We are
18 limited to three minutes given the number of
19 speakers that are present in the chambers, as
20 well as online, so we do appreciate your time.

21 MR. PARKS: Thank you. I understand.

22 MS. SILAS: Absolutely. Is there a Ms.
23 Laura Judge on the line?

24 MS. JUDGE: Yes. I'm here.

25 MS. SILAS: Okay. You may begin.

1 MS. JUDGE: Hello, my name is Laura
2 Judge, and I'm a resident of East Cobb. I'm
3 also the education chair for Commissioner
4 Richardson's community cabinet. And as
5 someone who advocates for both our K through
6 12 students, as well as our higher education
7 students, I'm asking that you make early
8 voting accessible for those in the community,
9 and that would include hours from 7A to 7P on
10 all early voting days, Sunday early voting,
11 and an early voting site at KSU for students
12 and faculty on the campus.

13 We know that it will be finals week for
14 a lot of our students in colleges, and I just
15 want to make sure that they have every
16 opportunity to vote. Thank you.

17 MS. SILAS: Thank you. Zachary Hearst?

18 MR. HEARST: Yes. That is me. Hello,
19 my name is Zachary Hearst. I'm 18 years old,
20 and a student at Tulane University in
21 Louisiana. I'm also a resident of Cobb
22 County. I've been registered to vote in Cobb
23 County since February 2022, when I pre-
24 registered with my school.

25 For the past election, I chose to vote

1 absentee because I couldn't make it home
2 because flights are expensive. So instead, I
3 downloaded the application on -- from online,
4 I signed it, and then emailed it to Cobb
5 County well ahead of the deadlines.

6 After I sent my application in, I
7 received a confirmation email that
8 acknowledged that they are received my
9 application. Given that email, I assumed that
10 the county would notify me of any issues with
11 my application, and if there were no issues,
12 they would send me my absentee ballot in the
13 mail.

14 The week before the election, I checked
15 with the Secretary of State My Voter page.
16 And I was surprised that there's no entry for
17 my absentee ballot request. There was no
18 application date, no mailing date, and no
19 entries, just in general.

20 The My Voter page still shows no record
21 that I ever applied for an absentee ballot
22 even though I received an email confirmation
23 from Cobb County right after I applied. No
24 one from Cobb County ever contacted me to tell
25 me that there were any issues with my

1 application, or that the ballot would not be
2 arriving.

3 A few days before Election Day, I
4 realized that the only way for me to vote,
5 would be to vote in person on Election Day,
6 and as advanced in (inaudible) -- in person
7 voting was already concluded, and I couldn't
8 make that because of -- I'd have to travel
9 really far to make it from -- and -- and I
10 couldn't do that on such short notice, and I
11 couldn't afford to fly back.

12 So I was unable to vote in the 2022
13 election, which would have been my first
14 election as a voter. I hope I'm (inaudible),
15 although the experience is kind of
16 disenfranchising because of others deserve to
17 have their voice heard. I'm urging Cobb
18 County to make sure that this never happens
19 again, to make sure that there is a system in
20 place for making sure that all applications
21 are processed to ensure that all ballots are
22 mailed as soon as possible, that early voting
23 is accessible as possible.

24 MS. SILAS: All right. Thank you, Mr.
25 Hearst. Brit Burns? Ms. Burns?

1 FEMALE VOICE: He is not (inaudible)
2 right now. Online.

3 MS. SILAS: I'm sorry. She said that
4 he or she is not on?

5 FEMALE VOICE: He's not here.

6 MS. SILAS: Okay. They're not on?

7 FEMALE VOICE: Correct.

8 MS. SILAS: Okay. Sally Grubbs. Ms.
9 Grubbs?

10 MS. GRUBBS: Good afternoon. Good
11 afternoon. Can you hear me okay?

12 MS. SILAS: Yes, I can.

13 MS. GRUBBS: The first thing that I
14 want to address is the -- the last call
15 library drop-off program. I did clarify
16 before the program started that it was not a
17 polling location, yet I was admonished about
18 wearing political stickers when I went in to
19 observe at the Switzer Library and then later
20 at the South Cobb Branch Library and also had
21 deputy sheriffs called on me there at the
22 direction, apparently, of Ms. Mosbacher to the
23 person running it there.

24 I think that there needs to be more
25 clarification of this program because when one

1 wants to treat it as a poll, and restrict our
2 movement, and our presence, they want to treat
3 as a poll, yet when they don't want to treat
4 it as a poll, the -- the Democrats did pass
5 out literature to people at the doors coming
6 in and going out. And that happened at the
7 South Cobb Branch.

8 So second of all, there was adequate
9 notification so that we could have people
10 there to observe. So if you're not treating
11 it as a poll, and you don't credential
12 workers, okay, that's fine, but why notify one
13 party and not another? So things can be done
14 fairly. It's clear that there's partisanship
15 at work here.

16 I would also like to know why Ms.
17 Eveler wasn't the one training people? I
18 witnessed Ms. Mosbacher training individuals
19 at the Switzer Library location.

20 And I think it's also a very big tax on
21 the whole elections process when they're
22 struggling down at the main location to
23 process absentee ballots, which is clearly
24 evidenced by the fact that there were people
25 that never received their absentee ballots.

1 I've spoken to at least ten people who were
2 not included in the 1,000 that were
3 adjudicated to have extended voting time that
4 never received an absentee ballot.

5 So when you're having issue like that,
6 and yes, resources are taken from the main
7 location, distributed to the libraries at the
8 last minute, and are not being overseed by
9 the -- overseen by the director that you have
10 hired and put in place to run elections, I
11 don't understand why we have an activist board
12 member running this program outside the
13 purview of the director of the elections.

14 Also I came to the location last night
15 to observe there was no way to have entry into
16 the building. I came at 5:45 last night.
17 Then I also came at shortly before 9 o'clock.
18 I tried every door. Every door was locked,
19 and did not gain entry.

20 Also, I would like to address the
21 incorrect precinct list that was posted. We
22 built our poll watcher sign-ups based on
23 incorrect information that was posted.

24 MS. SILAS: Ms. Grubbs, I apologize.

25 MS. GRUBBS: Um-hum.

1 MS. SILAS: I'm -- I'm hopeful that you
2 joined us early enough to note that the amount
3 of time allocated to each speakers is three
4 minutes due to the number of individuals that
5 have signed up, so at this point, I have to
6 stop you.

7 MS. GRUBBS: That's fine. Thank you.

8 MS. SILAS: Okay. Thank you. Ms.
9 Rhonda Cook?

10 MS. COOK: Good afternoon. I'm Rhonda
11 Cook. I'm the aunt for Madison Cook, who is a
12 Cobb County resident attending college out of
13 state. She had some comments to share with
14 the Board, but at this hour, she's in class,
15 so I agreed to read her statement to you.

16 What Madison wrote is Cobb County owes
17 its voters the right to participate in the
18 democratic process and to cast a ballot. This
19 past election, so many absent voters,
20 especially college students, had that right
21 threatened or taken away altogether.

22 I am a resident, and registered to vote
23 in the State of Georgia. During the past
24 election, I requested an absentee ballot well
25 ahead of the deadline because I attended

1 school out of state. I was unable to return
2 to Georgia to vote, and voting by mail was my
3 only option.

4 Weeks passed after I submitted my
5 application, and I'd still not received my
6 ballot. I did everything I could to maintain
7 contact with the Cobb County Elections Office.
8 Out of my five phone calls to the elections
9 office, I got through to someone only two --
10 two times to speak to someone.

11 I requested a replacement ballot to be
12 sent to me because the first one I had
13 requested well ahead of the October 28th
14 deadline had yet to reach me. I was denied
15 that request for a replacement ballot.

16 In the end, I was only able to vote
17 because a -- I was overnighted a ballot the
18 weekend before the election, after the receipt
19 deadline had extended due to the court order.

20 But I was promised a return envelope
21 with an overnight label, and I did not receive
22 that. A direct family member drove my ballot
23 over 500 miles, and turned it in, in order for
24 me vote for sure my -- to be sure my vote was
25 counted on Election Day.

1 The upcoming runoff election is during
2 my finals week. I am once again in a position
3 where voting absentee is the only option, and
4 I have to make my voice heard. I am by no
5 means the only person in this position. There
6 are plenty of Georgia residents such as myself
7 that are in -- also in college out of state.
8 Pursuing higher education elsewhere shouldn't
9 mean that I am not offered the same
10 opportunity to participate state elections.

11 I want to vote as much as everyone
12 else. And there is no reason why I, or any
13 other individual having to vote absentee,
14 should have to spend weeks jumping through
15 hoops just to try, and get a ballot.

16 If I were capable of voting in person,
17 I would. I was initially hesitant to vote
18 absentee because I was worried I would not get
19 my ballot. This worry almost became a
20 reality. Voting in person is not a
21 possibility for me this election cycle, and it
22 is not realistic opportunity for many during
23 election cycles, especially college students.

24 The Cobb Elections Office should make
25 voting by mail easier and more reliable for

1 college students. I ask Cobb County to mail
2 out absentee ballots as soon as possible;
3 include overnight labels for Georgians like
4 me, who are out of state; answer phone calls
5 from voters concerned about their absentee
6 ballots. For students and other voters who
7 will be out of town Thanksgiving, make early
8 voting easier by offering more days of
9 advanced voting, and extending voting hours.
10 In particular --

11 MS. SILAS: Ms. Cooks -- Ms. Cook --

12 MS. COOKS: Yes?

13 MS. SILAS: -- I apologize, I must
14 interrupt you. You are at your three minutes.

15 MS. COOKS: I appreciate it. Thank you
16 very much.

17 MS. SILAS: Thank you. Did Brit Burns
18 join us?

19 FEMALE VOICE: No. He did not.

20 MS. SILAS: Okay. Then we'll move on
21 to those that are here in the chambers with
22 us. Mr. Eugene Williams?

23 MR. WILLIAMS: Good afternoon. My name
24 is Eugene Williams. I'm a registered Cobb
25 County voter, and I reside here in Marietta.

1 And I challenged nine voters I believe you all
2 will be discussing later on in this meeting.
3 And I just wanted to comment on why I
4 challenged these voters.

5 I sent every one of these folks a
6 mailing they got in the mail, and as I fully
7 expected, they all were returned back to me as
8 undeliverable. They just -- you know, we have
9 to make sure that we verify the voters that
10 are participating in our election.

11 I think for lack of a better term, we'd
12 have to -- to call these phantom addresses
13 that they were mailed to. If you were trying
14 to send a package through, say Amazon, you
15 wouldn't even get out of the batter's box with
16 that company.

17 They wouldn't accept an order with an
18 address that you all have in your Cobb County
19 database. And they just -- you wouldn't even
20 place the order because they wouldn't accept
21 it, and I -- I'm just wondering why we don't
22 have as good a system as these technology
23 companies have. You couldn't order a pizza,
24 and send it to these -- these addresses.

25 It really begs the question are these

1 real people that live here? I mean, I -- I
2 don't know. They could be, but we -- we
3 really have to do a little bit better, and --
4 and this is just a -- really a small
5 smattering.

6 I've got hundreds of people on a
7 database that I know if we mail them out a
8 letter, they're going to come back because --
9 they're basically -- they're phantom
10 addresses. They just don't exist. And you
11 know, I just -- I hope it's something that you
12 all will take serious, and -- and address.

13 And just for the record, too, I'd like
14 to just state that I have no interest at all
15 in trying to disenfranchise any voter in Cobb
16 County.

17 I just think it's terribly important,
18 though, that we maintain the integrity of this
19 system, and make sure the people that are
20 participating in our election actually
21 physically reside in our county, and are
22 able -- are legal residents here, and are able
23 to participate in our process.

24 So I -- I just hope you all will take
25 that serious, and thank you very much for your

1 time on that.

2 MS. SILAS: Thank you, Mr. Williams.

3 MR. WILLIAMS: Um-hum.

4 MS. SILAS: Elizabeth Marchionni
5 (phonetic)?

6 MS. MARCHIONNI: Good afternoon. My
7 name is Elizabeth Marchionni. I am a Cobb
8 County resident, and voter. I'm also a
9 trained poll watcher, and poll worker. I'm
10 here today to say that the last call absentee
11 ballot drop program was not a success as I
12 witnessed. It was very chaotic and did not
13 follow Georgia law.

14 I had observed at the East Cobb
15 Government Center on Monday, November 7th, and
16 I was told by several other members of the
17 observing public that when they asked the
18 registrar for the ballot counts, they were
19 said we are not to give the ballot counts
20 until the end of the day. We can't give you
21 the ballot counts.

22 I went in, and asked the registrar
23 myself, and was told the same thing. This is
24 not what we were led to believe would -- would
25 be possible as observers -- as public

1 observers. So that was not transparent at
2 all.

3 Georgia law states that in appointing
4 deputy registrars, the registrars shall select
5 persons who are reasonably representative of a
6 cross section of significantly identifiable
7 groups of the communities or areas where they
8 are to serve. And it did not seem that the
9 registrars reflected the cross-section of the
10 community that they were serving there.

11 The same day, I went down to the
12 Mountain View location to observe. And I
13 witnessed that a woman had come in with two
14 large brown envelopes. They were thick, and
15 full. She presented them to the registrar.
16 The registrar asked her if those were her
17 ballots. She said no, these are my friends'
18 ballots, and friends-of-friends' ballots.
19 People who were out of town.

20 Now, I understand that that woman's
21 process of bringing that in was illegal. She
22 should not -- and the registrar took those
23 ballots. She -- the registrar did make a
24 note. She said that someone from headquarters
25 may call her. She took those ballots. And

1 I'm just wondering why the registrar would
2 accept those ballots when they were delivered
3 in a manner against Georgia State Law. This
4 calls into the question the security of our
5 election.

6 Throughout that day, I also observed
7 the Mountain View librarian. Many people
8 coming in, approaching her, at the librarian,
9 saying hey, where can I go vote, where can I
10 go vote. They were very confused by this
11 chaotic process. They didn't understand the
12 signs, the literature that was presented to
13 them. They want -- thought they could go vote
14 there that day.

15 The librarian several times told people
16 that came up, and said, well, you can't vote
17 here today, but you can go to the senior
18 center, across the street down there, and vote
19 today. Which wasn't true at all. It was
20 Monday before election. That inspires no
21 confidence in the system.

22 What was more upsetting was my husband
23 is working in Canopy, here, today, but he
24 asked me to share his experience. He was
25 observing at Patter Springs Library location

1 on Saturday, November 5th, and he was falsely
2 accused by a Democrat State House
3 Representative, who accused him of taking
4 pictures of him, following him, and
5 intimidating him. This is ridiculous. My
6 husband's a mild-mannered person who was
7 sitting there at a library table simply
8 observing.

9 MS. SILAS: Thank you.

10 MS. MARCHIONNI: The man caused a stir.

11 MS. SILAS: Thank you, Ms. Marchionni.

12 MS. MARCHIONNI: And proceeded to call
13 sheriffs on him.

14 MS. SILAS: Ms. Marchionni.

15 MS. MARCHIONNI: Yes?

16 MS. SILAS: Thank you.

17 MS. MARCHIONNI: Thank you very much.

18 MS. SILAS: Your time has expired,
19 ma'am.

20 MS. MARCHIONNI: Thank you.

21 MS. SILAS: Thank you. Christine
22 Rosman (phonetic)?

23 MS. ROZMAN: Hello, Christine Rosman,
24 Marietta, Georgia. And I actually was at
25 Mountain View Library for the last call also.

1 And I was dumbfounded because I saw that woman
2 come in with all those ballots, and they were
3 accepted, and I was confused because I thought
4 that was the whole principle behind us taking
5 the drop boxes inside so that there would be
6 some boundaries, and the law would be applied
7 there.

8 And when I asked the -- both Eileen,
9 who was the Lichtenfeld, the team lead, and
10 Mindy Seeger, who was actually not listed as a
11 registrar -- I hoping she was because she was
12 handling all the ballots -- asked them, like,
13 can you explain this because I thought the law
14 said you can't do this, and you're -- you are
15 taking ballots that weren't for her, weren't
16 for her family member.

17 She wasn't doing it for somebody that
18 was physically or mentally disabled, an
19 elderly person, and these were totally random.
20 So they said, well, we got their phone numbers
21 so we can call these people and make sure it
22 was okay that this lady -- and, like, it
23 didn't even make sense.

24 So I thought, well, if you went -- they
25 went through the process of being deputized

1 and took an oath, and they were registrars,
2 then, that seems that there would be some kind
3 of accountability or liability that they were
4 taking on for taking on that oath.

5 And I'm just curious, it might be under
6 the similar oath that you all take and the
7 Board of Commissioners, and it falls under the
8 surety bond that you all, I think we paid,
9 what, a half a million dollars a year for that
10 surety bond, so that we can hold our elected
11 officials and persons that are in charge.

12 So anyway, but -- and also, is that
13 when we do take all these ballots, and it's,
14 like, oh let's not disenfranchise any of
15 these voters, you're disenfranchising this
16 voter because when you're taking votes from
17 all these random people, isn't this what we're
18 trying to get away from? Isn't this why we're
19 asking for transparency.

20 And then, also, is that if they have
21 all these laws and you want a real tight
22 system, I did witness couple, like last month,
23 Ms. Mosbacher, is that your last name, anyway,
24 being very stern and critical and like an
25 attorney and just badgering these people that

1 were coming up and saying, hey, these people
2 are registered to vote in Georgia and another
3 state, and it was, like, a -- it right out of
4 Fair Fight or something.

5 And I think, boy, with that strictness,
6 I would think that that would roll over into
7 this last call, but that last call wasn't
8 representative of anything.

9 MS. SILAS: Thank you, Ms. Rosman, your
10 time is expired.

11 MS. ROSMAN: Thank you so very much.

12 MS. SILAS: Thank you. Debbie Fisher.

13 MS. FISHER: Good afternoon. My Debbie
14 Fisher. I am East Cobb voter, and I will
15 start with thanking Cobb elections and all the
16 people who worked endlessly, hours and hours
17 of commitment to processing this election.

18 I don't know how many total hours were
19 worked, but it seemed to me to rival almost
20 what we did in 2020 to process over a million
21 ballots. And with that, I'll get into the
22 meat of my little speech here.

23 This year, during tabulation of not
24 only the primary, which had its own issues,
25 but mostly the general, I saw total chaos,

1 dysfunction, understaffing, responsibility put
2 on a floor supervisor that used to be handled
3 by four or five supervisors.

4 During the time that we were
5 tabulating, processing ballots, I learned that
6 we put a hiring freeze on hiring part-time
7 seasonal, which is that very position where we
8 had five members quit in the primary.

9 I noticed that communication was
10 sparse. We were not informed daily of the
11 number of ballots received to be processed,
12 still outstanding. We didn't get those
13 numbers daily, whereas we always have before.

14 We were also asked to provide
15 additional duplication of VRP panels that were
16 not originally scheduled. We did it. We did
17 it in a nonpartisan way, both sides. Yet when
18 we got there, Cobb had two tables of people
19 processing ballots to our five panels, and we
20 sat for hours waiting for ballots for us to
21 duplicate.

22 I also want to bring up that election
23 night, there were two Board members present
24 who seemed to be running the show. I
25 witnessed a very unfortunate situation between

1 Board Member Mosbacher and a GOP monitor. She
2 came out and put up queue lines and told us we
3 were interfering with the traffic flow.

4 We were nowhere close to interfering
5 with traffic flow. The only traffic flow
6 interference was those two red tapes that your
7 election workers had to take down to get into
8 the hallway themselves.

9 MS. SILAS: Thank you, Ms. Fisher.
10 Your time is expired at this time. Thank you.
11 Pamela Reardon.

12 MS. REARDON: Wow. Okay. So I'm
13 Pamela Reardon. I live in Cobb County since
14 '99. I vote, I volunteer, and alls I want are
15 fair, and free, and transparent elections. I
16 have a real problem, a real problem with the
17 drop-off, last call, whatever you want to say.

18 So you took a law that was in SB 202,
19 and you tried to find a loophole and get
20 around it. And now, an elected house member
21 on the comments wants to even do it even
22 further and go to all the libraries.

23 Well, there is a reason for laws. You
24 follow them. And one drop box for 100,000
25 voting residents or people registered to vote

1 is the law. You don't get around it. You
2 don't have that freedom to do that.

3 I'm sorry. Going back to the
4 legislature and we are actually going to write
5 a law to stop this. So it was unfair, it was
6 last minute, there were no rules. I want to
7 know who funded it. I wanted to know who
8 hired those people.

9 They were not on both sides of the
10 aisle, if you want to call it that. They were
11 all on one side, the left side. They were --
12 they wanted to argue with people. It was not
13 a good situation. Alls I got to say.

14 And another thing that Sally didn't get
15 to say when she was cut off was the
16 application for the absentee ballot was wrong
17 for over a month, and the Board knew it, and
18 the Elections Office knew it, and it wasn't
19 corrected. Why?

20 There were 23,000-odd ballots or drop
21 for Herschel Walker around 10 o'clock on
22 election night. Why? We can't certify this
23 until we find out these reasons. That's not
24 even taking into account the spikes. Okay.
25 That's not normal.

1 And what it is attributed to, I don't
2 know, but it needs to be investigated.
3 Another thing that's going around in social
4 media is we have our SB 202 Jim Crow laws
5 which actually made it so easy to vote, which
6 everyone agrees, it was so easy to vote.

7 But SB 199 that Stacey Abrams and Bea
8 Winn signed and voted for in -- I think it was
9 2012, they took out the actual Lee birthday
10 and made the day after Thanksgiving a paid
11 holiday for the people who work for the
12 government. So it's not anything due to the
13 SB 202. It's 199, Stacey Abrams and Bea Winn.
14 Just so you know, I want to get it straight.
15 And --

16 MS. SILAS: Thank you, Ms. Reardon.

17 MS. REARDON: Okay. Thank you.

18 MS. SILAS: And finally, a Ms.

19 Catherine Maddox.

20 MS. MADDOX: Respected members of the
21 Board, my name is Catherine Maddox, a Cobb
22 County native, and graduate of Walton High
23 School some time ago now, and a Georgia voter.
24 My comments today are as a voter and as a
25 community advocate on behalf of Protect the

1 Vote GA, a nonprofit organization working to
2 encourage civic participation in the political
3 process.

4 We have arrived at a time in our
5 efforts in which the rubber has met the
6 proverbial road, where our community
7 empowerment efforts have been stymied at the
8 state level by a law which has whittled down
9 the previous three-week early voting
10 requirement to a single week.

11 As a response to the resultant barriers
12 this law has placed on our access to the
13 ballot box, I urge you to do everything within
14 your power and within the resources at your
15 disposal to provide ballots to what amounts to
16 disenfranchisement of students, many of whom
17 have exams on Election Day, and may only be
18 able to vote during Thanksgiving break by
19 providing them with ample time to vote early,
20 specifically, the Tuesday and Wednesday before
21 Thanksgiving, if possible, in addition to the
22 weekend after Thanksgiving and where the
23 resources are available for the polls to be
24 open from 7:00 a.m. to 7:00 p.m. to
25 accommodate 9-5'ers.

1 Additionally, I would urge you to
2 provide on-campus polling locations. Sunday
3 voting, in particular, has been foundational
4 to voting rights in the State of Georgia since
5 Souls to the Polls.

6 We ask that out of respect for the
7 ministers of colors who decades ago utilized
8 this day to make voting more inclusive against
9 insurmountable odds, that you continue to
10 uphold the sacredness of the vote and offer
11 every possible chance for eligible voters to
12 participate in the process that impacts their
13 lived experience.

14 I urge you to bear in mind the students
15 of Georgia, our state's great history, and the
16 working people who deserve every chance to be
17 heard at every level of government and
18 providing election workers with all of the
19 resources and fair wages they will need to
20 execute this critical and challenging task
21 ahead of them in your deliberations today.
22 Thank you very much.

23 MS. SILAS: Thank you. One final time,
24 I'll circle back to see if Mr. Brit Burns is
25 on. He's not on. Okay.

1 Then, we'll move on to the next item on
2 the agenda. It's the approval of our meeting
3 minutes for our October 10th as well as the
4 November 8th meeting that we convened on
5 election night.

6 Has everyone had an opportunity to
7 review the meeting minutes? Anyone have
8 comments to them? Hearing none, I'll
9 entertain a motion to approve the meeting
10 minutes for both October the 10th and November
11 the 8th.

12 MS. BROOKS: So moved.

13 MS. SILAS: Is there a second?

14 MR. BRUNING: Second.

15 MS. SILAS: It's been moved and
16 properly seconded to approve the meeting
17 minutes for our meetings held on October the
18 10th and November the 8th. All those in
19 favor? Any opposed? I will note for the
20 record that Board Member Pat Gartland
21 abstains. All Board members have voted in
22 favor of approving the minutes. The motion
23 carries.

24 The next item on the agenda is the
25 November 8th, 2022, General and Special

1 Election. At this point, we'll turn it over
2 to Ms. Eveler, our director, for her report.

3 MS. EVELER: Thank you, Chairwoman.
4 CP, if you put up the presentation that I
5 provided. So thank you. I wanted to go over
6 some of the items that people have been
7 talking about and have been in the news, but
8 just to recap some of the issues that we
9 experienced this election

10 So the first item is related to --
11 actually, the first three items are related to
12 redistricting, which, as you remember, happens
13 every ten years after the census. And in this
14 case, we also had the Mableton Cityhood,
15 proposed Cityhood referendum, so that was
16 another layer of redistricting. And we found
17 that we had a street segment at 3915 through
18 3936 Brantley Drive that was not coded for the
19 City, proposed city.

20 We discovered that problem on October
21 21st, and eNet was -- which is the State
22 registration system -- was updated on the same
23 day, and it took a couple of days to have the
24 poll pads updated, so from 10/25 on through
25 early voting, we had the correct coding for

1 this street segment.

2 20 voters were affected on this
3 segment, 6 of those voters had already cast an
4 in-person ballot that did not include the
5 Mablehood (sic) Cityhood -- Mableton Cityhood
6 referendum.

7 Next one. Also related to
8 redistricting, related to School Board,
9 Districts 4 and 5, in this case, it was Sandy
10 Plains 01, which you see the map there on the
11 screen. We received an email from a voter on
12 October 21st, and he believed from looking at
13 the map that he should be in School District
14 5, yet he received an absentee ballot that had
15 School District 4 on it.

16 And so after researching that, we found
17 that there were multiple street segments in
18 Sandy Plains 01 that were incorrectly coded
19 for District 4. This related to 1,112
20 registered voters. And by the time that this
21 was discovered, 104 voters had already cast an
22 in-person ballot and 7 absentees had been
23 accepted.

24 There were a number of absentee ballots
25 that had already been issued that were

1 cancelled and reissued with the correct
2 ballot. And so only seven were accepted.

3 We corrected this problem also on
4 October 21st, and we implemented a manual
5 voting process to be used until the poll pads
6 were updated on October 25th. The manual
7 process was that the poll workers would put in
8 a ballot activation code on the ballot marking
9 device, which would bring up the correct
10 ballot.

11 And as it relates to these two -- this
12 issue, all the precincts that were on the
13 borders of Districts 4 and 5 were rechecked to
14 see if any other precincts were involved and
15 we found that only the Sandy Plains 01
16 precinct was involved in the error.

17 Next one. The next one that was coming
18 up related to redistricting was the School
19 Board Districts 2 and 6. We received a report
20 from one of the candidates in one of the races
21 on November 1st. And after investigating, we
22 found that there were eight street segments
23 that were placed in District 2 instead of
24 District 6. So that related to 121 registered
25 voters. These are the street segments that

1 were in the wrong district.

2 Of the 121 registered voters, 19 voters
3 had already cast an in-person ballot and 3
4 absentees were accepted. So they voted
5 basically in the race for District 2 instead
6 of 6, where they should have been.

7 At that point, we discovered that the
8 same employee had been responsible for both
9 school district errors, so we rechecked all of
10 the worksheets that were completed by that
11 employee and found no other errors.

12 Again, redistricting, just as a -- just
13 to bring everybody back up to speed,
14 redistricting can be very complicated,
15 especially down -- the further down you go in
16 jurisdiction.

17 So you have districts for congress, for
18 state senate, for state house, for
19 commissioners, and then school districts, so
20 you're going further and further down, and
21 there's more broken-apart precincts that have
22 split districts.

23 So you know, no excuse, but this is
24 where it got very complicated at this level,
25 and then, we add into the proposed cityhoods

1 in the four proposed cityhoods in May and here
2 in November. So there was a very complicated
3 redistricting effort this time.

4 Next, please. All right. This was
5 moving onto absentee ballots. We did get a
6 report that there were -- a voter received
7 three ballots on October 24th. We received an
8 email regarding a voter who received these
9 three ballots. After looking at them, we
10 could see that two ballots were packed by our
11 ballot-packing machine and one was packed by
12 hand.

13 And the machine ballots were not meant
14 to be sent out. That was part of our first
15 couple of runs of the machine to test it, and
16 for some reason, these ballots went out in the
17 mail instead of being destroyed as they were
18 instructed.

19 The manually packed ballot, which in
20 this photo, is the top one, was the correct
21 ballot. It was issued as provisional. You
22 can see the stamp on it. It says PROV because
23 there was an issue with mismatched ID
24 information on the voter's application.

25 Next one. The absentee ballots that

1 everyone has heard were not sent out when they
2 should have been, they had issue dates of
3 October 13th and October 22nd. The way we --
4 the sequence of events on this is we were
5 receiving voter contacts, which are not
6 unusual, saying, I haven't gotten my ballot
7 yet.

8 And it seemed as if there were more
9 than normal that were issued on the 13th. No
10 one mentioned the 22nd at that point. So we
11 did contact the United States Postal Service
12 representatives that we work with to see if
13 perhaps there was a delay in their processes
14 or if, you know, ballots had been
15 inadvertently not mailed out.

16 At that point, we received an email
17 from Representative Wilkerson showing some
18 data that he had put together that showed that
19 significantly fewer return ballots were on the
20 issue dates of October 13th, and there was
21 only one return ballot from October 22nd.

22 So that gave us more impetus to go
23 ahead and look into this a little bit further.
24 We found that after researching there were 192
25 ballots that were issued on October 22nd. And

1 when I say issued, I mean the date was
2 implemented in the system, but the next step
3 of packing and actually mailing those ballots
4 did not happen.

5 So by that time, we only had 164
6 ballots that were still outstanding because
7 during the time that people were calling, they
8 were also having their ballots cancelled and
9 reissued or voting in person. So by that
10 time, we had repacked 164 ballots. We sent
11 them out by UPS overnight on 11/4, and this
12 was from the October 22nd issue date.

13 So next, please. So we continued to
14 investigate and found on November 4th, we
15 confirmed that 838 ballots that were issued on
16 October 13th were also never packed and
17 mailed.

18 So at that point, it was very late in
19 the timeframe, and we wanted to at least get
20 some of them out. That was a significant
21 number to try and mail out.

22 But we repacked 83 ballots that had
23 originally been issued to out-of-state mailing
24 addresses, hoping that we could at least get
25 to the people who couldn't vote in person. So

1 we sent those out by UPS overnight, and they
2 went -- they were actually mailed out on the
3 5th, which was a Saturday.

4 At that time, we had, you know, a court
5 issue that come up, and the court ordered us
6 to repack and send out by overnight the
7 remaining 276 ballots. So again, there was a
8 number of them that had already been cancelled
9 and reissued. There was a number of people
10 that had already voted during early voting, so
11 we end up with 276 ballots that had not yet
12 been voted.

13 So those were issued. These were all
14 voters whose mailing addresses were in the
15 State of Georgia, not necessarily in Cobb
16 County. We sent those all out by UPS
17 overnight, as well. But that process is very
18 lengthy. We have to pack the ballots up, we
19 have to get them to our mailroom here in Cobb
20 County, they get labeled for UPS overnight,
21 and then the UPS truck comes and picks them
22 up.

23 Well, we didn't make it for some of
24 those ballots in the timeframe that we were
25 working in, and so some of the ballots did not

1 reach UPS in time and were hand delivered on
2 Election Day, thanks to our chairwoman who
3 spearheaded that Election Day effort.

4 Next, please. The last, I hope,
5 problem that I wanted to discuss with you all
6 is we've got a ballot marking device, BMD,
7 display that showed the question for the
8 Cityhood of Mableton. It repeats itself. If
9 you can see about on the fourth line, it
10 starts over with "shall the act".

11 And how that all transpired, early on
12 in the process, before early voting even
13 started, we received an email from
14 Commissioner Sheffield about this, and she was
15 looking at the My Voter page sample ballot and
16 saw this issue. And that sample ballot
17 program is new this year.

18 So our first thought was, well, there's
19 a glitch in their new program that the state
20 is using for the My Voter page. So we
21 contacted the Secretary of State, and we had
22 them correct their enhanced sample ballot, is
23 what they're calling it, to match what we had
24 already proofread and approved, that did not
25 look like this. And they corrected that on

1 October 11th. And so we thought that was --
2 that issue was dead.

3 Next, please. However, on October
4 22nd, we were already early voting, and it was
5 near the end of L&A testing for the polling
6 places. Our prep center manager found the
7 same repeating question as on the previous
8 slide on some of the ballot marking device
9 touch screens.

10 We contacted the Secretary of State to
11 see if we could get the issue corrected. They
12 said it was too late. We were already too far
13 into the process. They did not catch it
14 either in their proofreading.

15 This one's very interesting to me, and
16 I honestly have not delved into what causes
17 it, but the absentee ballots were correct.
18 The database that we proofread was correct,
19 but somehow the touch screen was creating a
20 different, incorrect display.

21 So the only way that we could resolve
22 it at this point, given the late timeframe,
23 was we posted these signs that -- an example
24 is here on this slide -- at each ballot
25 marking device and at the check-in stations at

1 all the early voting locations and on Election
2 Day, at all of the Mableton precincts.

3 Next one. Okay. So moving on to the
4 better part of this report, closing out all of
5 the things that we had go wrong, we also
6 participated in a pilot program with the
7 Secretary of State's Office of cellular poll
8 pads.

9 It completed streamlined the early
10 voting process. We were able to get real-time
11 status on all of the machines. We were one of
12 18 counties. We were the largest of the 18
13 counties that participated. And the result
14 was that voters did not have to fill out a
15 paper application. They signed the oath on
16 the poll pad screen, very similar to what
17 happens on Election Day.

18 And the poll pad sits on a printer, in
19 this case, the picture there on the left, and
20 the printer would print out the signed
21 certificate or oath, so we had a paper back
22 up. We didn't need the voter to prefill out a
23 paper application.

24 The best part about it was that all of
25 the transactions during the day were uploaded

1 into eNet each night and so voters had credit
2 the next day, and they, you know, there was a
3 record of what their voting had gone on. And
4 then, it was in the absentee voter file the
5 next day.

6 At first, when we were agreeing to the
7 program, we agreed to implement into eNet by
8 hand from these paper voter certificates. As
9 it turned out, on the second day of the
10 program, they said they had figured out how
11 they could do this automatic upload, so that
12 really took a lot of burden off of our staff
13 and it was a very streamlined process.

14 The entire voter experience, we
15 received a lot of positive comments about.
16 The check-in average, which, again, we could
17 see real time as it was happening, and the
18 average was 1 minute and 13 seconds for a
19 check-in.

20 And as you remember, it used to be
21 where they had to check you in on a computer
22 and then go to the poll pad and encode the
23 card. And there were often errors in that
24 transaction. They would -- the clerks would
25 see the polling precinct and the district

1 combination in the eNet system on the laptop,
2 but by the time they encoded the card on the
3 poll pad, they had either forgotten it or been
4 distracted, and they had encoded the wrong
5 card.

6 So this program really was a complete
7 success, and everything was done on the one
8 unit. And so there were no -- there could be
9 no errors because the voters were actually
10 given the card that was encoded for them.

11 And I think that's my last slide. You
12 have in front of you the election summary
13 report, and if you can -- if you notice, we
14 had 20.75 percent from Election Day voting.
15 We had 35.74 percent from advanced voting. We
16 had 4.98 percent from absentee mail, and .08
17 percent from provisional, for a total
18 percentage turnout of 61.55 percent.

19 So entertaining any questions that you
20 have, and then at whatever time is proper, if
21 you'll make a motion to certify the election.

22 MS. SILAS: Thank you, Ms. Eveler, for
23 your report. Are there any questions for Ms.
24 Eveler with respect to any aspect of her
25 report?

1 MR. BRUNING: Ms. Eveler, the pilot
2 with the cellular poll pads, I heard some
3 people questioning the Wi-Fi availability and
4 poll pads connected to Wi-Fi. Tell us how the
5 cellular works. Is that a secure system?

6 MS. EVELER: Yes. It's connected
7 through a dedicated cellular network, similar
8 to what Homeland Security uses during
9 emergencies. And it is connected to -- the
10 cellular units are connected to each other and
11 then connected to what's called ePulse, which
12 is sort of their home base.

13 ePulse is a copy of the database from
14 eNet, so there's no way to enter into eNet
15 from the system because, again, it's offline
16 from the voter registration system. But
17 they're all connected to ePulse, where we go
18 log into ePulse, and we can see what's going
19 on during the day.

20 MR. GARTLAND: It definitely cut our
21 time down a bunch.

22 MS. EVELER: Yes.

23 MR. GARTLAND: And it seems like all the
24 challenges we had dissipated. It was quicker,
25 and then, what mistakes we had were rectified

1 right there.

2 MS. EVELER: Yes, Mr. Gartland.

3 Actually, part of what was -- this pilot made
4 it so much easier to correct some of these
5 errors that were happening because we were
6 able to upload every night whatever
7 information we needed to.

8 So we were doing last-minute changes in
9 eNet to correct errors or because there were
10 people that had registered in time, but their
11 application, voter registration application,
12 maybe had some issues, and they were resolved.

13 So we were able to register those
14 people and have it uploaded the next night.
15 This was a lot of increased service to the
16 voters, basically.

17 MR. BRUNING: I was just going to say
18 that we had 66 percent of our total voters
19 voted advance or absentee. Only 33 percent,
20 33.7, voted in person, and being able -- the
21 voters being able to vote early on their
22 schedule, I think, was a huge service to the
23 voters, and everything that we heard --
24 everything that I heard was extremely
25 positive.

1 Voters were just delighted with being
2 able to get in and out in a quick manner,
3 minimal headaches, problems, and I, you know,
4 I don't think Election Day voting will go
5 away. There's some folks who like Election
6 Day voting, but man, what a benefit to the
7 voters and to the county.

8 If you think of the number of man hours
9 that were saved by people being able to vote
10 when they wanted to vote as opposed to having
11 to take time off, it's a winner all the way.

12 And I'm -- I was concerned about the
13 security when I first heard about it, so I'm
14 really delighted to hear that this is a
15 dedicated cellular system, off the internet,
16 independent.

17 And I think it's a great win and
18 compliment Director Eveler and the whole staff
19 for a great service to the voters and thank
20 you.

21 MS. BROOKS: Steve just spoke to
22 something that I wanted to maybe have you
23 address because we've seen changes in the
24 trends as far as how voters choose to vote on
25 Election Day versus advance voting versus in

1 person. And could you just give us a couple
2 of comments about what you've seen happen
3 over -- I want to say over my term.

4 MS. EVELER: Yes. Well, as you know,
5 we -- you've been around long enough to know,
6 we've done surveys after every general
7 election to ask people, you know, why they
8 voted the way they did, not who they voted
9 for, why -- the method that they chose.

10 And by far, one of the greatest
11 answers, the biggest answer is convenience,
12 convenience of the day of the week,
13 convenience of the hour of the day. There are
14 some people who vote early because they are
15 afraid they'll get -- they'll be in lines on
16 Election Day.

17 But primarily, it's that people want to
18 vote on their own schedule. And this number
19 of ballots, 181,386, for advanced voting is
20 the largest number that we've done in Cobb
21 County in any of our elections, including the
22 2020 presidential election, which, you know,
23 that one was so heavily absentee ballot. But
24 this one was really -- the star of the show
25 was the advanced voting, for sure.

1 MS. BROOKS: Just it wasn't just the
2 number, but it was a percentage of voters who
3 decided to use that particular method.

4 MS. EVELER: Right, right. Yes.

5 MR. GARTLAND: Kind of take me through
6 this -- when we had this, whatever you want to
7 call it, mix up that we didn't get -- we had
8 to hire extra people to -- at the libraries.
9 They had to deputize them. That was a last
10 minute thing, right?

11 MS. EVELER: Did you want to wait for
12 the other presentation about the last call, or
13 do you want me to speak on it?

14 MS. SILAS: Yeah, no. You can -- we'll
15 wait. I actually have a couple of questions.
16 Can we hold off because the last call will be
17 the last call program.

18 MR. GARTLAND: Okay. I just thought
19 this was --

20 MS. SILAS: Yeah, no. And it's during
21 this time, so we'll have that conversation
22 prior to certification, but I do -- I was
23 waiting till -- does anyone else have any
24 further questions with respect to any aspects
25 of Director Eveler's presentation?

1 MR. GARTLAND: Just the polls that I
2 went to, I did about 12 of them, and everybody
3 was saying how this streamlined, really.
4 People coming out were just appreciated very
5 much the time. So -- and it seemed like we
6 had very little -- few hitches from that. And
7 it sure it made it a lot easier for the -- and
8 plus the poll workers were raving about it.
9 So that was good.

10 MS. SILAS: So I do have a couple of
11 quick questions with respect to the issues.
12 And thank you for your transparency and
13 providing a report, a written report, or at
14 least some visual with regard to the issues
15 that took place.

16 Where I would like to start is with the
17 absent -- well, with respect to the -- excuse
18 me -- the districts being drawn incorrectly.
19 Presumably, as I understood, those issues were
20 in existence during the primary.

21 MS. EVELER: Yes, ma'am, they were.

22 MS. SILAS: Okay. And candidates
23 didn't recognize, we didn't recognize, voters
24 didn't recognize, but it was during this
25 election that -- or the general election that

1 we recognized, obviously, no one is making
2 revisions. The corrections that have been
3 made during the course of this general
4 election, that situation has resolved itself
5 completely?

6 MS. EVELER: Yes. However, we are
7 going to have to do more redistricting for
8 permanently putting people into the Mableton
9 City now that it has been approved.

10 MS. SILAS: Okay.

11 MS. EVELER: So the method that we used
12 to create those cities on a temporary basis is
13 different than to put them as a permanent
14 basis. So that will have to happen before we
15 have the mayor and council race.

16 MS. SILAS: Okay. And I don't believe
17 we know when those races will take place. But
18 obviously -- well, what I would believe to be
19 an obvious question of the public, I know
20 people have raised this question with me with
21 regard to what remedies and what measures are
22 we taking such that we do not replicate these
23 same errors on a go-forward basis.

24 So if you could speak to -- and
25 obviously, I know we're focused on a run-off

1 election, and you and I have talked about
2 having conversations about really assessing
3 the process easier.

4 MS. EVELER: Yes.

5 MS. SILAS: So is that -- have you
6 begun to think about those processes that we
7 would put in place such that we don't
8 replicate this issue when you're permanently
9 drawing the districts for the Mableton City --
10 City of Mableton?

11 MS. EVELER: Yes. And we do have
12 processes for that. Obviously, you don't do
13 it very often. So they're not used very
14 often. Every ten years we do the census
15 redistricting. But for this case with the
16 Mableton City, you know, we will have more
17 time to check them.

18 MS. SILAS: Um-hum.

19 MS. EVELER: As you all know, we tried
20 to get the legislature to extend the time for
21 the May primary to give us more time to do
22 some of those checking processes, but
23 unfortunately, you know, we were down in the
24 wire at that point, and so we barely got it
25 all done, and we didn't have time really to go

1 back and look at it.

2 We probably had some time between the
3 primary and this election but didn't really
4 put that as a task to do with all the
5 preparation for November, and we had made it
6 through the May primary without these being
7 revealed. So we thought we were good.

8 MS. SILAS: Okay. With respect to the
9 three ballots that were mailed to the one
10 voter, that was just a matter of just human
11 error and the team not fully following the
12 instructions with respect to the testing
13 process for the mail-ins or the electric
14 inserter or the equipment inserter, correct?

15 MS. EVELER: Um-hum. That's my
16 understanding of the issue. There were no
17 other reports of this happening to other
18 voters. The machine is new. We implemented
19 it prior to the November election because we
20 felt that that was the best way that we could
21 keep up with all of the ballots.

22 But because it is new, the processes
23 aren't fully -- haven't fully evolved. And so
24 this particular thing was a human error of a
25 person sending those ballots out or putting

1 them in the stream of outgoing ballots when
2 they were told to destroy those ballots.

3 MS. SILAS: Okay. And when you make
4 reference to keeping up with the ballots, it's
5 a matter of keeping up with the number of
6 requests for absentee ballots because this
7 equipment reduces the manual labor and
8 increases the number of ballots that can be
9 inserted, correct?

10 MS. EVELER: Yes.

11 MS. SILAS: I think it might be
12 helpful -- I mean, I've seen the machine,
13 obviously, and those of us on the board, but
14 to the extent that we're referencing it, it
15 might be helpful to share with the public what
16 this machine does.

17 MS. EVELER: Right. So we have always
18 had what we call our pack-and-review process,
19 where the list of people who have applied for
20 the ballot and been issued a ballot in the
21 system is printed out.

22 And then, the ballots are inserted into
23 the envelopes with all of the return
24 envelopes. And they're checked against the
25 applications, and a sticker with the name is

1 put on them, and they're sealed to go out.

2 Well, this machine greatly increases
3 our speed because it does all of the inserting
4 itself. It prints the name directly on the
5 envelopes and seals everything, and it's ready
6 to send out.

7 What we failed to do is to check the
8 packed ballots against the list of people, and
9 so that check was not happening, and so no one
10 caught that a whole list had not been done
11 twice.

12 MS. SILAS: Okay. And so that's the
13 issue with the absentee ballots, the 1,036.

14 MS. EVELER: Yes.

15 MS. SILAS: And so obviously, we are in
16 the midst of -- I requested my absentee ballot
17 yesterday. So we're in the midst of, you
18 know, voters requesting absentee ballots,
19 hearing from individuals that have joined us
20 today with regard to their -- them not
21 receiving an absentee ballot, not being in
22 that 1,036 that were identified, that we
23 overnighted ballots to. I believe it was Mr.
24 Zach Hearst.

25 What processes have we put in place or

1 are we putting place with regard to ensuring
2 that individuals that participate in the
3 absentee ballot process, especially in this
4 condensed time period, that they are going to
5 receive their ballots?

6 MS. EVELER: Right. So we are
7 implementing what we thought -- well, I
8 thought, what management thought was already
9 happening, which is the review side. Again,
10 it is an existing process to pack the ballot
11 and then review.

12 The fact that we are packing the ballot
13 mechanically doesn't erase the fact that you
14 have to do the review afterwards. So we've
15 reimplemented all of that, made sure everybody
16 understands. We've put in several different
17 teams, so that's there's one team doing
18 something, and the other team checks what the
19 first team did.

20 And just to briefly give everybody the
21 timeframe on the run-off ballots. We just
22 received our database today. And so we are
23 entering -- first of all, we've been entering
24 the over-15,000 rollover applications that are
25 people that have, through the years, through

1 this year, have requested, due to them being
2 elderly, or disabled, or overseas, that they
3 want to receive a ballot for every election.

4 So first, we'll be getting those out.
5 We anticipate that they will be packed the
6 rest of this week, through the weekend, and be
7 in the mail on Monday. And then, the next
8 group is the ones that have sent in
9 applications, the new applications, for just
10 the run-off.

11 So we have a lot of absentee ballots
12 that are already on deck to go out, and it is
13 a very large effort. You know, the ballot
14 inserter will help us with the speed of
15 packing them, but the review is still manual.

16 MS. SILAS: Manual process.

17 MS. EVELER: Um-hum.

18 MS. SILAS: Okay. And then, I think
19 the only thing, I think, with respect to kind
20 of making certain the Board is aware of those
21 numbers, obviously, you receive those
22 inquiries, but we receive those inquiries, as
23 well.

24 And I'd like to ensure that myself and
25 other Board members are in a position of being

1 educated and informed, well, I guess more so
2 informed with regard to what's being received
3 from an application perspective and what's
4 being processed.

5 So I would like for a daily report, if
6 at all possible, to go to all of the Board
7 members with respect to the number of
8 applications that have been received, noting
9 this 15,000 rollover, followed by the number
10 of applications that have been "accepted" such
11 that they're -- the ballots would be mailed
12 and those individuals that need to cure -- the
13 number of applications that need to be cured.

14 MS. EVELER: Right.

15 MS. SILAS: Okay. Did anyone else have
16 anything further, just with respect to this?
17 We'll get to the library program in just one
18 moment. Okay.

19 If there's nothing else, again, as I
20 made mention of at the start of the meeting,
21 we were going to move the library program up
22 to this portion of the meeting because it's a
23 part of the overall report on the election.

24 So Ms. Mosbacher will --

25 MS. MOSBACHER: So I just -- I'll be

1 brief. I know we a lot to cover, but this was
2 actually a pilot program that was run a year
3 ago, that Director Eveler put in place with
4 the consent with the Secretary of State, so
5 that's been -- that was already vetted. We
6 had three libraries at that time in the
7 November 2021 election.

8 And in this election, it was expanded
9 to seven libraries, and there was a team of
10 people that I worked with -- team of staff
11 that we worked with to train deputy registrars
12 and couriers to allow absentee voters a last
13 call opportunity on the Saturday and Monday
14 before Election Day to be able to return
15 ballots and have them accepted in at libraries
16 throughout the county.

17 So this was a program that was -- the
18 plan, basically, was to, you know, expand on
19 that pilot and give increased convenience,
20 accessibility, and transparency to absentee
21 voters. There were 21 deputy registrars, and
22 we accepted ballots on Saturday and Monday.

23 We accepted a total of 727 ballots,
24 which was more than three times the
25 utilization in the pilot, so it was expanded

1 in that sense. And of those ballots that were
2 accepted, 86 percent of them were actually
3 processed on site at the library, which then
4 allowed those ballots to come back in and then
5 be prepared for tabulation.

6 So it was actually less work for the
7 absentee staff in the office because we were
8 able to process those ballots onsite. And so
9 that actually was a cost reduction for the
10 county in that sense.

11 The only reason that there were some
12 that we couldn't process was either due to
13 failure of the internet line that was
14 installed at South Cobb Library, and then,
15 also, one of the polls had to close -- one of
16 the library program closed earlier because
17 there was a poll set-up (inaudible). So that
18 was the only reason we didn't actually process
19 the majority of them.

20 For voter feedback, we did have a
21 survey. We asked three questions, and of the
22 294 voters that took the time to survey -- to
23 answer the survey questions, we had comment
24 cards and an online survey, 98 percent of
25 those voters said that the program was

1 helpful. 97 percent said that they wanted the
2 option for voting in the future. And 91
3 percent said, yes, that the program should be
4 expanded.

5 So those were our three questions, and
6 we feel like that was an overwhelming success
7 of the program. We did have a lot of great --
8 we had an open-ended question on this -- on
9 it. And what that basically yielded was
10 really positive feedback.

11 The workers at the library made it so
12 easy. They were kind and helpful, so person-
13 to-person customer service. This method is
14 easy for those who cannot make it to the
15 polls, especially the elderly. It was great,
16 convenient, I probably wouldn't have been able
17 to vote if this program wasn't there.

18 So those are some of the kinds of, you
19 know, response that we received, and you know,
20 I think, overall, this was a success. I think
21 that voters enjoyed it. I think that we had a
22 really solid team of people. I would
23 definitely recommend, you know, seeing this
24 continue in the county.

25 I think it really captures voters who

1 have held onto their ballots or received it
2 sort of towards the end because the drop boxes
3 aren't available anymore following closing of
4 early vote on the Friday before elections.
5 And I think it is also -- does a service for
6 the actual county in terms of processing these
7 ballots.

8 So you know, this was a rollout on a
9 pilot, so we sort of built the plane as we
10 flew it, but we did develop, you know,
11 training materials with the county. We worked
12 with a, you know, a solid team and absentee
13 department to put together a plan and a
14 program that will hopefully be expanded.

15 And I'm happy to answer any questions.

16 MS. SILAS: Okay. So I know that you
17 had a question. Just wanted to give the
18 opportunity for presentation with respect to
19 the program. But go ahead.

20 MR. GARTLAND: All right. This is a
21 program set by the Secretary of State, right?

22 MS. MOSBACHER: No --

23 MS. SILAS: Pardon us. The question
24 was directed to Director Eveler.

25 MS. EVELER: This was something that I

1 came up with for the 2021 pilot, and I did run
2 it through the Secretary of State's Office to
3 see if they had any issues with it, and they
4 did not.

5 MR. GARTLAND: Okay. Did -- now, these
6 people that we brought on that we had to
7 deputize, did we bring them on later or did we
8 have -- did we vote on this or plan on this
9 before or what?

10 MS. EVELER: We discussed it in Board
11 meetings, but I don't think the Board called
12 for a vote for anything. I presented it,
13 talked about it, but no, we did not do a vote.

14 MR. GARTLAND: And so Ms. Mosbacher
15 kind of ran the show on this or?

16 MS. MOSBACHER: No.

17 MS. EVELER: No.

18 MS. MOSBACHER: I just sort of took it
19 under my wings.

20 MS. SILAS: Yeah, I was going to say --

21 MR. GARTLAND: Pardon?

22 MS. SILAS: -- let's just -- I mean, I
23 apologize for interrupting you, but the
24 questions are being directed to Director
25 Eveler, so I will let her answer them.

1 MS. MOSBACHER: Sure.

2 MS. EVELER: So Mr. Gartland, we, you
3 know, we thought it was a success the first
4 time that we tried it in 2021. But with our
5 move to the new building, and the short
6 timeframe, and redistricting, we just did not
7 have, as everybody said, the bandwidth to do
8 it.

9 And so we were not really going to
10 implement this. There were people that were
11 in favor of it, and we talked to Ms.
12 Mosbacher, who said, I think between myself
13 and another of our seasonal employees, who she
14 happens to know, that we could put it on. So
15 they kind of took the reins of it.

16 We were involved throughout the time
17 that there was training and that there were
18 forms needed, signage made. We participated
19 in that, but we did not take the lead in
20 hiring and training people, although we
21 participated in that, because we just did not
22 have time to implement that.

23 MR. GARTLAND: Now, who trained them?

24 MS. EVELER: It was the group, the
25 seasonal employee -- sorry, Susan's name I

1 can't say, but Susan, who is on our seasonal
2 team, and Jennifer Mosbacher and her husband,
3 and they were sort of the leadership team.

4 And then, we had some of our people
5 that would participate off and on into the
6 training. We would answer questions and solve
7 any technical issues.

8 MR. GARTLAND: What -- I mean, nothing
9 against you, don't get me wrong, but makes her
10 qualified to train these people and her
11 husband?

12 MS. EVELER: Yes. Well, they're all
13 deputy registrars.

14 MR. GARTLAND: Pardon?

15 MS. EVELER: We deputize them, as well.
16 They were all deputy registrars, and you, as a
17 Board, you are the Board of Registrars. And
18 the rest of us are deputy registrars. So you
19 know --

20 MR. GARTLAND: So these people that we
21 deputized, who paid them?

22 MS. EVELER: The county will pay them.

23 MR. GARTLAND: And is that in our
24 budget?

25 MS. EVELER: Yes.

1 MR. GARTLAND: Just seems like we
2 weren't -- I wasn't aware of it. And maybe
3 it's my fault, but was everybody else aware of
4 this?

5 MS. BROOKS: I would like to say that
6 we discussed this in detail when it was --
7 when the pilot was implemented. And so this
8 was just an extension -- with some addition,
9 with some adds as far as formal training and
10 documentation of the program.

11 As a matter of fact, I was going to ask
12 if we could get a written official report with
13 any graphs or whatever you might want to
14 include for our benefit.

15 But no, we were -- just as a reminder,
16 we were made well aware of the first iteration
17 of this as well as had a lot of discussion
18 concerning the second. But maybe not to the
19 extent that you wanted to have detail.

20 MR. GARTLAND: Well, I just think it
21 was something that we didn't go public with or
22 we didn't really talk about it. And again,
23 nothing against you, but I think the whole
24 Board should have been involved in it.

25 MS. MOSBACHER: Well, Erica Hamilton,

1 who's the registrar, she actually made a
2 presentation to our Board when we were
3 discussing this. So she actually was really
4 who, in a sense, I was partnering with.

5 MR. GARTLAND: I don't remember her
6 talking about you and your husband --

7 MS. MOSBACHER: But she actually -- no,
8 she made a presentation, and she did actually
9 present the flyer and the schedule. That was
10 also sort of done even before I offered to
11 help.

12 But I'm just making the presentation on
13 sort of behalf of Erica, really, because this
14 was -- this falls under her auspices. She was
15 really the supervisor of the program. We, you
16 know, we worked directly with her. Susan was
17 actually a member of the pilot program.

18 So I feel like it's sort of getting
19 attacked in a sense, but in a really solid
20 way, it was a lovely program that, you know,
21 Director Eveler was put in place to serve our
22 voters. So --

23 MR. GARTLAND: I'm sure it's wonderful

24 MS. MOSBACHER: It was really a
25 supportive program. I just think it's unfair,

1 and unkind, and disrespectful, the sort of
2 coughing and noise. Like, this was a program
3 that served our voters and that 727 absentee
4 voters were served in this county by dedicated
5 employees of this county, who actually work in
6 lots of capacities.

7 Most of the workers were also people
8 who worked in absentee department. These were
9 not just people I pulled out of thin air. We
10 recruited through people who were already
11 trained to be accepting and working in the
12 absentee department.

13 MR. GARTLAND: That's wonderful. That
14 is all wonderful

15 MS. MOSBACHER: So these were -- we
16 were utilizing people who were trained. Those
17 people actually came in and worked many, many
18 days in the absentee department to help accept
19 ballots just on regular days.

20 But then, they also were able to do
21 that sort of in a remote satellite location,
22 so that we were more conveniently located for
23 the voters. And that was, you know, this was
24 a pilot that really was successful.

25 So I fear that my name being attached

1 to it seems to make that a caustic issue, but
2 in the sense, this was really just happening
3 under the auspices of Erica Hamilton and
4 Director Eveler.

5 MS. SILAS: I guess my question, Pat,
6 you made reference to our fellow board member
7 and her husband, who are long-term poll
8 workers in Cobb County, assistant poll
9 managers --

10 MR. GARTLAND: Wonderful.

11 MS. SILAS: -- I believe. I guess I
12 want to understand what is the concern.

13 MR. GARTLAND: Well, the concern was I
14 wasn't aware of it.

15 MS. SILAS: It's unfortunate that you
16 weren't aware of it because we've talked about
17 during the course of this -- these Board
18 meetings. So it's unfortunate that you
19 weren't aware of it, but a presentation was
20 made --

21 MR. GARTLAND: But I think it could
22 have been known -- we could -- they could have
23 let me know or let us know --

24 MS. SILAS: And I was aware of it.

25 MR. GARTLAND: -- a little more.

1 MS. SILAS: Because it's been -- there
2 were presentations. Mr. Bruning, you were
3 aware of it?

4 MR. BRUNING: Yes.

5 MS. SILAS: Okay. We were all aware of
6 it.

7 MR. GARTLAND: Okay.

8 MR. BRUNING: I did have two --

9 MS. SILAS: Of course.

10 MR. BRUNING: -- other questions
11 that -- from comments that have been made
12 today. One concern is clarification of the
13 activity as it relates to a poll location and
14 the rules that apply to poll observers, to
15 people campaigning.

16 That seems to be to be something needs
17 to be addressed one way or another. There
18 ought to be rules that apply to that program
19 the same that they apply to polling places or
20 other activities.

21 And then, the second thing was the
22 comment about a person coming to the libraries
23 with envelopes full of ballots. My
24 understanding is that should be against --
25 that's against the rules. And Jennifer, do

1 you know anything about that?

2 MS. MOSBACHER: Do you want to address
3 it or you want me to? So somebody did bring
4 an envelope in. We have -- it's actually all
5 been documented. It went through Janine. And
6 if somebody wants to leave their ballots, they
7 left the ballots, but they were actually put--
8 they were never checked in. They were put
9 into a -- when -- the way the actual satellite
10 location was set up, there were two different
11 places that once the ballots were checked in,
12 they either went into a box that was accepted,
13 or they went into a box that was for review at
14 that main office.

15 And those ballots, as they are exactly
16 done in the -- in the main office, they're
17 wrapped in a sheet with a piece of paper that
18 says, for review, and why.

19 So those ballots were marked, these
20 were not accepted by the individual, and then
21 those have to be cured. They're not accepted
22 into the system, and our -- the registers
23 that, you know, were at these locations were
24 fully trained and aware that those -- you
25 can't, like -- if -- once somebody hands

1 you -- once that ballot is turned in, it's --
2 it's turned in. But we don't have to accept
3 that ballot, just as if somebody turns in the
4 ballot, you know, and it's provisional, you
5 know, for instance.

6 So those ballots all came back to the
7 office for review and were segregated
8 separately.

9 MS. SILAS: And my understanding is
10 that that particular deputy registrar noted
11 that on a log, and that information was made
12 aware to Director Eveler or to Ms. Hamilton.

13 MS. MOSBACHER: Yeah, there was a full
14 report submitted to Director Eveler by the
15 team lead at the library, and all of those
16 ballots were marked, both on their sheet and
17 on our -- on the chain of custody form that
18 comes back every night. So there was several
19 different documentation points along the way.

20 MS. SILAS: Okay. And it -- go ahead.
21 I -- I do have one thing --

22 MR. GARTLAND: Yeah, just --

23 MS. SILAS: -- and I'd like --

24 MR. GARTLAND: -- it just seems like a
25 board member was running the program, in my

1 mind from what I heard here.

2 MS. SILAS: Right. Well, some of us --
3 there are those of us that are actively
4 engaged. I mean, the week of November the
5 4th, that week I worked in the office --

6 MR. GARTLAND: (Inaudible) --

7 MS. SILAS: -- numerous times --

8 MR. GARTLAND: Understand.

9 MS. SILAS: -- because of the number of
10 absentee ballots, and this was prior to the
11 issue that we became aware of. I was there
12 that Tuesday night and that Wednesday night
13 till 10 or 11 o'clock.

14 So I think, one, it's incumbent upon
15 us, especially in light of the fact that
16 individuals are suggesting that we run the
17 Board of Elections. We are -- but that we run
18 the office. I, personally, don't work in that
19 office, but I think it's incumbent upon us to
20 understand what the processes are.

21 So when individuals suggest that the
22 buck stops with me or any one of us that's
23 here, we can speak intelligently and be
24 informed about the processes around the -- our
25 election process.

1 MR. GARTLAND: Rightfully so, but if
2 I'd known you needed help, I would have been
3 here, too.

4 MS. SILAS: I just raised my hand. I
5 called, and I asked, and I said, hey, no one
6 called me and asked me to show up. Like, no
7 one's going to ask me to show up at the -- at
8 the Risk Limiting Audit that it -- as it
9 occurs over this week. I believe that to be a
10 part of my responsibility.

11 And that's not calling anyone out that
12 doesn't believe, but one, as the Board Chair
13 and as a member of this Board, if people are
14 coming to me and asking me questions about
15 this process, I've got to be knee -- I believe
16 I should be knee-deep in this process so that
17 I can respond in an informed manner,
18 especially in light of the fact that there's
19 so many individuals that suggest that the buck
20 stops with me.

21 So that being said, does anyone have
22 any further comments or questions about this
23 particular program? Yes, Mr. White?

24 MR. WHITE: Ms. Chairman, I -- just
25 in addressing Mr. Bruning's question about the

1 conduct at the polling -- at these places, I
2 just want -- and there was another comment
3 that raised. It's probably worth mentioning
4 the legal basis for this --

5 MS. SILAS: Sure.

6 MR. WHITE: Secretary of State
7 Regulations 183 114.08 says that the Board of
8 Registrars may establish additional sites as
9 additional Registrar's office or places of
10 registration for the purpose of receiving
11 absentee ballots under OCGA 212381 and for the
12 purpose of voting absentee ballots under OCGA
13 2128385, and then it says, where practicable,
14 it should be, basically, a public building.

15 So that's a legal basis. There's no --
16 there's no -- any implication that this
17 outside the law is incorrect.

18 Secondly, if you, then, want to go to
19 the statute about how you conduct yourselves
20 at these places, OCGA 212414 says that rooms
21 under the control or supervision of the Board
22 of Registrars or Absentee Ballot Clerk in
23 which absentee ballots are being cashed shall
24 be considered polling places.

25 So to the extent deputy registrars,

1 these -- these librarians and other government
2 employees were deputized as registrars to
3 accept ballots, they are to be treated as
4 polling places.

5 People are not to be campaigning there.
6 They are to conduct themselves as they're
7 there at a polling place, and that's -- that's
8 something we need on the record for the
9 future, if we do expand this program because
10 people need to understand there are laws that
11 apply at these locations, would also apply at
12 polling places, and they need to be conducting
13 themselves in an appropriate manner.

14 MS. SILAS: All right. And I will,
15 also note, because I believe that I hold this
16 position in a -- in a -- and operate in a very
17 balanced manner, there is a comment that was
18 raised with respect to monitors and observers.

19 There is an opportunity for us to
20 improve the program, if we move forward, but
21 as Mr. White has suggested, we have -- it's
22 within our authority to identify additional
23 "polling locations" as noted per the provision
24 of the code. And if we determine that we will
25 do this -- if we will determine that we'll do

1 this a go-forward basis, then we will ensure
2 that the appropriate notices are provided that
3 allow for observers and/or monitors.

4 But to that extent, individuals here
5 today noted that they were there in an
6 observer capacity, so -- but then, also,
7 suggested that it wasn't a polling location.
8 So we've got to determine. We can't,
9 necessarily, have it both ways.

10 Anything further on this particular
11 topic? I note the time is 4:34. We still
12 have a report and a polling location changes,
13 as will be proposed by Ms. Pringle, as well as
14 needing to vote on the advance in-person
15 polling locations for the runoff. Anything
16 further? Yes, ma'am?

17 FEMALE VOICE: Can you vote to certify
18 this election?

19 MS. SILAS: Yeah, absolutely. I
20 just -- most definitely.

21 FEMALE VOICE: Thank you.

22 MS. SILAS: But just wanting to be
23 certain that we're fine with everything --
24 every aspects of the reports that have been
25 provided before we certify the election.

1 All that being said, is there a motion
2 to certify the election?

3 MS. BROOKS: I move to certify the
4 election.

5 MS. SILAS: Is there a second?

6 MR. BRUNING: Second.

7 MS. SILAS: It's been moved and
8 properly seconded to certify the election
9 results for the November 8th general and
10 special -- November 8th, 2022, general and
11 special election. We'll call a question. All
12 those in favor?

13 I will note that four of our board
14 members are in favor, and Mr. Gartland has
15 abstained.

16 Moving on to the next item in our
17 agenda -- well, first and foremost -- and
18 thank you, Jeanine. I did not have the
19 opportunity to express my gratitude, one, for
20 the opportunity to work alongside you and your
21 staff -- or our staff during the course of
22 this election and all the hard work that you
23 all performed over the course of the election.

24 MS. EVELER: Thank you very much, and
25 I -- I, also, want to extend my thanks to all

1 of the board members were worked, to some
2 capacity, either on election night or before
3 that, down in the floor with us to make sure
4 that things were done. So I appreciate that
5 you are a working board and you're willing to
6 extend your efforts alongside us.

7 MS. SILAS: Absolutely. Thank you.
8 Moving on, Ms. Pringle?

9 MS. PRINGLE: Good afternoon, Board. I
10 just have two items for you this afternoon.
11 The purpose would be to temporarily change the
12 polling place location for Precinct Dodgen 01
13 from the Episcopal of St. Peter and St. Paul
14 at 1795 Johnson's Ferry Road in Marietta to
15 Mt. Zion Methodist Church at 1770 Johnson's
16 Ferry Road, Marietta. This will be effective
17 only for the December 6th runoff.

18 The background to this is the current
19 polling place has notified Cobb Elections that
20 their facility is not available as a polling
21 site for the December runoff. Mt. Zion
22 Methodist Church, the current polling place
23 for Roswell 02, is located 0.2 miles from the
24 Episcopal Church of St. Peter and St. Paul and
25 will adequately serve the additional 2,036

1 active register voters.

2 The co-located precinct will be in the
3 same polling location. Mt. Zion Methodist
4 Church is located outside of the boundaries of
5 the Dodgen 01 Precinct. This change will be
6 effective December the 6th, general election
7 runoff only, after which the polling place
8 will revert to the regular facility.

9 Notification of this change will be
10 included posting signs at the old polling
11 location, social media posting, local media
12 press release, provide information on the
13 Elections website. That's it.

14 MS. SILAS: And the second one?

15 MS. PRINGLE: Okay. The second one,
16 yes. All right. To temporarily change the
17 polling place location for Precinct Marietta
18 6A from Redeemed Christian Church of God's
19 Heaven's Gate that located right now at 816
20 Pickens Industrial Drive in Marietta to Grace
21 Life Church at 1083 Allgood Road, Northeast,
22 Marietta, effective for this December 6th,
23 2022, general election runoff.

24 The background, the current polling
25 place has notified Cobb Elections that their

1 facility is no longer available as a polling
2 site for the December 6th runoff due to a fire
3 code violation.

4 Grace Life Church, the current polling
5 place for Elizabeth 04 is located 0.8 miles
6 from Redeemed Christian Church of God's
7 Heaven's Place Gate and will adequately serve
8 the additional 2,390 active registered voters.
9 The co-located precinct will be in the same
10 facility. Grace Life is located outside of
11 the boundaries of the Marietta 6 Precinct.

12 This change is effective for the
13 December 6th general runoff only, after which
14 we will look for a permanent polling location
15 place. Notification of this change will
16 include posting signs at the old poll --
17 polling location, social media postings, local
18 media press release, and providing information
19 on our website.

20 MS. SILAS: Any questions for Ms.
21 Pringle with regard to the proposed temporary
22 polling location changes?

23 MR. BRUNING: Ms. Pringle, do we -- do
24 we mail the voters in this -- these precincts
25 that a change has occurred?

1 MS. PRINGLE: Yes.

2 MR. BRUNING: Oh, we do mail them?

3 MS. PRINGLE: Yes.

4 FEMALE VOICE: Also --

5 FEMALE VOICE: I'm not sure we'll be
6 able to get --

7 MS. PRINGLE: Oh.

8 FEMALE VOICE: -- anything out with the
9 short timeframe, though. Normally, we would,
10 but in this case.

11 MS. SILAS: That's, actually, where I
12 was going. So with regard to this being a
13 temporary polling location due to the
14 unavailability of the location just --
15 presently just for December the 6th --

16 MS. PRINGLE: Yes.

17 MS. SILAS: -- what are our plans with
18 regard to signage? Because admittedly, during
19 the course of our general election on Election
20 Day --

21 MS. PRINGLE: Um-hum.

22 MS. SILAS: -- while visiting some of
23 our polling locations and speaking to poll
24 managers --

25 MS. PRINGLE: Yes.

1 MS. SILAS: -- for locations that
2 recently changed, they were suggesting that
3 some of the voters were making statements that
4 there were not -- there was not signage at the
5 old polling location.

6 MS. PRINGLE: Well, we always -- do you
7 want to speak to it?

8 FEMALE VOICE: (Inaudible).

9 MS. PRINGLE: Okay. We always make
10 sure that there is adequate notice of signage
11 that is posted at the location that we will
12 not be using, and it's -- we normally get them
13 out seven days prior to the election.

14 MS. SILAS: Okay.

15 FEMALE VOICE: Yeah. We didn't have
16 any locations for this November 8th election
17 that had been changed since the primary.

18 MS. SILAS: So it -- the gentleman
19 made -- made --

20 FEMALE VOICE: Runoff, sorry.

21 MS. SILAS: -- mention of -- and it
22 wasn't a temporary. This was a permanent
23 change that we made at some point over the
24 course of the year, and I should have looked
25 it up, but it was the Korean Church.

1 And so you know, you all can recall
2 that we did make that change this year, and
3 the poll manager at the -- I believe it was
4 Switzer Library Recs was -- when I visited it,
5 he was telling me that individuals had gone to
6 the old location and did not realize that --
7 that the change had taken place.

8 So obviously -- obviously, given the
9 fact that these folks have just four weeks ago
10 voted at these polling locations that need
11 to --

12 MS. PRINGLE: Um-hum.

13 MS. SILAS: -- temporarily be changed,
14 we just need to make certain that we're
15 providing adequate signage --

16 MS. PRINGLE: Yes.

17 MS. SILAS: -- at the permanent
18 location that they should be going to the
19 temporary location on the 6th --

20 MS. PRINGLE: Yes, ma'am.

21 MS. SILAS: -- as well as whatever we
22 can do via social media and the website.

23 MS. PRINGLE: Yes, ma'am.

24 MS. SILAS: Okay. Anyone have anything
25 further?

1 I think it's appropriate to take these
2 together, unless anyone disagrees. I'll
3 entertain a motion for -- to approve each of
4 these temporary polling location changes.

5 MR. GARTLAND: I'll make that motion.

6 MS. SILAS: Well, thank you, Mr.
7 Gartland. Is there a second?

8 MR. BRUNING: Second.

9 MS. SILAS: It's been moved and
10 properly seconded to approve the proposed
11 temporary polling change -- change -- location
12 changes. Call the question. All those in
13 favor?

14 The motion unanimously passes. Thank
15 you, Ms. Pringle.

16 MS. PRINGLE: Thank you.

17 MS. SILAS: Moving on, as noted at the
18 outset of the meeting, we were going to
19 take -- as I thought it might take a while to
20 get through the agenda, the advanced voting
21 plan or advanced voting locations need to be
22 approved today, given the statutory
23 requirement for a certain amount of notice.

24 Ms. Eveler, will you be providing the
25 proposed plan? I know we've communicated via

1 email about the proposed locations and dates
2 and times.

3 MS. EVELER: Yes, I'll just briefly go
4 over what we have on deck, and then you all
5 can have your discussion.

6 MS. SILAS: Okay.

7 MS. EVELER: Okay. So we have secured
8 a space at all of the same locations that we
9 had in the November 8th election, with the
10 exception of Jim Miller Park. And so we have
11 12 locations. We have secured space for
12 Monday through Friday, November 28th through
13 December 2nd at all of the locations.

14 Additionally, at the Board's request,
15 we looked at securing space on Sunday, the
16 27th of November, and at this point, we have
17 agreement from six locations, the --
18 obviously, the main office, East Cobb
19 Government Center, Smyrna Community Center,
20 the Ward Rec Center, South Cobb Regional
21 Library, and North Cobb Senior Center.

22 However, as I mentioned to you in
23 email, it would be my hope that we could limit
24 this to five locations and select only five of
25 those that are available on Sunday to give us

1 a central location at the main office and then
2 four around the county in four quadrants.

3 That is, mainly, due to staffing
4 because that is the Sunday after the
5 Thanksgiving holiday. A lot of my staff have
6 already made plans for out-of-town holiday
7 events, and we're concerned about staffing six
8 locations.

9 MS. SILAS: Okay.

10 MS. EVELER: Thank you.

11 MS. SILAS: Thank you. Does anyone
12 have anything to add? Any board members
13 comments, questions for Director Eveler?

14 MS. BROOKS: I just wanted to add that
15 I'm gratified that we are working with other
16 departments in the county government to try to
17 ensure that our voters have accessibility, so
18 in working -- in our work with North Cobb
19 Senior Center, we had some challenges, but I
20 think we've done a good job of working
21 together to work those things out.

22 MS. SILAS: Okay. The other point I'd
23 like to make is that litigation was filed
24 today with respect to clarifying as to whether
25 Saturday voting is allowable, understanding

1 that we received the official election
2 bulletin, I believe, on the 12th from the
3 Secretary of State's Office, advising that
4 due -- I believe it's to 212385 that it is not
5 permitted.

6 But I will note that while we are not a
7 party to this litigation, this litigation
8 could, obviously, impact whether we are
9 permitted to offer voting on Saturday on the
10 26th, recognizing it is, also, obviously, part
11 of that holiday weekend.

12 But I think we would be remiss if we
13 did not at least attempt to have this
14 conversation and provide for the possibility
15 because if it's a situation where either the
16 judge indicates that the interpretation of the
17 code provision allows for Saturday voting --
18 we have traditionally had Saturday voting -- I
19 think that it's incumbent upon this Board to
20 at a minimum have this conversation.

21 So first and foremost, are we required
22 to leave at 5:00 p.m.? I know oftentimes
23 that's -- well, thank you. So we're not
24 required to leave by 5:00 p.m., but I do
25 believe we do need to have this conversation,

1 so ready and willing to discuss that.

2 I have read the pleadings that -- that
3 were filed, and again, we are not a party to
4 this litigation, but it does impact the
5 decisions that this Board makes, and
6 obviously, the work that we ask of the office.

7 So does anyone have comments,
8 questions, or concerns?

9 MR. GARTLAND: Give our poll workers
10 Sunday off and say we'll do it Saturday. No,
11 I -- I --

12 MS. SILAS: Always the jokester, Mr.
13 Gartland.

14 MR. BRUNING: I guess the thing that
15 we've heard from public comment today from a
16 couple of the commenters, students that were
17 concerned about access to the poll -- to
18 advanced voting because of their having to be
19 out-of-town --

20 MS. SILAS: Right.

21 MR. BRUNING: -- and if the court
22 approves Saturday voting, I think that that
23 would be a big help to students who are home
24 for Thanksgiving, but they have to go back
25 Sunday morning, and they wouldn't be able to

1 access any of the advanced voting. So I would
2 be in favor of having some -- some Saturday
3 voting, if it's allowed by the -- by the
4 courts.

5 MS. SILAS: Okay.

6 MS. BROOKS: I wanted to comment on
7 another impacted population because I work so
8 closely with Senior Services through the
9 Senior Council that holidays are also many
10 times when children are in town to visit their
11 parents, and I have heard many comments about
12 accessibility. People who live in, certainly,
13 independent living settings but also those who
14 live in assisted living settings who, I
15 believe, would benefit from an additional
16 opportunity.

17 MS. SILAS: Okay. So what we would be
18 talking about here would be, essentially, the
19 election -- advanced in-person voting
20 beginning on that Saturday, the 26th, taking
21 place on the Saturday if permit -- if
22 permissible, based upon either judicial
23 intervention or a reinterpretation by the
24 Secretary of State, voting on Sunday.

25 And I believe we noted those five --

1 six locations, noting your request that we
2 limit it to five, Ms. Eveler. And the time we
3 spoke about would be 12:00 to 5:00, I believe?
4 Okay. I just don't think we'd gotten kind of
5 the time on the record. And then on Monday
6 through Friday for all 12 locations, the time?

7 MS. EVELER: We're going to do 7:00
8 a.m. to 7:00 p.m.

9 MS. SILAS: 7:00 a.m. to 7:00 p.m.

10 MS. EVELER: Um-hum.

11 MS. SILAS: Okay. So I think all
12 matters are on the table now. We can kind of
13 take them up in the order in which they were
14 proposed

15 So with respect to Monday through
16 Friday, all 12 locations -- essentially, this
17 is a replication of, say, Jim Miller Park,
18 which was only available that final week. But
19 it's the replication of the same schedule that
20 we had during the general election.

21 So if there is a motion with regard to
22 the proposed dates and times? And again, that
23 would be Monday through Friday, all 12
24 locations, 7:00 a.m. through 7:00 p.m.

25 MS. MOSBACHER: So moved for the Monday

1 through Friday 7:00 a.m. --

2 MS. SILAS: Is there a second?

3 MS. BROOKS: I'll second.

4 MS. SILAS: It's been moved and
5 properly seconded to move -- or to approve
6 advance in-person voting, Monday through
7 Friday, that being 12/28 through 12 -- I'm
8 sorry -- 11/28 through 12/2 at all 12
9 locations, replicating the schedule that we
10 had during the general election advanced in-
11 person voting, 7:00 a.m. to 7:00 p.m. Call
12 the question. All those in favor?

13 I note that Mr. Gartland has abstained,
14 and all other board members have voted in
15 favor.

16 Noting that we have the date -- days
17 available or at least agreed upon and the
18 locations for the weekdays, turning our
19 attention to Saturday -- or I'm sorry, Sunday.
20 Again, this would be on the 27th. There are
21 five -- six locations that we have agreement
22 to open, noting Ms. Eveler's request that we
23 limit that to five. Is there a motion on the
24 floor?

25 MALE VOICE: What's the motion for?

1 MS. SILAS: It would be with regard to
2 Sunday --

3 MALE VOICE: Sunday.

4 MS. SILAS: -- voting. Sunday voting.

5 MALE VOICE: I guess (inaudible).

6 MR. BRUNING: I move that we approve
7 the six locations for Sunday voting. I
8 believe from noon to 5:00 is what -- what was
9 mentioned earlier.

10 MS. BROOKS: I'll second.

11 MS. SILAS: So it's been moved and
12 properly seconded to approve the six locations
13 that we have received agreement on to open on
14 Sunday the 27th from 12:00 to 5:00. Call the
15 question. All those in favor?

16 Note that Mr. Gartland has voted no.
17 The balance of the Board has voted yes.

18 Then with respect to Saturday, again
19 recognizing that litigation was filed today
20 that could impact whether we have the
21 ability -- whether we're permitted to offer
22 voting on Saturday.

23 Again, I believe that it's part and
24 parcel of the attempts that we've made to be
25 consistent and to provide open and accessible

1 opportunities to vote. Noting that we have
2 heard from students today that were impacted,
3 as well as that there were other impacted
4 communities, I move that the Cobb County
5 election staff be authorized and direct to
6 expand the advanced in-person voting options
7 approved for Sunday to Saturday, November the
8 26th, in the event a judicial order is issued
9 or direction is provided by the Secretary of
10 State that permits voting on Saturday,
11 November 26th, and if doing so would not be in
12 violation of the statutory advanced notice
13 requirements because we are required by law to
14 provide advanced notice.

15 So that's the motion. Is there a
16 second?

17 MR. BRUNING: I'll second.

18 MS. SILAS: It's been moved and
19 properly seconded. We'll go ahead and call
20 the question.

21 MR. BRUNING: What -- what --

22 MS. SILAS: Oh, is there -- well, we
23 would replicate the Saturday schedule for --
24 I'm sorry. We'd replicate the Sunday schedule
25 for Saturday.

1 MR. BRUNING: Okay.

2 MS. SILAS: So it'd be the same
3 locations, the same hours.

4 MS. EVELER: Chairwoman, we don't have
5 those locations secured for Saturday.

6 MS. SILAS: That's why you'd be
7 authorized to do it. We couldn't ask about
8 something that we didn't know that there was a
9 pendency for. So you'd be authorized to do
10 it, but if you -- if we can't secure them, we
11 can't secure them.

12 MS. EVELER: Understood.

13 MS. SILAS: But yeah, you'd be
14 authorized and directed to do it, if
15 permissible, and if we can secure them.

16 Is there any further discussion? No?

17 Okay. I can -- I'm happy to restate the
18 motion, with the clarification as provided by
19 Director Eveler, because obviously, she can't
20 open an office -- or our Elections Office
21 can't open a polling location if we've not
22 secured them. But we've made no effort to
23 secure them because we didn't know this
24 litigation -- the litigation as I understand
25 it was filed late last night or this morning.

1 I received notice of it earlier today.

2 So we'll go ahead and call the
3 question. All of those in favor?

4 MS. BROOKS: Could you restate?

5 MS. SILAS: I'm happy to. I said I
6 could.

7 MS. BROOKS: Yes, yes.

8 MS. SILAS: No one asked me to --

9 MS. BROOKS: Yes, yes.

10 MS. SILAS: -- but I'm happy to.

11 MS. BROOKS: Yes, I ask (inaudible).

12 MS. SILAS: I move that the Cobb County
13 election staff be authorized and directed to
14 expand the advance in-person options approved
15 for Sunday, November the 27th to Saturday,
16 November 26th in the event a judicial order is
17 issued or direction is provided by the
18 Secretary of State that permits voting on
19 Saturday, November 26th, and doing so would
20 not be in violation of the statutory advanced
21 notice requirement, also assuming we can
22 secure those locations.

23 I'll note that Mr. Gartland has voted
24 no. The balance of the Board has voted in
25 favor of the motion.

1 Moving on to the next item on the
2 agenda, they are the challenges, as Mr.
3 Williams made reference to during public
4 comment, and this is a challenge pursuant to
5 Section 21230 of our Georgia Elections Code to
6 determine if probable cause exists to sustain
7 a challenge of denying voters registered at
8 various addresses on the grounds that they --
9 that their records have insufficient address
10 information.

11 Does anyone have questions or comments?
12 We've taken up these types of challenges
13 before. Yes?

14 MR. GARTLAND: Have -- Jeanine, have we
15 called these people or we've talked to the --
16 what we'd try to do?

17 MS. EVELER: No, we have not. The
18 first order is to have the Board determine if
19 there's probable cause.

20 MS. SILAS: And probable cause is
21 based -- or it could be determined --
22 determined based upon the information that Mr.
23 Williams --

24 MR. GARTLAND: Yeah.

25 MS. SILAS: -- emailed to us.

1 MR. GARTLAND: Okay. Got you. Thank
2 you.

3 MS. SILAS: Anyone have comments or
4 questions? So I just note that this is the
5 same type of challenge that we took up at our
6 previous board meeting, and we did not find
7 that there was probable cause. There has not
8 been additional information beyond the same
9 type of information that was provided in
10 October, provided with regard to these nine
11 individuals.

12 So is there a motion on the -- on the
13 floor?

14 MS. MOSBACHER: I move to dismiss the
15 challenge for lack of probable cause.

16 MS. BROOKS: I'll second.

17 MS. SILAS: It's been moved and
18 properly seconded to dismiss this -- the
19 challenge of these nine voters due to a lack
20 of probable cause. We'll call the question.
21 All those in favor?

22 I'll -- Mr. Gartland -- note that Mr.
23 Gartland has voted no. The balance of the
24 Board has voted in favor of the motion to
25 dismiss the challenge for lack of probable

1 cause.

2 The next item on the agenda's Board
3 Member Comments -- there've already,
4 obviously, been a number of comments from my
5 colleagues and I, but we'll entertain any
6 additional comments from the Board. No?

7 Hearing none, we'll note that the next
8 board meetings are December the 6th,
9 obviously, to observe the elections return --
10 returns.

11 That meeting will take place at our
12 main office located at 995 Roswell Street, and
13 then we will have our -- our standard board
14 meeting for the month of December held on
15 December the 12th and to, among other things,
16 certify the election. And the location of
17 that meeting will be here?

18 FEMALE VOICE: Um-hum.

19 MS. SILAS: Perfect.

20 FEMALE VOICE: Yes.

21 MS. SILAS: Thank you.

22 Mr. White, is there a need to go into
23 executive session?

24 MR. WHITE: Not on my part, no.

25 MS. SILAS: Okay. There being none,

1 we'll adjourn our November meeting at 5:01
2 p.m.

3 (End of Video Recording.)

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CERTIFICATE

I, Wendy Sawyer, do hereby certify that I was authorized to and transcribed the foregoing recorded proceedings, and that the transcript is a true record, to the best of my ability.

DATED this 17th day of November, 2022.

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A	40:4 63:10 64:15,22,23 65:2 76:12,20 76:21 accepting 73:11 access 4:17 5:7 34:12 94:17 95:1 accessibility 64:20 92:17 95:12 accessible 11:8 13:23 98:25 accommodate 34:25 account 32:24 accountability 28:3 accuracy 4:9 accurate 5:16 accused 26:2,3 acknowledged 12:8 act 45:10 activation 39:8 active 4:1 85:1 86:8 actively 78:3 activist 16:11 activities 75:20 activity 75:13 actual 33:9 67:6 76:9 add 40:25 92:12 92:14 addition 4:20 34:21 71:8 additional 30:15 80:8,9 81:22 84:25 86:8 95:15 103:8 104:6 Additionally 35:1 91:14 address 14:14 16:20 21:18 22:12 52:23	76:2 102:9 addressed 75:17 addresses 21:12 21:24 22:10 43:24 44:14 102:8 addressing 79:25 adds 71:9 adequate 15:8 88:10 89:15 adequately 84:25 86:7 adjourn 105:1 adjudicated 16:3 admittedly 87:18 admonished 14:17 advance 51:19 52:25 82:14 97:6 101:14 advanced 2:17 13:6 20:9 49:15 53:19,25 90:20,21 94:18 95:1,19 97:10 99:6,12,14 101:20 advising 93:3 advocate 33:25 advocates 11:5 afford 13:11 afraid 53:15 afternoon 2:2 3:20 7:10 8:15 14:10,11 17:10 20:23 23:6 29:13 84:9,10 agenda 2:6,8,9 2:16,20 3:5 8:17 36:2,24 83:17 90:20 102:2 agenda's 104:2 ago 8:22 9:6,24	33:23 35:7 64:3 89:9 agreed 17:15 48:7 97:17 agreeing 48:6 agreement 91:17 97:21 98:13 agrees 33:6 ahead 2:24 3:14 7:21 12:5 17:25 18:13 35:21 42:23 67:19 77:20 99:19 101:2 air 73:9 aisle 32:10 Allgood 85:21 allocated 17:3 allow 64:12 82:3 allowable 92:25 allowed 4:13 65:4 95:3 allowing 6:4 allows 93:17 alls 31:14 32:13 alongside 83:20 84:6 altogether 17:21 Amazon 21:14 amount 3:8,12 17:2 90:23 amounts 34:15 ample 34:19 and/or 82:3 answer 20:4 53:11 65:23 67:15 68:25 70:6 answers 53:11 anticipate 62:5 anymore 67:3 anyway 28:12 28:23 apologize 10:17 16:24 20:13 68:23 apparently	14:22 application 8:3 12:3,6,9,11,18 13:1 18:5 32:16 41:24 47:15,23 51:11 51:11 63:3 applications 13:20 59:25 61:24 62:9,9 63:8,10,13 applied 12:21,23 27:6 59:19 apply 75:14,18 75:19 81:11,11 appointed 10:9 appointing 24:3 appreciate 10:20 20:15 84:4 appreciated 55:4 approaching 25:8 appropriate 81:13 82:2 90:1 approval 36:2 approve 36:9,16 90:3,10 97:5 98:6,12 approved 45:24 56:9 90:22 99:7 101:14 approves 94:22 approving 36:22 areas 24:7 argue 32:12 arrived 34:4 arriving 13:2 asked 23:17,22 24:16 25:24 27:8,12 30:14 65:21 79:5,6 101:8 asking 11:7 28:19 79:14 aspect 49:24
----------	---	---	--	---

<p>aspects 54:24 82:24</p> <p>assessing 57:2</p> <p>assistant 74:8</p> <p>assisted 95:14</p> <p>associated 2:12</p> <p>assumed 12:9</p> <p>assuming 101:21</p> <p>attached 9:5,25 73:25</p> <p>attacked 72:19</p> <p>attempt 93:13</p> <p>attempts 98:24</p> <p>attended 17:25</p> <p>attending 17:12</p> <p>attention 4:11 97:19</p> <p>attorney 28:25</p> <p>attributed 33:1</p> <p>audit 10:12 79:8</p> <p>aunt 17:11</p> <p>auspices 72:14 74:3</p> <p>authority 81:22</p> <p>authorized 99:5 100:7,9,14 101:13 106:3</p> <p>automatic 48:11</p> <p>availability 50:3</p> <p>available 5:3,11 34:23 67:3 84:20 86:1 91:25 96:18 97:17</p> <p>average 48:16 48:18</p> <p>aware 62:20 71:2,3,16 74:14,16,19,24 75:3,5 76:24 77:12 78:11</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>back 13:11 21:7 22:8 32:3 35:24 40:13 47:21 58:1</p>	<p>65:4 77:6,18 94:24</p> <p>background 84:18 85:24</p> <p>badgering 28:25</p> <p>balance 98:17 101:24 103:23</p> <p>balanced 81:17</p> <p>ballot 4:12 5:9 8:3 12:12,17 12:21 13:1 16:4 17:18,24 18:6,11,15,17 18:22 19:15,19 23:11,18,19,21 32:16 34:13 38:4,14,22 39:2,8,8,10 40:3 41:19,21 42:6,21 45:6 45:15,16,22 46:8,24 53:23 59:20,20 60:16 60:21 61:3,10 61:12 62:3,13 77:1,3,4 80:22</p> <p>ballot-packing 41:11</p> <p>ballots 4:14,18 7:20 8:1 9:8 13:21 15:23,25 20:2,6 24:17 24:18,18,23,25 25:2 27:2,12 27:15 28:13 29:21 30:5,11 30:19,20 32:20 34:15 38:24 41:5,7,9,10,13 41:16,25 42:14 42:19,25 43:3 43:6,8,10,15 43:22 44:7,11 44:18,24,25 46:17 53:19 58:9,21,25 59:1,2,4,6,8,22</p>	<p>60:8,13,18,23 61:5,21 62:11 63:11 64:15,22 64:23 65:1,4,8 67:1,7 73:19 75:23 76:6,7 76:11,15,19 77:6,16 78:10 80:11,12,23 81:3</p> <p>banana 9:21</p> <p>bandwidth 69:7</p> <p>barely 57:24</p> <p>barriers 34:11</p> <p>base 50:12</p> <p>based 3:8 6:8 16:22 95:22 102:21,22</p> <p>basically 22:9 40:5 51:16 64:18 66:9 80:14</p> <p>basis 56:12,14 56:23 80:4,15 82:1</p> <p>batter's 21:15</p> <p>Bea 33:7,13</p> <p>bear 35:14</p> <p>beautifully 9:22</p> <p>beginning 2:1 95:20</p> <p>begs 21:25</p> <p>begun 57:6</p> <p>behalf 7:13 33:25 72:13</p> <p>believe 21:1 23:24 56:16,18 60:23 74:11 79:9,12,15 81:15 89:3 93:2,4,25 95:15,25 96:3 98:8,23</p> <p>believed 38:12</p> <p>benefit 52:6 71:14 95:15</p> <p>best 47:24 58:20</p>	<p>106:5</p> <p>better 21:11 22:3 47:4</p> <p>beyond 103:8</p> <p>big 15:20 94:23</p> <p>biggest 53:11</p> <p>birthday 33:9</p> <p>bit 22:3 42:23</p> <p>BMD 45:6</p> <p>board 1:10 2:4,4 2:13 3:5,7,22 4:6,22 5:1,6 7:12,19 8:4 16:11 17:14 28:7 30:23 31:1 32:17 33:21 36:20,21 38:8 39:19 59:13 62:20,25 63:6 68:10,11 70:17,17 71:24 72:2 74:6,17 77:25 78:17 79:12,13 80:7 80:21 83:13 84:1,5,9 92:12 93:19 94:5 97:14 98:17 101:24 102:18 103:6,24 104:2 104:6,8,13</p> <p>Board's 91:14</p> <p>bond 28:8,10</p> <p>borders 39:13</p> <p>boundaries 27:6 85:4 86:11</p> <p>box 21:15 31:24 34:13 76:12,13</p> <p>boxes 6:11 27:5 67:2</p> <p>boy 29:5</p> <p>Boyd 8:9,10 10:16</p> <p>Branch 14:20 15:7</p> <p>Brantley 37:18</p> <p>break 34:18</p>	<p>brief 64:1</p> <p>briefly 4:20 61:20 91:3</p> <p>bring 30:22 39:9 40:13 68:7 76:3</p> <p>bringing 24:21</p> <p>Brit 13:25 20:17 35:24</p> <p>broken-apart 40:21</p> <p>BROOKS 36:12 52:21 54:1 71:5 83:3 92:14 95:6 97:3 98:10 101:4,7,9,11 103:16</p> <p>brought 68:6</p> <p>brown 24:14</p> <p>Bruning 36:14 50:1 51:17 75:2,4,8,10 83:6 86:23 87:2 90:8 94:14,21 98:6 99:17,21 100:1</p> <p>Bruning's 79:25</p> <p>buck 78:22 79:19</p> <p>budget 70:24</p> <p>building 16:16 69:5 80:14</p> <p>built 16:22 67:9</p> <p>bulletin 93:2</p> <p>bunch 50:21</p> <p>burden 48:12</p> <p>Burns 13:25,25 20:17 35:24</p> <p>business 3:12,25</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>cabinet 11:4</p> <p>cabinets 9:13</p> <p>call 2:3 4:11,12 6:13,15 14:14 21:12 23:10</p>
--	--	--	---	--

24:25 26:12,25 27:21 29:7,7 31:17 32:10 54:7,12,16,17 59:18 64:13 83:11 90:12 97:11 98:14 99:19 101:2 103:20 called 14:21 50:11 68:11 79:5,6 102:15 calling 43:7 45:23 79:11 calls 18:8 20:4 25:4 campaigning 75:15 81:5 Campbell 3:16 3:18,20,24 6:24,25 7:2 campus 11:12 cancelled 39:1 43:8 44:8 candidate 4:2 candidates 39:20 55:22 Canopy 25:23 capable 19:16 capacities 73:6 capacity 82:6 84:2 captures 66:25 card 48:23 49:2 49:5,10 cards 65:24 carries 36:23 case 37:14 38:9 47:19 57:15 87:10 cashed 80:23 cast 17:18 38:3 38:21 40:3 catch 46:13 Catherine 33:19 33:21 caught 60:10	cause 102:6,19 102:20 103:7 103:15,20 104:1 caused 26:10 causes 46:16 caustic 74:1 CDLT 106:24 cellular 47:7 50:2,5,7,10 52:15 census 37:13 57:14 center 23:15 25:18 46:6 91:19,19,20,21 92:19 central 92:1 certain 2:6,18 62:20 82:23 89:14 90:23 certainly 95:12 certificate 47:21 106:1 certificates 48:8 certification 54:22 certify 8:18,24 10:10 32:22 49:21 82:17,25 83:2,3,8 104:16 106:2 certifying 7:14 9:16 chain 77:17 chair 11:3 79:12 Chairman 79:24 chairwoman 37:3 45:2 100:4 challenge 102:4 102:7 103:5,15 103:19,25 challenged 21:1 21:4 challenges 50:24 92:19 102:2,12	challenging 35:20 chambers 3:3 10:19 20:21 chance 35:11,16 change 84:11 85:5,9,16 86:12,15,25 88:23 89:2,7 90:11,11 changed 88:2,17 89:13 changes 2:9,22 5:6,10 51:8 52:23 82:12 86:22 90:4,12 chaos 29:25 chaotic 23:12 25:11 charge 28:11 check 48:21 57:17 69:7,9 check-in 46:25 48:16,19 checked 12:14 59:24 76:8,11 checking 57:22 checks 61:18 children 95:10 choose 52:24 chose 11:25 53:9 Christian 85:18 86:6 Christine 26:21 26:23 Church 84:15 84:22,24 85:4 85:18,21 86:4 86:6 88:25 circle 35:24 cities 56:12 Citizen 3:25 city 37:19,19 56:9 57:9,10 57:16 Cityhood 37:14 37:15 38:5,5	45:8 cityhoods 40:25 41:1 civic 34:2 clarification 14:25 75:12 100:18 clarify 14:15 clarifying 92:24 class 17:14 clear 15:14 clearly 15:23 Clerk 80:22 clerks 48:24 close 31:4 65:15 closed 65:16 closely 95:8 closing 47:4 67:3 co-located 85:2 86:9 Cobb 1:10 2:4 3:22,24 4:6 6:16 7:13 9:11 11:2,21,22 12:4,23,24 13:17 14:20 15:7 17:12,16 18:7 19:24 20:1,24 21:18 22:15 23:7,14 29:14,15 30:18 31:13 33:21 44:15,19 53:20 65:14 74:8 84:19 85:25 91:18,20,21 92:18 99:4 101:12 code 9:8 39:8 81:24 86:3 93:17 102:5 coded 9:14 37:18 38:18 coding 37:25 colleagues 104:5 college 17:12,20 19:7,23 20:1	colleges 11:14 colors 35:7 combination 49:1 come 22:8 24:13 27:2 44:5 65:4 comes 44:21 77:18 coming 15:5 25:8 29:1 39:17 55:4 75:22 79:14 comment 2:25 3:15 4:19 21:3 65:23 75:22 80:2 81:17 94:15 95:6 102:4 commenters 94:16 comments 17:13 31:21 33:24 36:8 48:15 53:2 75:11 79:22 92:13 94:7 95:11 102:11 103:3 104:3,4,6 Commissioner 11:3 45:14 commissioners 28:7 40:19 commitment 29:17 communicated 90:25 communicating 5:9 communication 30:9 communicatio... 5:4 communities 24:7 99:4 community 11:4 11:8 24:10 33:25 34:6
---	--	---	---	--

<p>91:19 companies 21:23 company 21:16 complete 5:16 49:6 completed 40:10 47:9 completely 56:5 complicated 40:14,24 41:2 compliment 52:18 computer 10:4 48:21 concern 74:12 74:13 75:12 concerned 20:5 52:12 92:7 94:17 concerning 71:18 concerns 94:8 concluded 13:7 condensed 61:4 conduct 80:1,19 81:6 conducted 4:9 conducting 81:12 confidence 25:21 confirmation 12:7,22 confirmed 43:15 confused 25:10 27:3 congress 40:17 connected 50:4 50:6,9,10,11 50:17 consent 64:4 consideration 5:19 6:6 considered 80:24 consistent 98:25 constitutional</p>	<p>9:22 contact 18:7 42:11 contacted 12:24 45:21 46:10 contacts 42:5 continue 5:7,23 6:10 7:19,25 8:4 35:9 66:24 continued 5:25 43:13 control 80:21 convened 36:4 convenience 4:10 53:11,12 53:13 64:19 convenient 66:16 conveniently 73:22 conversation 54:21 93:14,20 93:25 conversations 57:2 Cook 17:9,10,11 17:11 20:11 Cooks 20:11,12 20:15 copy 50:13 correct 14:7 37:25 39:1,9 41:20 45:22 46:17,18 51:4 51:9 58:14 59:9 corrected 10:14 32:19 39:3 45:25 46:11 corrections 56:2 cost 65:9 coughing 73:2 council 56:15 95:9 count's 10:14 counted 4:14 18:25</p>	<p>Countians 6:16 counties 10:13 47:12,13 counting 10:6 counts 23:18,19 23:21 county 1:10 2:4 3:25 4:6 7:13 11:22,23 12:5 12:10,23,24 13:18 17:12,16 18:7 20:1,25 21:18 22:16,21 23:8 31:13 33:22 44:16,20 52:7 53:21 64:16 65:10 66:24 67:6,11 70:22 73:4,5 74:8 92:2,16 99:4 101:12 couple 23:28 28:22 37:23 41:15 53:1 54:15 55:10 94:16 couriers 64:12 course 10:6 56:3 74:17 75:9 83:21,23 87:19 88:24 court 18:19 44:4 44:5 94:21 courts 95:4 cover 64:1 CP 37:4 create 56:12 creating 46:19 credential 15:11 credit 48:1 critical 4:21 28:24 35:20 cross 24:6 cross-section 24:9 Crow 33:4 cure 63:12 cured 63:13</p>	<p>76:21 curious 28:5 current 84:18,22 85:24 86:4 custody 77:17 customer 66:13 cut 32:15 50:20 cycle 19:21 cycles 19:23</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D.C 1:24 daily 30:10,13 63:5 data 9:25 42:18 database 21:19 22:7 46:18 50:13 61:22 date 5:20 12:18 12:18 43:1,12 97:16 DATED 106:6 dates 5:9 42:2,20 91:1 96:22 day 8:6,21 13:3 13:5 18:25 23:20 24:11 25:6,14 33:10 34:17 35:8 37:23 45:2,3 47:2,17,25 48:2,5,9 49:14 50:19 52:4,6 52:25 53:12,13 53:16 64:14 87:20 106:6 days 11:10 13:3 20:8 37:23 73:18,19 88:13 97:16 dead 46:2 deadline 17:25 18:14,19 deadlines 12:5 Debbie 29:12,13 decades 35:7 December 2:17</p>	<p>6:4 84:17,21 85:6,22 86:2 86:13 87:15 91:13 104:8,14 104:15 decided 54:3 decisions 94:5 deck 62:12 91:4 dedicated 50:7 52:15 73:4 definitely 50:20 66:23 82:20 delay 42:13 deliberations 35:21 delighted 52:1 52:14 delivered 25:2 45:1 delved 46:16 Democrat 26:2 democratic 17:18 Democrats 15:4 denied 18:14 denying 102:7 department 67:13 73:8,12 73:18 departments 92:16 deputize 54:9 68:7 70:15 deputized 27:25 70:21 81:2 deputy 14:21 24:4 64:11,21 70:13,16,18 77:10 80:25 deserve 13:16 35:16 designed 9:23 destroyed 59:2 detail 71:6,19 determine 81:24 81:25 82:8</p>
--	---	--	--	---

<p>102:6,18 determined 102:21,22 develop 67:10 developed 9:23 device 39:9 45:6 46:8,25 different 46:20 56:13 61:16 76:10 77:19 DIGITAL 1:23 direct 18:22 99:5 directed 67:24 68:24 100:14 101:13 direction 14:22 99:9 101:17 directly 60:4 72:16 director 16:9,13 37:2 52:18 54:25 64:3 67:24 68:24 72:21 74:4 77:12,14 92:13 100:19 disabled 27:18 62:2 disagrees 90:2 disappointment 4:21 discovered 37:20 38:21 40:7 discuss 45:5 94:1 discussed 3:6 68:10 71:6 discussing 21:2 72:3 discussion 71:17 91:5 100:16 disenfranchise 22:15 28:14 disenfranchisi... 13:16 28:15</p>	<p>disfranchisem... 34:16 dismiss 103:14 103:18,25 display 45:7 46:20 disposal 34:15 disrespectful 73:1 dissipated 50:24 distracted 49:4 distributed 16:7 district 4:4 5:15 38:13,15,19 39:23,24 40:1 40:5,9 48:25 districts 38:9 39:13,19 40:17 40:19,22 55:18 57:9 documentation 71:10 77:19 documented 76:5 Dodgen 84:12 85:5 doing 27:17 51:8 61:17 99:11 101:19 dollars 28:9 Dominion 9:13 9:15 door 16:18,18 doors 15:5 downloaded 12:3 drawing 57:9 drawn 55:18 Drive 37:18 85:20 drop 6:11,13 23:11 27:5 31:24 32:20 67:2 drop-off 14:15 31:17 drove 18:22</p>	<p>due 5:9 17:4 18:19 33:12 62:1 65:12 86:2 87:13 92:3 93:4 103:19 dumbfounded 27:1 duplicate 30:21 duplication 30:15 dysfunction 30:1</p> <hr/> <p style="text-align: center;">E</p> <p>earlier 65:16 98:9 101:1 earliest 5:20 early 5:19,24 6:5 6:17,22 7:16 7:20,21 11:7 11:10,10,11 13:22 17:2 20:7 34:9,19 37:25 44:10 45:11,12 46:4 47:1,9 51:21 53:14 67:4 easier 19:25 20:8 51:4 55:7 57:3 East 11:2 23:14 29:14 91:18 easy 33:5,6 66:12,14 Edison 10:1 educated 63:1 education 11:3,6 19:8 effective 84:16 85:6,22 86:12 effort 41:3 45:3 62:13 100:22 efforts 4:23 34:5 34:7 84:6 eight 3:1 39:22 Eileen 27:8 either 46:14</p>	<p>49:3 65:12 76:12 84:2 93:15 95:22 elderly 27:19 62:2 66:15 elected 10:9 28:10 31:20 election 2:13 6:18,20 7:14 8:6,18,20,25 9:1 10:11 11:25 12:14 13:3,5,13,14 17:19,24 18:18 18:25 19:1,21 19:23 21:10 22:20 25:5,20 29:17 30:22 31:7 32:22 34:17 35:18 36:5 37:1,9 45:2,3 47:1,17 49:12,14,21 52:4,5,25 53:7 53:16,22 55:25 55:25 56:4 57:1 58:3,19 62:3 63:23 64:7,8,14 78:25 82:18,25 83:2,4,8,11,22 83:23 84:2 85:6,23 87:19 87:19 88:13,16 91:9 93:1 95:19 96:20 97:10 99:5 101:13 104:16 elections 1:10 2:5 3:22 4:6,9 7:12 9:11,19 15:21 16:10,13 18:7,8 19:10 19:24 29:15 31:15 32:18 53:21 67:4 78:17 84:19</p>	<p>85:13,25 100:20 102:5 104:9 electric 58:13 eligible 35:11 Elizabeth 23:4,7 86:5 email 9:4 12:7,9 12:22 38:11 41:8 42:16 45:13 91:1,23 emailed 12:4 102:25 emergencies 50:9 employee 40:8 40:11 69:25 employees 10:10 69:13 73:5 81:2 empowerment 34:7 encode 48:22 encoded 49:2,4 49:10 encourage 5:18 5:23 6:2,6,10 34:2 endlessly 29:16 eNet 37:21 48:1 48:7 49:1 50:14,14 51:9 engaged 78:4 enhanced 45:22 enjoyed 66:21 ensure 4:17,24 8:5 13:21 62:24 82:1 92:17 ensuring 4:8 61:1 enter 50:14 entering 61:23 61:23 entertain 36:9 90:3 104:5 entertaining</p>
--	---	--	--	---

<p>49:19 entire 4:5 10:11 48:14 entries 12:19 entry 12:16 16:15,19 envelope 18:20 76:4 envelopes 24:14 59:23,24 60:5 75:23 Episcopal 84:13 84:24 ePulse 50:11,13 50:17,18 equipment 9:13 58:14 59:7 erase 61:13 Erica 71:25 72:13 74:3 error 4:25 39:16 58:11,24 errors 40:9,11 48:23 49:9 51:5,9 56:23 especially 17:20 19:23 40:15 61:3 66:15 78:15 79:18 essentially 95:18 96:16 establish 80:8 Eugene 20:22,24 Eveler 15:17 37:2,3 49:22 49:24 50:1,6 50:22 51:2 52:18 53:4 54:4,11 55:21 56:6,11 57:4 57:11,19 58:15 59:10,17 60:14 61:6 62:17 63:14 64:3 67:24,25 68:10 68:17,25 69:2 69:24 70:12,15</p>	<p>70:22,25 72:21 74:4 77:12,14 83:24 90:24 91:3,7 92:10 92:13 96:2,7 96:10 100:4,12 100:19 102:17 Eveler's 54:25 97:22 event 99:8 101:16 events 42:4 92:7 everybody 40:13 55:2 61:15,20 69:7 71:3 EVIDENCE 1:23 evidenced 15:24 evolved 58:23 exactly 76:15 example 46:23 exams 34:17 exception 91:10 excuse 40:23 55:17 execute 35:20 executive 104:23 exist 10:5 22:10 existence 55:20 existing 61:10 exists 102:6 expand 64:18 81:9 99:6 101:14 expanded 6:8 64:8,25 66:4 67:14 expected 21:7 expensive 12:2 experience 7:16 13:15 25:24 35:13 48:14 experienced 37:9 expired 7:1 26:18 29:10 31:10</p>	<p>explain 27:13 express 83:19 extend 57:20 83:25 84:6 extended 7:23 16:3 18:19 extending 20:9 extension 71:8 extent 2:6 59:14 71:19 80:25 82:4 extra 54:8 extremely 6:21 51:24</p> <hr/> <p style="text-align: center;">F</p> <p>facility 84:20 85:8 86:1,10 fact 15:24 61:12 61:13 71:11 78:15 79:18 89:9 factors 9:2 faculty 11:12 failed 60:7 failure 65:13 fair 29:4 31:15 35:19 fairly 15:14 fairness 4:10 falls 28:7 72:14 falsely 26:1 family 18:22 27:16 far 13:9 46:12 52:24 53:10 71:9 fathers 9:23 fault 71:3 favor 36:19,22 69:11 83:12,14 90:13 95:2 97:12,15 98:15 101:3,25 103:21,24 fear 73:25 February 11:23</p>	<p>feedback 65:20 66:10 feel 66:6 72:18 fellow 74:6 felt 58:20 FEMALE 3:18 7:4 8:10 14:1,5 14:7 20:19 82:17,21 87:4 87:5,8 88:8,15 88:20 104:18 104:20 Ferry 84:14,16 fewer 42:19 Fight 29:4 figured 48:10 file 1:9 48:4 filed 92:23 94:3 98:19 100:25 fill 47:14 final 35:23 96:18 finally 6:15 33:18 finals 11:13 19:2 find 31:19 32:23 103:6 fine 15:12 17:7 82:23 fire 86:2 first 4:5 7:11 13:13 14:13 18:12 37:10,11 41:14 45:18 48:6 52:13 61:19,23 62:4 69:3 71:16 83:17 93:21 102:18 Fisher 29:12,13 29:14 31:9 five 18:8 30:3,8 30:19 91:24,24 95:25 96:2 97:21,23 flew 67:10 flights 12:2 floor 30:2 84:3</p>	<p>97:24 103:13 flow 31:3,5,5 fly 13:11 flyer 72:9 focused 56:25 folks 21:5 52:5 89:9 follow 2:20 23:13 31:24 followed 63:9 following 2:7 26:4 58:11 67:3 foregoing 106:3 foremost 83:17 93:21 forensic 10:12 forgotten 49:3 form 77:17 formal 71:9 forms 69:18 forward 81:20 found 37:16 38:16 39:15,22 40:11 42:24 43:14 46:6 foundational 35:3 founding 9:23 four 30:3 41:1 83:13 89:9 92:2,2 fourth 45:9 fraud 10:5 free 31:15 freedom 32:2 freeze 30:6 Friday 67:4 91:12 96:6,16 96:23 97:1,7 friends' 24:17 friends-of-frie... 24:18 front 49:12 fulfill 4:16 full 10:12 24:15 75:23 77:13</p>
---	--	---	---	---

<p>fully 21:6 58:11 58:23,23 76:24 funded 32:7 further 31:22 40:15,20,20 42:23 54:24 63:16 79:22 82:10,16 89:25 100:16 future 4:25 5:4 66:2 81:9</p> <hr/> <p style="text-align: center;">G</p> <p>GA 34:1 gain 16:19 Gartland 36:20 50:20,23 51:2 54:5,18 55:1 67:20 68:5,14 68:21 69:2,23 70:8,14,20,23 71:1,20 72:5 72:23 73:13 74:10,13,21,25 75:7 77:22,24 78:6,8 79:1 83:14 90:5,7 94:9,13 97:13 98:16 101:23 102:14,24 103:1,22,23 Gate 85:19 86:7 general 2:12 7:14 8:5 12:19 29:25 36:25 53:6 55:25 56:3 83:9,10 85:6,23 86:13 87:19 96:20 97:10 gentleman 88:18 George 35:4 Georgia 10:2 17:23 18:2 19:6 23:13 24:3 25:3 26:24 29:2</p>	<p>33:23 35:15 44:15 102:5 Georgia's 4:3 Georgians 20:3 getting 62:4 72:18 give 23:19,20 53:1 57:21 61:20 64:19 67:17 91:25 94:9 given 3:10 10:18 12:9 46:22 49:10 89:8 90:22 glitch 45:19 go 2:24 3:14 25:9,10,13,17 31:22 37:5 40:15 42:22 47:5 48:22 50:17 52:4 57:25 60:1 62:12 63:6 67:19 71:21 77:20 80:18 91:3 94:24 99:19 101:2 104:22 go-forward 56:23 82:1 God's 85:18 86:6 going 9:12 15:6 22:8 32:3,4 33:3 40:20 50:18 51:17 56:7 61:4 63:21 68:20 69:9 71:11 79:7 87:12 89:18 90:18 96:7 good 2:2 3:20 7:9 8:15 14:10 14:10 17:10 20:23 21:22</p>	<p>23:6 29:13 32:13 55:9 58:7 84:9 92:20 GOP 31:1 gotten 42:6 96:4 government 9:20 23:15 33:12 35:17 81:1 91:19 92:16 Grace 85:20 86:4,10 graduate 33:22 graphics 10:1 graphs 9:5 71:13 gratified 92:15 gratitude 83:19 great 7:16 8:14 35:15 52:17,19 66:7,15 greatest 33:10 greatly 60:2 grounds 102:8 group 1:23 62:8 69:24 groups 24:7 Grubbs 14:8,9 14:10,13 16:24 16:25 17:7 guess 63:1 74:5 74:11 94:14 98:5</p> <hr/> <p style="text-align: center;">H</p> <p>half 28:9 hallway 31:8 Hamilton 71:25 74:3 77:12 hand 41:12 45:1 48:8 79:4 handled 30:2 handling 27:12 hands 76:25 happen 4:25 43:4 53:2 56:14</p>	<p>happened 15:6 happening 48:17 51:5 58:17 60:9 61:9 74:2 happens 13:18 37:12 47:17 69:14 happy 67:15 100:17 101:5 101:10 hard 4:7 7:13 83:22 headaches 52:3 headquarters 24:24 hear 14:11 52:14 heard 13:17 19:4 35:17 42:1 50:2 51:23,24 52:13 78:1 94:15 95:11 99:2 hearing 36:8 60:19 104:7 Hearst 11:17,18 11:19 13:25 60:24 Heaven's 85:19 86:7 heavily 53:23 held 36:17 67:1 104:14 Hello 11:1,18 26:23 help 5:3 62:14 72:11 73:18 79:2 94:23 helpful 59:12,15 66:1,12 Herschel 32:21 hesitant 19:17 hey 25:9 29:1 79:5 High 33:22 higher 11:6 19:8 highlight 5:14 hire 54:8</p>	<p>hired 10:9 16:10 32:8 hiring 30:6,6 69:20 history 35:15 hitches 55:6 hold 28:10 54:16 81:15 holiday 33:11 92:5,6 93:11 holidays 6:1 95:9 home 12:1 50:12 94:23 Homeland 50:8 homeowner 3:25 honest 9:18 honestly 46:16 hoops 19:15 hope 13:14 22:11,24 45:4 91:23 hopeful 17:1 hopefully 4:2 67:14 hoping 27:11 43:24 hour 17:14 53:13 hours 7:23,24 11:9 20:9 29:16,16,18 30:20 52:8 100:3 house 4:4 26:2 31:20 40:18 huge 10:2,3 51:22 human 58:10,24 hundreds 22:6 husband 25:22 70:2,11 72:6 74:7 husband's 26:6</p> <hr/> <p style="text-align: center;">I</p> <p>ID 41:23</p>
--	---	--	--	---

<p>idea 9:12 identifiable 24:6 identified 60:22 identify 81:22 illegal 24:21 immediately 8:2 impact 93:8 94:4 98:20 impacted 95:7 99:2,3 impacts 35:12 impetus 42:22 implement 5:6 48:7 69:10,22 implemented 39:4 43:2 58:18 71:7 implementing 61:7 implication 80:16 important 8:24 22:17 improve 81:20 in- 97:10 in-person 38:4 38:22 40:3 82:14 95:19 97:6 99:6 101:14 inadvertently 42:15 inaudible 3:19 10:14 13:6,14 14:1 65:17 78:6 88:8 98:5 101:11 include 11:9 20:3 38:4 71:14 86:16 included 16:2 85:10 including 5:8,11 6:12 53:21 inclusive 35:8 incorrect 16:21 16:23 46:20</p>	<p>80:17 incorrectly 38:18 55:18 increased 51:15 64:19 increases 59:8 60:2 incumbent 78:14,19 93:19 independent 52:16 95:13 indicates 93:16 indicating 6:20 individual 19:13 76:20 individuals 3:1,9 3:11,15 15:18 17:4 60:19 61:2 63:12 78:16,21 79:19 82:4 89:5 103:11 Industrial 85:20 information 5:17 9:4 16:23 41:24 51:7 77:11 85:12 86:18 102:10 102:22 103:8,9 informed 30:10 63:1,2 78:24 79:17 initially 19:17 initiative 4:13 inquiries 62:22 62:22 inserted 59:9,22 inserter 58:14 58:14 62:14 inserting 60:3 inside 9:13 27:5 insist 10:8 inspires 25:20 installed 65:14 instance 77:5 instructed 41:18 instructions</p>	<p>58:12 insufficient 102:9 insurmountable 35:9 integrity 22:18 intelligently 78:23 interest 22:14 interesting 46:15 interference 31:6 interfering 31:3 31:4 internet 52:15 65:13 interpretation 93:16 interrupt 20:14 interrupting 10:17 68:23 intervention 95:23 intimate 9:17 intimidating 26:5 investigate 43:14 investigated 33:2 investigating 39:21 involved 39:14 39:16 69:16 71:24 issue 16:5 39:12 41:23 42:2,20 43:12 44:5 45:16 46:2,11 57:8 58:16 60:13 74:1 78:11 issued 38:25 41:21 42:9,25 43:1,15,23 44:13 59:20</p>	<p>99:8 101:17 issues 5:9 8:2 12:10,11,25 29:24 37:8 51:12 55:11,14 55:19 68:3 70:7 it'd 100:2 item 2:14,16,19 36:1,24 37:10 83:16 102:1 104:2 items 2:15 8:17 37:6,11 84:10 iteration 71:16</p> <hr/> <p style="text-align: center;">J</p> <p>Janine 76:5 Jeanine 83:18 102:14 Jennifer 70:2 75:25 Jim 33:4 91:10 96:17 job 92:20 Johnson's 84:14 84:15 join 20:18 joined 3:2 17:2 60:19 jokester 94:12 judge 10:23,24 11:1,2 93:16 judicial 95:22 99:8 101:16 jumping 19:14 jurisdiction 40:16</p> <hr/> <p style="text-align: center;">K</p> <p>K 11:5 keep 58:21 keeping 59:4,5 Ketra 2:9 kind 4:24 13:15 28:2 54:5 62:19 66:12</p>	<p>68:15 69:15 96:4,12 kinds 66:18 knee 79:15 knee-deep 79:16 knew 32:17,18 know 8:25 9:9 11:13 15:16 21:8 22:2,7,11 29:18 32:7,7 33:2,14 40:23 42:14 44:4 48:2 52:3 53:4 53:5,7,22 56:17,19,25 57:16,19,23 60:18 62:13 64:1,18 66:19 66:19,23 67:8 67:10,12,16 69:3,14 70:19 72:16,20 73:23 74:23,23 76:1 76:23 77:4,5 89:1 90:25 93:22 100:8,23 known 74:22 79:2 Korean 88:25 KSU 11:11</p> <hr/> <p style="text-align: center;">L</p> <p>L&A 46:5 label 18:21 labeled 44:20 labels 20:3 labor 59:7 lack 21:11 103:15,19,25 lady 27:22 laptop 49:1 large 24:14 62:13 largest 47:12 53:20 last-minute 51:8 late 10:2 43:18</p>
--	--	---	---	---

46:12,22 100:25 Laura 10:23 11:1 law 23:13 24:3 25:3 27:6,13 31:18 32:1,5 34:8,12 80:17 99:13 laws 28:21 31:23 33:4 81:10 layer 37:16 lead 27:9 69:19 77:15 leadership 70:3 learned 30:5 leave 76:6 93:22 93:24 led 23:24 Lee 33:9 left 32:11 47:19 76:7 legal 22:22 80:4 80:15 legislature 32:4 57:20 lengthy 44:18 let's 28:14 68:22 letter 22:8 level 34:8 35:17 40:24 liability 28:3 librarian 25:7,8 25:15 librarians 81:1 libraries 4:15 6:13 16:7 31:22 54:8 64:6,9,15 75:22 library 14:15,19 14:20 15:19 25:25 26:7,25 63:17,21 65:3 65:14,16 66:11 77:15 89:4 91:21	Lichtenfeld 27:9 Life 85:21 86:4 86:10 light 78:15 79:18 limit 3:13 91:23 96:2 97:23 limited 10:18 Limiting 79:8 line 3:16 10:23 45:9 65:13 lines 31:2 53:15 Lisa 3:16,18,23 list 16:21 59:19 60:8,10 listed 27:10 literature 15:5 25:12 litigation 92:23 93:7,7 94:4 98:19 100:24 100:24 little 22:3 29:22 42:23 55:6 74:25 live 7:11 9:21 22:1 31:13 95:12,14 lived 35:13 living 95:13,14 LNA 5:20 local 4:15 85:11 86:17 located 73:22 84:23 85:4,19 86:5,10 104:12 location 2:22 5:10,12 14:17 15:19,22 16:7 16:14 24:12 25:25 73:21 75:13 76:10 82:7,12 84:12 85:3,11,17 86:14,17,22 87:13,14 88:5 88:11 89:6,18 89:19 90:4,11	92:1 100:21 104:16 locations 6:5,7 35:2 47:1 76:23 81:11,23 82:15 87:23 88:1,16 89:10 90:21 91:1,8 91:11,13,17,24 92:8 96:1,6,16 96:24 97:9,18 97:21 98:7,12 100:3,5 101:22 locked 16:18 log 50:18 77:11 long 8:22 53:5 long-term 74:7 longer 86:1 look 42:23 45:25 58:1 86:14 looked 88:24 91:15 looking 38:12 41:9 45:15 loophole 31:19 lot 11:14 48:12 48:15 51:15 55:7 62:11 64:1 66:7 71:17 92:5 lots 73:6 Louisiana 11:21 lovely 72:20	machines 47:11 Maddox 33:19 33:20,21 Madison 17:11 17:16 mail 5:2 12:13 18:2 19:25 20:1 21:6 22:7 41:17 43:21 49:16 62:7 86:24 87:2 mail-ins 58:13 mailed 4:19 13:22 21:13 42:15 43:17 44:2 58:9 63:11 mailing 12:18 21:6 43:3,23 44:14 mailroom 44:19 main 6:12 15:22 16:6 76:14,16 91:18 92:1 104:12 maintain 18:6 22:18 majority 65:19 making 13:20 56:1 62:20 72:12 88:3 MALE 97:25 98:3,5 man 26:10 52:6 52:8 management 61:8 manager 46:6 89:3 managers 8:4 74:9 87:24 manner 7:15 8:1 25:3 52:2 79:17 81:13,17 manual 39:4,6 59:7 62:15,16 manually 41:19	map 5:13 38:10 38:13 maps 5:13,15 Marchionni 23:4,6,7 26:10 26:11,12,14,15 26:17,20 Marietta 20:25 26:24 84:14,16 85:17,20,22 86:11 marked 76:19 77:16 marking 39:8 45:6 46:8,25 match 45:23 materials 67:11 matter 58:10 59:5 71:11 matters 96:12 mayor 56:15 mean 19:9 22:1 43:1 59:12 68:22 70:8 78:4 means 19:5 meant 41:13 measures 56:21 meat 29:22 mechanically 61:13 media 33:4 85:11,11 86:17 86:18 89:22 meeting 1:11 2:4 4:3 21:2 36:2,4 36:7,9,16 63:20,22 90:18 103:6 104:11 104:14,17 105:1 meetings 3:7 36:17 68:11 74:18 104:8 member 2:14 16:12 18:22 27:16 31:1,20
M				
		M 1:24 ma'am 26:19 55:21 82:16 89:20,23 Mablehood 38:5 Mableton 37:14 38:5 45:8 47:2 56:8 57:9,10 57:16 machine 41:11 41:13,15 58:18 59:12,16 60:2		

36:20 72:17 74:6 77:25 79:13 104:3 members 23:16 30:8,23 33:20 36:21 62:25 63:7 83:14 84:1 92:12 97:14 mentally 27:18 mention 63:20 88:21 mentioned 42:10 91:22 98:9 mentioning 80:3 met 34:5 method 5:11 53:9 54:3 56:11 66:13 Methodist 84:15 84:22 85:3 midst 60:16,17 mild-mannered 26:6 miles 18:23 84:23 86:5 Miller 91:10 96:17 million 28:9 29:20 mind 35:14 78:1 Mindy 27:10 minimal 52:3 minimum 93:20 ministers 35:7 minute 16:8 32:6 48:18 54:10 minutes 3:13 9:6 10:18 17:4 20:14 36:3,7 36:10,17,22 mismatched 41:23 mission 4:16 mistakes 50:25 mitigation 4:23	mix 54:7 modify 3:8 moment 63:18 Monday 23:15 25:20 62:7 64:13,22 91:12 96:5,15,23,25 97:6 monitor 31:1 monitors 81:18 82:3 month 2:5 8:19 28:22 32:17 104:14 morning 94:25 100:25 Mosbacher 14:22 15:18 28:23 31:1 63:24,25 67:22 68:14,16,18 69:1,12 70:2 71:25 72:7,24 73:15 76:2 77:13 96:25 103:14 Mosbacher's 2:14 motion 36:9,22 49:21 83:1 90:3,5,14 96:21 97:23,25 99:15 100:18 101:25 103:12 103:24 Mountain 24:12 25:7 26:25 move 2:13 20:20 36:1 63:21 69:5 81:20 83:3 97:5 98:6 99:4 101:12 103:14 moved 36:12,15 83:7 90:9 96:25 97:4 98:11 99:18	103:17 movement 15:2 moving 41:5 47:3 83:16 84:8 90:17 102:1 Mt 84:15,21 85:3 multiple 6:7 38:17 <hr/> N name 3:23 7:10 11:1,19 20:23 23:7 28:23 33:21 59:25 60:4 69:25 73:25 native 33:22 natural 10:6 near 46:5 necessarily 44:15 82:9 need 3:12 35:19 47:22 63:12,13 81:8,10,12 89:10,14 90:21 93:25 104:22 needed 51:7 69:18 79:2 needing 82:14 needs 14:24 33:2 75:16 network 50:7 never 13:18 15:25 16:4 43:16 76:8 new 6:18 45:17 45:19 58:18,22 62:9 69:5 news 37:7 night 10:2 16:14 16:16 30:23 32:22 36:5 48:1 51:6,14 77:18 78:12,12 84:2 100:25	nine 21:1 103:10 103:19 noise 73:2 nonpartisan 30:17 nonprofit 34:1 noon 98:8 normal 32:25 42:9 normally 87:9 88:12 North 91:21 92:18 Northeast 85:21 Northrup 7:3,5 7:7,9,10 8:8 notations 2:23 note 2:8,25 8:17 17:2 24:24 36:19 81:15 82:11 83:13 93:6 97:13 98:16 101:23 103:4,22 104:7 noted 2:16 3:5 77:10 81:23 82:5 90:17 95:25 notice 13:10 49:13 88:10 90:23 99:12,14 101:1,21 noticed 30:9 notices 82:2 notification 15:9 85:9 86:15 notified 84:19 85:25 notify 8:1 12:10 15:12 noting 63:8 96:1 97:16,22 99:1 November 1:12 2:5 5:24,25 6:2 23:15 26:1 36:4,10,18,25 39:21 41:2	43:14 58:5,19 64:7 78:4 83:9 83:10 88:16 91:9,12,16 99:7,11 101:15 101:16,19 105:1 106:6 number 3:9,10 6:16 9:7,11,25 10:18 17:4 30:11 38:24 43:21 44:8,9 52:8 53:18,20 54:2 59:5,8 63:7,9,13 78:9 104:4 numbers 27:20 30:13 62:21 numerous 78:7 NW 1:24 <hr/> O o'clock 16:17 32:21 78:13 oath 28:1,4,6 47:15,21 observe 14:19 15:10 16:15 24:12 104:9 observed 23:14 25:6 observer 82:6 observers 23:25 24:1 75:14 81:18 82:3 observing 23:17 25:25 26:8 obvious 56:19 obviously 2:18 56:1,18,25 57:12 59:13 60:15 62:21 89:8,8 91:18 93:8,10 94:6 100:19 104:4,9 occurred 86:25 occurs 79:9
--	---	---	---	---

<p>OCGA 80:11,12 80:20 October 18:13 36:3,10,17 37:20 38:12 39:4,6 41:7 42:3,3,20,21 42:25 43:12,16 46:1,3 103:10 odds 35:9 offer 6:3,10 35:10 93:9 98:21 offered 19:9 72:10 offering 20:8 office 6:12 18:7 18:9 19:24 32:18 47:7 65:7 68:2 76:14,16 77:7 78:5,18,19 80:9 91:18 92:1 93:3 94:6 100:20,20 104:12 official 71:12 93:1 officials 28:11 offline 50:15 oftentimes 93:22 oh 28:14 87:2,7 99:22 okay 7:8 10:25 14:6,8,11 15:12 17:8 20:20 27:22 31:12 32:24 33:17 35:25 47:3 54:18 55:22 56:10,16 58:8 59:3 60:12 62:18 63:15,18 67:16 68:5 75:5,7 77:20 85:15 88:9,14 89:24</p>	<p>91:6,7 92:9,22 95:5,17 96:4 96:11 100:1,17 103:1 104:25 old 11:19 85:10 86:16 88:5 89:6 on-campus 35:2 once 19:2 76:11 76:25 77:1 one's 46:15 79:7 ones 62:8 ongoing 6:21 online 10:20 12:3 14:2 65:24 onsite 65:8 open 2:24 3:15 6:5 34:24 97:22 98:13,25 100:20,21 open-ended 66:8 operate 81:16 opportunities 99:1 opportunity 3:21 8:16 11:16 19:10,22 36:6 64:13 67:18 81:19 83:19,20 95:16 opposed 36:19 52:10 option 6:9 18:3 19:3 66:2 options 99:6 101:14 order 2:3,6 18:19,23 21:17 21:20,23 96:13 99:8 101:16 102:18 ordered 44:5 organization 34:1 originally 30:16 43:23</p>	<p>ought 75:18 out-of-state 43:23 out-of-town 92:6 94:19 outcome 9:16 outgoing 59:1 outset 90:18 outside 16:12 80:17 85:4 86:10 outstanding 30:12 43:6 over-15,000 61:24 overall 63:23 66:20 overnight 18:21 20:3 43:11 44:1,6,17,20 overnighted 18:17 60:23 overseas 62:2 overseed 16:8 overseen 16:9 overwhelming 66:6 owes 17:16 owned 9:15 owner 4:1</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p.m 2:3 7:24 34:24 93:22,24 96:8,9,24 97:11 105:2 pack 44:18 61:10 pack-and-revi... 59:18 package 21:14 packed 41:10,11 41:19 43:16 60:8 62:5 packing 43:3 61:12 62:15 pad 47:16,18</p>	<p>48:22 49:3 pads 37:24 39:5 47:8 50:2,4 page 12:15,20 45:15,20 paid 28:8 33:10 70:21 Pamela 31:11,13 panels 30:15,19 paper 47:15,21 47:23 48:8 76:17 parcel 98:24 Pardon 67:23 68:21 70:14 parents 95:11 Park 91:10 96:17 Parks 8:9,12,13 8:15 10:21 part 41:14 47:4 47:24 51:3 63:23 79:10 93:10 98:23 104:24 part-time 30:6 participate 17:17 19:10 22:23 35:12 61:2 70:5 participated 47:6,13 69:18 69:21 participating 21:10 22:20 participation 34:2 particular 10:11 20:10 35:3 54:3 58:24 77:10 79:23 82:10 partisanship 15:14 partnering 72:4 party 15:13 93:7 94:3</p>	<p>pass 15:4 passed 18:4 passes 9:9 90:14 Pat 36:20 74:5 Patter 25:25 pattern 6:21 Paul 84:13,24 pay 70:22 pendency 100:9 people 10:8 15:5 15:9,17,24 16:1 22:1,6,19 24:19 25:7,15 27:21 28:17,25 29:1,16 30:18 31:25 32:8,12 33:11 35:16 37:6 43:7,25 44:9 50:3 51:10,14 52:9 53:7,14,17 54:8 55:4 56:8 56:20 59:19 60:8 61:25 64:10 66:22 68:6 69:10,20 70:4,10,20 73:7,9,10,16 73:17 75:15 79:13 81:5,10 95:12 102:15 percent 49:14,15 49:16,17,18 51:18,19 65:2 65:24 66:1,3 percentage 49:18 54:2 Perfect 104:19 performed 10:13 83:23 period 61:4 permanent 56:13 86:14 88:22 89:17 permanently 56:8 57:8 permissible</p>
--	--	---	--	---

<p>95:22 100:15 permit 95:21 permits 99:10 101:18 permitted 93:5,9 98:21 person 6:17 8:23 13:5,6 14:23 19:5,16,20 26:6 27:19 43:9,25 51:20 53:1 58:25 75:22 97:11 person- 66:12 personally 7:15 78:18 persons 24:5 28:11 perspective 63:3 Peter 84:13,24 phantom 21:12 22:9 phone 18:8 20:4 27:20 phonetic 2:10 23:5 26:22 photo 41:20 physically 22:21 27:18 Pickens 85:20 picks 44:21 picture 47:19 pictures 26:4 piece 76:17 pilot 47:6 50:1 51:3 64:2,19 64:25 67:9 68:1 71:7 72:17 73:24 pizza 21:23 place 4:24 13:20 16:10 21:20 55:15 56:17 57:7 60:25 61:1 64:3 72:21 81:7 84:12,19,22</p>	<p>85:7,17,25 86:5,7,15 89:7 95:21 104:11 placed 34:12 39:23 places 46:6 75:19 76:11 80:1,9,20,24 81:4,12 Plains 38:10,18 39:15 plan 2:13 64:18 67:13 68:8 90:21,25 plane 67:9 planning 4:8 plans 87:17 92:6 pleadings 94:2 please 41:4 43:13 45:4 46:3 plenty 19:6 plus 3:11 55:8 point 17:5 37:1 40:7 42:10,16 43:18 46:22 57:24 88:23 91:16 92:22 points 77:19 political 14:18 34:2 poll 4:6 8:4,5 15:1,3,4,11 16:22 23:9,9 37:24 39:5,7 47:7,16,18 48:22 49:3 50:2,4 55:8 65:17 74:7,8 75:13,14 86:16 87:23 89:3 94:9,17 polling 2:21 14:17 35:2 46:5 48:25 75:19 80:1,24 81:4,7,12,23</p>	<p>82:7,12,15 84:12,19,20,22 85:3,7,10,17 85:24 86:1,4 86:14,17,22 87:13,23 88:5 89:10 90:4,11 100:21 polls 34:23 35:5 55:1 65:15 66:15 popular 4:16 6:21 popularity 6:8 population 95:7 portion 63:22 position 19:2,5 30:7 62:25 81:16 positive 48:15 51:25 66:10 possibility 19:21 93:14 possible 5:20 7:22 13:22,23 20:2 23:25 34:21 35:11 63:6 possibly 10:5 Postal 42:11 posted 16:21,23 46:23 88:11 posting 85:10,11 86:16 postings 86:17 power 34:14 practicable 80:13 pre- 11:23 precinct 16:21 39:16 48:25 84:12 85:2,5 85:17 86:9,11 precincts 5:12 6:11 39:12,14 40:21 47:2 86:24</p>	<p>prefill 47:22 prep 46:6 preparation 58:5 prepare 7:20 prepared 65:5 preparing 4:8 presence 15:2 present 10:19 30:23 72:9 presentation 37:4 54:12,25 67:18 72:2,8 72:12 74:19 presentations 75:2 presented 24:15 25:12 68:12 presently 2:16 87:15 presidential 6:20 53:22 press 85:12 86:18 Presumably 55:19 previous 34:9 46:7 103:6 previously 3:6 primarily 53:17 primary 29:24 30:8 55:20 57:21 58:3,6 88:17 principle 27:4 Pringle 82:13 84:8,9 85:15 86:21,23 87:1 87:3,7,16,21 87:25 88:6,9 89:12,16,20,23 90:15,16 Pringle's 2:20 print 47:20 printed 59:21 printer 47:18,20 prints 60:4</p>	<p>prior 3:7 5:21 54:22 58:19 78:10 88:13 pro-active 5:3 pro-voting 4:1 probable 102:6 102:19,20 103:7,15,20,25 probably 58:2 66:16 80:3 problem 4:21 31:16,16 37:20 39:3 45:5 problems 52:3 proceeded 26:12 proceedings 106:4 process 7:25 10:12 15:21,23 17:18 22:23 24:21 25:11 27:25 29:20 34:3 35:12 39:5,7 44:17 45:12 46:13 47:10 48:13 57:3 58:13 59:18 61:3,10 62:16 65:8,12 65:18 78:25 79:15,16 processed 13:21 30:11 63:4 65:3 processes 9:16 42:13 57:6,12 57:22 58:22 60:25 78:20,24 processing 29:17 30:5,19 67:6 program 2:11 6:14 14:15,16 14:25 16:12 23:11 45:17,19 47:6 48:7,10 49:6 54:17 63:17,21 64:2</p>
--	--	---	--	--

<p>64:17 65:16,25 66:3,7,17 67:14,19,21 71:10 72:15,17 72:20,25 73:2 75:18 77:25 79:23 81:9,20 programs 9:14 promised 18:20 proofread 45:24 46:18 proofreading 46:14 proper 49:20 properly 36:16 83:8 90:10 97:5 98:12 99:19 103:18 proposed 2:21 37:15,19 40:25 41:1 82:13 86:21 90:10,25 91:1 96:14,22 proprietary 9:14 protect 5:7 33:25 PROV 41:22 proven 4:15 proverbial 34:6 provide 7:22 30:14 34:15 35:2 85:12 93:14 98:25 99:14 provided 37:5 82:2,25 99:9 100:18 101:17 103:9,10 providing 34:19 35:18 55:13 86:18 89:15 90:24 provision 81:23 93:17 provisional 41:21 49:17 77:4</p>	<p>public 2:25 3:15 23:17,25 56:19 59:15 71:21 80:14 94:15 102:3 pulled 73:9 purpose 80:10 80:12 84:11 pursuant 102:4 Pursuing 19:8 purview 16:13 put 4:23 16:10 30:1,6 31:2 37:4 39:7 42:18 56:13 57:7 58:4 60:1 60:25 61:16 64:3 67:13 69:14 72:21 76:8 put-- 76:7 putting 56:8 58:25 61:1</p> <hr/> <p style="text-align: center;">Q</p> <p>QR-like 9:7 quadrants 92:2 qualified 76:10 question 5:22 21:25 25:4 45:7 46:7 56:19,20 66:8 67:17,23 74:5 79:25 83:11 90:12 97:12 98:15 99:20 101:3 103:20 questioning 50:3 questions 49:19 49:23 54:15,24 55:11 65:21,23 66:5 67:15 68:24 70:6 75:10 79:14,22 86:20 92:13 94:8 102:11 103:4</p>	<p>queue 31:2 quick 52:2 55:11 quicker 50:24 quit 30:8</p> <hr/> <p style="text-align: center;">R</p> <p>race 10:3,10 40:5 56:15 races 39:20 56:17 raised 56:20 79:4 80:3 81:18 ran 68:15 random 27:19 28:17 raving 55:8 reach 18:14 45:1 read 9:7 17:15 94:2 readily 5:2 ready 60:5 94:1 real 22:1 28:21 31:16,16 48:17 real-time 47:10 realistic 19:22 reality 19:20 realize 89:6 realized 13:4 really 13:9 21:25 22:3,4 48:12 49:6 52:14 53:24 55:3 57:2,25 58:3 66:10,22,25 69:9 71:22 72:3,13,15,19 72:24 73:24 74:2 Reardon 31:11 31:12,13 33:16 33:17 reason 19:12 31:23 41:16 65:11,18 reasonably 24:5 reasons 32:23</p>	<p>Rec 91:20 recall 8:21 89:1 recap 37:8 receipt 18:18 receive 18:21 61:5 62:3,21 62:22 received 12:7,8 12:22 15:25 16:4 18:5 30:11 38:11,14 39:19 41:6,7,8 42:16 45:13 48:15 61:22 63:2,8 66:19 67:1 93:1 98:13 101:1 receiving 42:5 60:21 80:10 rechecked 39:13 40:9 recognize 55:23 55:23,24 recognized 56:1 recognizing 93:10 98:19 recommend 66:23 record 6:16,18 12:20 22:13 36:20 48:3 81:8 96:5 106:4 recorded 106:3 Recording 2:1 105:3 records 102:9 recruited 73:10 Recs 89:4 rectified 50:25 red 31:6 Redeemed 85:18 86:6 redistricting 37:12,16 38:8 39:18 40:12,14 41:3 56:7</p>	<p>57:15 69:6 reduces 59:7 reduction 65:9 reference 59:4 74:6 102:3 referencing 59:14 referendum 37:15 38:6 reflected 24:9 regard 55:14 56:21 60:20 61:1 63:2 86:21 87:12,18 96:21 98:1 103:10 regarding 4:18 41:8 Regional 91:20 register 51:13 85:1 registered 11:22 11:24 17:22 20:24 29:2 31:25 38:20 39:24 40:2 51:10 86:8 102:7 registers 76:22 registrar 23:18 23:22 24:15,16 24:22,23 25:1 27:11 72:1 77:10 Registrar's 80:9 registrars 24:4,4 24:9 28:1 64:11,21 70:13 70:16,17,18 80:8,22,25 81:2 registration 1:11 3:23 9:12 37:22 50:16 51:11 80:10 regular 2:4 73:19 85:8</p>
--	---	--	--	---

Regulations 80:7	82:24	81:18 92:24	roll 29:6	99:7,10,23,25
reimplemented 61:15	representative 9:20 24:5 26:3	96:15 98:18	rollout 67:8	100:5 101:15
reins 69:15	29:8 42:17	Respected 33:20	rollover 61:24	101:19
reinterpretation 95:23	representative... 4:3	respond 79:17	63:9	saved 52:9
reissued 39:1	representatives 42:12	response 34:11	rooms 80:20	saw 27:1 29:25
43:9 44:9	republic 9:21,22	66:19	Rosman 26:22	45:16
related 37:10,11	request 12:17	responsibility 30:1 79:10	26:23 29:9,11	Sawyer 106:2,24
38:7,8,19	18:15 91:14	responsible 40:8	Roswell 84:23	saying 25:9 29:1
39:18,24	96:1 97:22	rest 62:6 70:18	104:12	42:6 55:3
relates 39:11	requested 17:24	restate 100:17	ROZMAN	says 41:22 76:18
75:13	18:11,13 60:16	101:4	26:23	80:7,13,20
release 85:12	62:1	restrict 15:1	rubber 34:5	SB 31:18 33:4,7
86:18	requesting 60:18	result 47:13	rules 32:6 75:14	33:13
reliable 19:25	requests 59:6	resultant 34:11	75:18,25	scanner/tabul... 9:10
remaining 44:7	required 93:21	results 7:14 83:9	run 16:10 64:2	schedule 51:22
remedies 56:21	93:24 99:13	return 18:1,20	68:1 78:16,17	53:18 72:9
remember 37:12	requirement 34:10 90:23	42:19,21 59:23	run-off 56:25	96:19 97:9
48:20 72:5	101:21	64:14 104:9	61:21 62:10	99:23,24
reminder 71:15	requirements 99:13	returned 21:7	running 14:23	scheduled 30:16
remiss 93:12	Research 10:1	returning 4:14	16:12 30:24	school 11:24
remote 73:21	researching 38:16 42:24	returns 104:10	77:25	18:1 33:23
repack 44:6	reserve 3:7	revealed 58:7	runoff 2:17 5:8	38:8,13,15
repacked 43:10	reserves 3:6	revert 85:8	7:21 8:6 19:1	39:18 40:9,19
43:22	reside 20:25	review 36:7 61:9	82:15 84:17,21	screen 38:11
repeating 46:7	22:21	61:11,14 62:15	85:7,23 86:2	46:19 47:16
repeats 45:8	resident 11:2,21	76:13,18 77:7	86:13 88:20	screens 46:9
replacement 18:11,15	17:12,22 23:8	revisions 56:2	runs 41:15	sealed 60:1
replicate 6:12	residents 6:24	Rhonda 17:9,10	RUNTIME 1:13	seals 60:5
56:22 57:8	19:6 22:22	Richardson's 11:4	<hr/> S <hr/>	seasonal 30:7
99:23,24	31:25	ridiculous 26:5	sacredness 35:10	69:13,25 70:1
replicating 97:9	resolve 46:21	right 3:6,7 12:23	Sally 14:8 32:14	second 15:8
replication 96:17,19	resolved 51:12	13:24 14:2	sample 45:15,16	36:13,14 48:9
report 2:14,21	56:4	17:17,20 29:3	45:22	71:18 75:21
37:2 39:19	resources 16:6	41:4 51:1 54:4	Sandy 38:9,18	83:5,6 85:14
41:6 47:4	34:14,23 35:19	54:4,10 59:17	39:15	85:15 90:7,8
49:13,23,25	respect 2:11,15	61:6 63:14	sat 30:20	97:2,3 98:10
55:13,13 63:5	2:21 35:6	67:20,21 78:2	satellite 73:21	99:16,17
63:23 71:12	49:24 54:24	81:14 85:16,19	76:9	103:16
77:14 82:12	55:11,17 58:8	94:20	Saturday 5:23	seconded 36:16
reported 10:1	58:12 62:19	Rightfully 79:1	5:24 6:2,3 26:1	83:8 90:10
reporting 10:7	63:7,16 67:18	rights 4:1 35:4	44:3 64:13,22	97:5 98:12
reports 58:17		risk 4:23 79:8	92:25 93:9,17	99:19 103:18
		rival 29:19	93:18 94:10,22	Secondly 80:18
		road 34:6 84:14	95:2,20,21	seconds 48:18
		84:16 85:21	97:19 98:18,22	Secretary 12:15
				45:21 46:10

47:7 64:4 67:21 68:2 80:6 93:3 95:24 99:9 101:18 section 24:6 102:5 secure 6:11 50:5 100:10,11,15 100:23 101:22 secured 91:7,11 100:5,22 securing 91:15 security 25:4 50:8 52:13 see 35:24 38:10 39:14 41:10,22 42:12 45:9 46:11 48:17,25 50:18 68:3 Seeger 27:10 seeing 66:23 seen 52:23 53:2 59:12 segment 37:17 38:1,3 segments 38:17 39:22,25 segregated 77:7 select 24:4 91:24 selections 9:9 senate 10:3 40:18 send 12:12 21:14 21:24 44:6 60:6 sending 58:25 senior 25:17 91:21 92:19 95:8,9 sense 27:23 65:1 65:10 72:4,19 74:2 sent 9:3,5 12:6 18:12 21:5 41:14 42:1 43:10 44:1,16	62:8 separately 77:8 sequence 42:4 serious 22:12,25 serve 24:8 72:21 84:25 86:7 served 73:3,4 service 42:11 51:15,22 52:19 66:13 67:5 services 5:2 95:8 serving 24:10 session 104:23 set 67:21 76:10 set-up 65:17 setting 6:18 settings 95:13,14 seven 39:2 64:9 88:13 share 4:22 17:13 25:24 59:15 sharing 4:20 sheet 76:17 77:16 Sheffield 45:14 Shelly 7:3,10 sheriffs 14:21 26:13 short 13:10 69:5 87:9 shortly 16:17 show 30:24 53:24 68:15 79:6,7 showed 10:1 42:18 45:7 showing 42:17 shows 12:20 sic 38:5 side 32:11,11 61:9 sides 30:17 32:9 sign-ups 16:22 signage 69:18 87:18 88:4,10 89:15 signed 3:1,9,11	12:4 17:5 33:8 47:15,20 significant 4:24 43:20 significantly 24:6 42:19 signs 25:12 46:23 85:10 86:16 SILAS 2:2 6:23 6:25 7:3,5,8 8:8,12,14 10:16,22,25 11:17 13:24 14:3,6,8,12 16:24 17:1,8 20:11,13,17,20 23:2,4 26:9,11 26:14,16,18,21 29:9,12 31:9 33:16,18 35:23 36:13,15 49:22 54:14,20 55:10 55:22 56:10,16 57:5,18 58:8 59:3,11 60:12 60:15 62:16,18 63:15 67:16,23 68:20,22 74:5 74:11,15,24 75:1,5,9 77:9 77:20,23 78:2 78:7,9 79:4 80:5 81:14 82:19,22 83:5 83:7 84:7 85:14 86:20 87:11,17,22 88:1,14,18,21 89:13,17,21,24 90:6,9,17 91:6 92:9,11,22 94:12,20 95:5 95:17 96:9,11 97:2,4 98:1,4 98:11 99:18,22 100:2,6,13	101:5,8,10,12 102:20,25 103:3,17 104:19,21,25 similar 28:6 47:16 50:7 simply 26:7 single 34:10 site 11:11 65:3 84:21 86:2 sites 80:8 sits 47:18 sitting 26:7 situation 30:25 32:13 56:4 93:15 six 3:3,3 91:17 92:7 96:1 97:21 98:7,12 slide 46:8,24 49:11 small 22:4 smattering 22:5 smooth 8:5 Smyrna 7:11 91:19 social 33:3 85:11 86:17 89:22 solid 66:22 67:12 72:19 solve 70:6 somebody 27:17 76:3,6,25 77:3 soon 7:22 13:22 20:2 sorry 14:3 32:3 69:25 88:20 97:8,19 99:24 sort 10:4 50:12 67:2,9 68:18 70:3 72:10,13 72:18 73:1,21 Souls 35:5 source 10:14 South 14:20 15:7 65:14 91:20	space 91:8,11,15 sparse 30:10 speak 3:2,10,11 3:22 8:16 18:10 54:13 56:24 78:23 88:7 speakers 10:19 17:3 speaking 3:24 87:23 spearheaded 45:3 special 2:13 36:25 83:10,11 specifically 4:11 34:20 speech 29:22 speed 40:13 60:3 62:14 spend 19:14 spike 10:2,3 spikes 10:5 32:24 split 40:22 spoke 52:21 96:3 spoken 16:1 Springs 25:25 St 84:13,13,24 84:24 Stacey 33:7,13 staff 3:23 4:6,22 7:12,18 48:12 52:18 64:10 65:7 83:21,21 92:5 99:5 101:13 staffing 92:3,7 stamp 41:22 standard 104:13 star 53:24 start 29:15 55:16 63:20 started 14:16 45:13 starting 6:1 starts 45:10
---	--	---	---	---

<p>state 12:15 17:13,23 18:1 19:7,10 20:4 22:14 25:3 26:2 29:3 34:8 35:4 37:21 40:18,18 44:15 45:19,21 46:10 64:4 67:21 80:6 95:24 99:10 101:18 state's 35:15 47:7 68:2 93:3 statement 17:15 statements 88:3 states 24:3 42:11 stations 46:25 status 47:11 statute 80:19 statutory 90:22 99:12 101:20 step 43:2 stern 28:24 Steve 52:21 sticker 59:25 stickers 14:18 stir 26:10 stop 17:6 32:5 stops 78:22 79:20 straight 33:14 stream 59:1 streamlined 47:9 48:13 55:3 street 1:24 25:18 37:17 38:1,17 39:22,25 104:12 strictness 29:5 struggling 15:22 student 11:20 students 11:6,7 11:11,14 17:20 19:23 20:1,6 34:16 35:14 94:16,23 99:2</p>	<p>stymied 34:7 submitted 18:4 77:14 success 23:11 49:7 66:6,20 69:3 successful 6:13 73:24 suggest 5:1 78:21 79:19 suggested 81:21 82:7 suggesting 78:16 88:2 Suite 1:24 summary 49:12 Sunday 6:3,7 7:22 11:10 35:2 91:15,25 92:4 94:10,25 95:24 97:19 98:2,3,4,7,14 99:7,24 101:15 supervision 80:21 supervisor 30:2 72:15 supervisors 30:3 support 8:4 supportive 72:25 sure 11:15 13:18 13:19,20 18:24 18:24 21:9 22:19 27:21 53:25 55:7 61:15 69:1 72:23 80:5 84:3 87:5 88:10 surety 28:8,10 surpassing 6:19 surprised 12:16 survey 65:21,22 65:23,24 surveys 53:6 Susan 70:1</p>	<p>72:16 Susan's 69:25 sustain 102:6 Switzer 14:19 15:19 89:4 system 13:19 21:22 22:19 25:21 28:22 37:22 43:2 49:1 50:5,15 50:16 52:15 59:21 76:22 systems 9:17</p> <hr/> <p style="text-align: center;">T</p> <p>table 26:7 96:12 tables 30:18 tabulating 30:5 tabulation 29:23 65:5 take 2:6,19 22:12,24 28:6 28:13 31:7 52:11 54:5 56:17 69:19 90:1,19,19 96:13 104:11 taken 16:6 17:21 89:7 102:12 talk 71:22 talked 57:1 68:13 69:11 74:16 102:15 talking 37:7 72:6 95:18 tapes 31:6 task 35:20 58:4 tax 15:20 taxpayer 3:25 team 27:9 58:11 61:17,18,19 64:9,10 66:22 67:12 70:2,3 77:15 teams 61:17 technical 70:7 technology</p>	<p>21:22 tell 12:24 50:4 telling 89:5 temporarily 84:11 85:16 89:13 temporary 56:12 86:21 87:13 88:22 89:19 90:4,11 ten 16:1 37:13 57:14 term 21:11 53:3 terms 67:6 terribly 22:17 test 41:15 testing 5:20 46:5 58:12 thank 2:2,9 3:21 4:5 6:23,25 7:2 7:9,11 8:6,8,13 8:15,16 10:16 10:21 11:16,17 13:24 17:7,8 20:15,17 22:25 23:2 26:9,11 26:16,17,20,21 29:9,11,12 31:9,10 33:16 33:17 35:22,23 37:3,5 49:22 52:19 55:12 82:21 83:18,24 84:7 90:6,14 90:16 92:10,11 93:23 103:1 104:21 thanking 29:15 thanks 7:17 45:2 83:25 Thanksgiving 5:21 20:7 33:10 34:18,21 34:22 92:5 94:24 thick 24:14 thin 73:9</p>	<p>thing 14:13 23:23 32:14 33:3 54:10 58:24 62:19 75:21 77:21 94:14 things 15:13 47:5 84:4 92:21 104:15 think 9:15 14:24 15:20 21:11 22:17 28:8 29:5,6 33:8 49:11 51:22 52:4,8,17 57:6 59:11 62:18,19 66:20,20,21,25 67:5 68:11 69:12 71:20,23 72:25 74:21 78:14,19 90:1 92:20 93:12,19 94:22 96:4,11 thought 25:13 27:3,13,24 45:18 46:1 54:18 58:7 61:7,8,8 69:3 90:19 threatened 17:21 three 3:13 10:18 17:3 20:14 37:11 41:7,9 58:9 64:6,24 65:21 66:5 three-week 34:9 tight 28:21 till 54:23 78:13 time 2:19 3:8 7:1 10:20 16:3 17:3 23:1 26:18 29:10 30:4 31:10,10 33:23 34:4,19 35:23 38:20 41:3 43:5,7,10</p>
---	---	--	---	---

44:4 45:1 48:17 49:2,20 50:21 51:10 52:11 54:21 55:5 57:17,20 57:21,25 58:2 61:4 64:6 65:22 69:4,16 69:22 82:11 96:2,5,6 timeframe 43:19 44:24 46:22 61:21 69:6 87:9 timely 7:15 8:1 times 18:10 25:15 64:24 78:7 91:2 95:10 96:22 to-person 66:13 today 3:13,24 5:5 8:17,23,24 9:4 23:10 25:17,19,23 33:24 35:21 60:20 61:22 75:12 82:5 90:22 92:24 94:15 98:19 99:2 101:1 today's 4:2 told 23:16,23 25:15 31:2 59:2 top 41:20 topic 82:11 total 6:19 29:18 29:25 49:17 51:18 64:23 totally 27:19 touch 46:9,19 town 20:7 24:19 95:10 tracking 5:2 traditionally 93:18 traffic 31:3,5,5	train 64:11 70:10 trained 23:9 69:23 73:11,16 76:24 training 15:17 15:18 67:11 69:17,20 70:6 71:9 transaction 48:24 transactions 47:25 transcribed 106:3 transcript 106:4 TRANSCRIP... 1:9 transparency 4:10 9:10 28:19 55:12 64:20 transparent 24:1 31:15 transpired 8:18 9:1 45:11 travel 13:8 treat 15:1,2,3 treated 81:3 treating 15:10 trends 52:24 tried 16:18 31:19 57:19 69:4 truck 44:21 true 8:23 9:20 25:19 106:4 try 19:15 43:21 92:16 102:16 trying 21:13 22:15 28:18 Tuesday 5:25 34:20 78:12 Tulane 11:20 turn 37:1 turned 18:23 48:9 77:1,2	turning 97:18 turnout 49:18 turns 77:3 twice 60:11 two 18:9,10 24:13 30:18,23 31:6 39:11 41:10 75:8 76:10 84:10 type 103:5,9 types 102:12 <hr/> U <hr/> Um-hum 16:25 23:3 57:18 58:15 62:17 87:21 89:12 96:10 104:18 un-mute 8:10 un-muted 7:4 unable 13:12 18:1 unanimously 96:14 unavailability 87:14 undeliverable 21:8 understaffing 30:1 understand 5:21 9:8 10:21 16:11 24:20 25:11 74:12 78:8,20 81:10 100:24 understanding 6:19 9:18 58:16 75:24 77:9 92:25 understands 61:16 understood 55:19 100:12 unfair 32:5 72:25 unfortunate	30:25 74:15,18 unfortunately 57:23 unit 49:8 united 5:6 42:11 units 50:10 University 11:20 unkind 73:1 unusual 42:6 upcoming 5:8 19:1 updated 5:16 37:22,24 39:6 updating 5:12 uphold 35:10 upload 48:11 51:6 uploaded 47:25 51:14 UPS 43:11 44:1 44:16,20,21 45:1 upsetting 25:22 urge 34:13 35:1 35:14 urging 13:17 use 5:1 54:3 uses 50:8 utilization 64:25 utilized 35:7 utilizing 73:16 <hr/> V <hr/> various 102:8 verifiable/cert... 9:19 verify 21:9 versus 52:25,25 vetted 64:5 Video 1:9,13 2:1 105:3 View 24:12 25:7 26:25 violation 86:3 99:12 101:20 virtually 3:2 visit 95:10	visited 89:4 visiting 87:22 visual 55:14 voice 3:18 7:4 8:10 13:17 14:1,5,7 19:4 20:19 82:17,21 87:4,5,8 88:8 88:15,20 97:25 98:3,5 104:18 104:20 volunteer 31:14 vote 4:14 10:13 11:16,22,25 13:4,5,12 17:22 18:2,16 18:24,24 19:11 19:13,17 25:9 25:10,13,16,18 29:2 31:14,25 33:5,6 34:1,18 34:19 35:10 43:25 51:21 52:9,10,24 53:14,18 66:17 67:4 68:8,12 68:13 82:14,17 99:1 voted 6:17 33:8 36:21 40:4 44:10,12 51:19 51:20 53:8,8 89:10 97:14 98:16,17 101:23,24 103:23,24 voter 4:1,17 12:15,20 13:14 20:25 22:15 23:8 28:16 29:14 33:23,24 38:11 41:6,8 42:5 45:15,20 47:22 48:4,8 48:14 50:16 51:11 58:10 65:20
--	--	---	--	---

<p>voter's 41:24 voters 4:13 5:10 7:13 8:2 17:17 17:19 20:5,6 21:1,4,9 28:15 35:11 38:2,3 38:20,21 39:25 40:2,2 44:14 47:14 48:1 49:9 51:16,18 51:21,23 52:1 52:7,19,24 54:2 55:23 58:18 60:18 64:12,21 65:22 65:25 66:21,25 72:22 73:3,4 73:23 85:1 86:8,24 88:3 92:17 102:7 103:19 voters' 5:7 votes 10:7 28:16 voting 2:17 4:12 5:10,12,19,23 6:3,5,7,22 7:16 7:20,21,23 11:8,10,10,11 13:7,22 16:3 18:2 19:3,16 19:20,25 20:8 20:9,9 31:25 34:9 35:3,4,8 37:25 39:5 43:9 44:10 45:12 46:4 47:1,10 48:3 49:14,15 52:4 52:6,25 53:19 53:25 66:2 80:12 90:20,21 92:25 93:9,17 93:18 94:18,22 95:1,3,19,24 97:6,11 98:4,4 98:7,22 99:6 99:10 101:18</p>	<p>VRP 30:15</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wages 35:19 wait 54:11,15 waiting 30:20 54:23 waits 7:17 Walker 32:21 Walton 33:22 want 2:8,18,22 7:11,19 11:15 14:14 15:2,3 19:11 25:13 28:21 30:22 31:14,17 32:6 32:10 33:14 53:3,17 54:6 54:11,13 62:3 71:13 74:12 76:2,3 80:2,18 83:25 88:7 wanted 4:19 21:3 32:7,12 37:5 43:19 45:5 52:10,22 66:1 67:17 71:19 92:14 95:6 wanting 82:22 wants 15:1 31:21 76:6 Ward 91:20 Washington 1:24 wasn't 15:17 25:19 27:17 29:7 32:18 54:1 66:17 71:2 74:14 82:7 88:22 watcher 16:22 23:9 way 4:16 8:20 9:3 13:4 16:15 30:17 42:3 46:21 50:14</p>	<p>52:11 53:8 58:20 72:20 75:17 76:9 77:19 ways 82:9 we'll 2:3,5,24 20:20 36:1 37:1 54:14,21 62:4 63:17 81:25 83:11 87:5 94:10 99:19 101:2 103:20 104:5,7 105:1 we're 28:17,18 56:25 59:14 60:17 82:23 89:14 92:7 93:23 96:7 98:21 we've 6:9 45:6 52:23 53:6,20 61:14,16,23 74:16 82:8 90:25 92:20 94:15 98:24 100:21,22 102:12,15 wearing 14:18 website 5:13 85:13 86:19 89:22 Wednesday 34:20 78:12 week 11:13 12:14 19:2 34:10 53:12 62:6 78:4,5 79:9 96:18 weekdays 97:18 weekend 18:18 34:22 62:6 93:11 weeks 18:4 19:14 89:9 Wendy 106:2,24 went 4:7 14:18</p>	<p>23:22 24:11 27:24,25 41:16 44:2 55:2 76:5 76:12,13 weren't 27:15,15 71:2 74:16,19 White 79:23,24 80:6 81:21 104:22,24 whittled 34:8 Wi-Fi 50:3,4 Wilkerson 42:17 Williams 20:22 20:23,24 23:2 23:3 102:3,23 willing 84:5 94:1 wia 52:17 wings 68:19 Winn 33:8,13 winner 52:11 wire 57:24 witness 28:22 witnessed 6:9 15:18 23:12 24:13 30:25 woman 24:13 27:1 woman's 24:20 wonderful 72:23 73:13,14 74:10 wondering 21:21 25:1 work 4:7 5:6 15:15 33:11 42:12 65:6 73:5 78:18 83:20,22 92:18 92:21 94:6 95:7 worked 29:16,19 64:10,11 67:11 72:16 73:8,17 78:5 84:1 worker 23:9 workers 4:7 8:5 15:12 31:7 35:18 39:7</p>	<p>55:8 66:11 73:7 74:8 94:9 working 7:12 25:23 34:1 35:16 44:25 73:11 84:5 92:15,18,20 works 50:5 worksheets 40:10 worried 19:18 worry 19:19 worth 80:3 wouldn't 21:15 21:17,19,20 66:16 94:25 Wow 31:12 wrapped 76:17 write 32:4 written 55:13 71:12 wrong 32:16 40:1 47:5 49:4 70:9 wrote 17:16</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yeah 54:14,20 68:20 77:13,22 82:19 88:15 100:13 102:24 year 7:16 28:9 29:23 45:17 62:1 64:2 88:24 89:2 years 9:24 11:19 37:13 57:14 61:25 yesterday 60:17 yielded 66:9 youth 8:21</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>Zach 60:24 Zachary 11:17 11:19</p>
--	---	---	---	---

Zion 84:15,21 85:3 <hr/> 0 <hr/> 0.2 84:23 0.8 86:5 01 38:10,18 39:15 84:12 85:5 02 84:23 04 86:5 08 49:16 <hr/> 1 <hr/> 1 9:7 48:18 1,000 16:2 1,036 60:13,22 1,112 38:19 10 32:21 78:13 10/25 37:24 100,000 31:24 104 38:21 1083 85:21 10th 36:3,10,18 11 78:13 11/28 97:8 11/4 43:11 114.08 80:7 11th 46:1 12 11:6 55:2 91:11 96:6,16 96:23 97:7,8 12/2 97:8 12/28 97:7 12:00 96:3 98:14 121 39:24 40:2 12th 93:2 104:15 13 48:18 13th 42:3,9,20 43:16 15 1:12 15,000 63:9 159 10:13 164 43:5,10 1730 1:24 1770 84:15 1795 84:14	17th 106:6 18 11:19 47:12 47:12 181,386 53:19 183 80:7 19 40:2 192 42:24 199 33:7,13 19th 5:24 1st 39:21 <hr/> 2 <hr/> 2 9:11 39:19,23 40:5 2,036 84:25 2,390 86:8 2:02:45 1:13 20 38:2 20.75 49:14 20036 1:24 2012 33:9 202 1:25 31:18 33:4,13 2020 6:20 29:20 53:22 2021 64:7 68:1 69:4 2022 1:12 11:23 13:12 36:25 83:10 85:23 106:6 21 64:21 21230 102:5 212381 80:11 212385 93:4 212414 80:20 2128385 80:13 21st 37:21 38:12 39:4 22nd 5:25 42:3 42:10,21,25 43:12 46:4 23,000-odd 32:20 232-0646 1:25 24th 41:7 25 9:6	25th 39:6 26th 6:2 93:10 95:20 99:8,11 101:16,19 276 44:7,11 27th 91:16 97:20 98:14 101:15 28th 18:13 91:12 294 65:22 2nd 91:13 <hr/> 3 <hr/> 3 2:14 9:25 40:3 3:00 2:3 33 51:19 33.7 51:20 35 4:4 5:15 35.74 49:15 3915 37:17 3936 37:18 3rd 6:4 <hr/> 4 <hr/> 4 38:9,15,19 39:13 4.98 49:16 4:34 82:11 4th 6:4 43:14 78:5 <hr/> 5 <hr/> 5 38:9,14 39:13 5:00 93:22,24 96:3 98:8,14 5:01 105:1 5:45 16:16 500 18:23 5th 26:1 44:3 <hr/> 6 <hr/> 6 38:3 39:19,24 40:6 86:11 61.55 49:18 66 51:18 6A 85:18 6th 2:17 84:17 85:6,22 86:2 86:13 87:15	89:19 104:8 <hr/> 7 <hr/> 7 2:16 38:22 7:00 7:23,23 34:24,24 96:7 96:8,9,9,24,24 97:1,11,11 727 64:23 73:3 7A 6:5 11:9 7P 6:5 11:9 7th 23:15 <hr/> 8 <hr/> 812 1:24 816 85:19 83 43:22 838 43:15 86 65:2 8th 36:4,11,18 36:25 83:9,10 88:16 91:9 <hr/> 9 <hr/> 9 16:17 9-5'ers 34:25 91 66:2 97 66:1 98 65:24 99 31:14 995 104:12
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Exhibit 3

RETRIEVED FROM DEMOCRACYDOCKET.COM

TRANSCRIPTION OF VIDEO FILE:

DEKALB BRE MEETING

November 15, 2022

VIDEO RUNTIME: 1:03:59

RETRIEVED FROM DEMOCRACYDOCKET.COM

DIGITAL EVIDENCE GROUP

1730 M Street, NW, Suite 812

Washington, D.C. 20036

(202) 232-0646

1 (Beginning of Video Recording.)

2 MS. MS. KEISHA SMITH: I did a little
3 research about -- around the gaps across the
4 county, and so as state -- as staff, you know,
5 analyzes where we -- you know, if the Board --
6 if it's the Board's pleasure, to increase the
7 number of sites, we want to, of course, make
8 sure that it's equitably distributed across
9 the county, and I think the additional sites
10 that were submitted last night via email
11 could, possibly, you know, add to that --

12 MS. DELE LOWMAN SMITH: Okay.

13 MS. MS. KEISHA SMITH: -- complement.

14 MS. DELE LOWMAN SMITH: Okay. I'll
15 come back to that in just a second because I
16 do want to check in and get some guidance on
17 constructing a motion, since we have so many
18 different things to consider.

19 MS. NANCY JESTER: Point of order, if
20 I -- if I may, Madam Chair?

21 MS. DELE LOWMAN SMITH: Yes, state your
22 point.

23 MS. NANCY JESTER: So if possible,
24 can -- could we bifurcate this motion and have
25 a motion about sort of the recommendation,

1 what we have, maybe adding some voting sites,
2 and then secondly, a motion about the Saturday
3 voting? That would make me more comfortable
4 and give me the ability to support some things
5 that -- that I like and maybe not be objecting
6 on some other thing -- you know, so.

7 MS. DELE LOWMAN SMITH: Right.

8 MS. NANCY JESTER: Okay. Thank you.

9 MS. DELE LOWMAN SMITH: Thank you.

10 And -- and we can talk about that with the
11 maker of the motion when we get to restate it.
12 I was going in sort of in that direction and
13 trying to just have a very clear -- as Ms.
14 Motter stated, we're -- we're working through
15 this the best that we can.

16 So yes, to bifurcate a motion, that
17 would be my request. My question is around
18 how we bifurcate it, given that we have a
19 couple of issues. And one of them is a legal
20 question, and one is a question for the Board
21 in terms of your comfort level with how the
22 motion is structured and people's willingness
23 to support the various motions.

24 So we have the recommendation to
25 conditionally approve Saturday voting, based

1 on this -- outcome of this litigation. The
2 conditions around the expanded hours, which is
3 dependent upon staffing availability.

4 What I'm hoping to dispense with as a
5 condition is the -- the logic and accuracy
6 testing, such that we can commit to Wednesday
7 voting. And so my reading of this -- and
8 I'll -- I'll just say that if our law makers
9 wanted to be useful, rather than changing all
10 the election laws, they could have, actually,
11 updated other laws that were reflective of the
12 21st century and not left us to try to
13 interpolate and you know, act as if we're
14 living in a print world when we have been in
15 an online world for quite some time.

16 However, since there is not a stated
17 requirement for print but rather the
18 implication that something will be in print,
19 as well as a past practice of that, I guess I
20 want to assess this Board's comfort level with
21 stating that the requirements have been met,
22 as the attorney's memo indicates, the notice
23 that has been given thus far includes
24 circulation to the political parties, posting
25 on the VRE website, physical posting at the

1 office, posting in our Legal Organ, which is
2 the Champion's online edition, and submission
3 for print -- running the print edition, which
4 would take place on Thursday the 17th.

5 So given that all of the interested
6 parties, anybody who read the Champion or
7 looked to that Legal Organ for our information
8 would be able to find that information because
9 it's printed on their online edition.

10 All of the parties received that
11 information, and it's met every other
12 requirement for posting. I guess I'm trying
13 to gauge, colleagues, your comfort level with
14 that having met the posting requirements
15 for --

16 MS. NANCY JESTER: May I ask you a
17 question?

18 MS. DELE LOWMAN SMITH: Yes.

19 MS. NANCY JESTER: Okay. Okay. So --
20 so you're asking for -- and this may -- we
21 have to have more than one motion -- more than
22 two motions --

23 MS. DELE LOWMAN SMITH: Right.

24 MS. NANCY JESTER: -- which I thank you
25 for your clarity. I appreciate that. So

1 you're saying, regarding the LNA test
2 constraint, if we could move -- like you said,
3 sort of move -- remove that as a constraint,
4 if this Board would accept the publication,
5 such as we have -- it has been described
6 within this memo as meeting -- in our opinion,
7 then as a Board we vote on it, and -- and
8 instructing our staff -- that we -- we believe
9 it has met the law -- the legal requirements,
10 and that they can then start their LNA testing
11 such that they can then meet that for the
12 Wednesday.

13 MS. DELE LOWMAN SMITH: Correct.

14 MS. NANCY JESTER: That's what I'm
15 hearing? Okay. And so -- and to be clear, so
16 what we're saying is happening -- has --
17 hasn't happened yet, staff has prepared a
18 notice for testing to begin at 8:00 a.m. this
19 Thursday. Okay. So that's -- you prepared
20 it. And has already -- it has already been --
21 this is what you're saying.

22 MS. DELE LOWMAN SMITH: Yes. Yes.

23 MS. NANCY JESTER: Okay. So I --

24 MS. DELE LOWMAN SMITH: Yep.

25 MS. NANCY JESTER: Sorry.

1 MS. DELE LOWMAN SMITH: Um-hum.

2 MS. NANCY JESTER: They prepared it,
3 and then it has already been circulated to the
4 parties.

5 MS. DELE LOWMAN SMITH: Um-hum.

6 MS. NANCY JESTER: So that has
7 happened. We sent that via email, I would
8 imagine?

9 MS. DELE LOWMAN SMITH: Yes.

10 MS. NANCY JESTER: Okay. So posted on
11 the VRE website, so we've done that. It's at
12 our office. Posted on the Champion's online
13 edition on Tuesday, so -- okay. November
14 15th. And then submitted to the Champion to
15 run on Thursday, so that's -- we have done
16 these things with this requirement, and so the
17 consideration -- the legal consideration is to
18 reschedule LNA until we've got this paper
19 edition stuff.

20 MS. DELE LOWMAN SMITH: Right.

21 MS. NANCY JESTER: Okay. I -- I got --
22 understand that. So he would, like -- now, is
23 there any -- and I can't -- I mean, I don't do
24 paper. I hate paper. So I -- I get you. I
25 completely --

1 MS. DELE LOWMAN SMITH: Okay.

2 MS. NANCY JESTER: -- get you, and I --
3 I -- and the four corners of the law, what
4 does that say on that? Is it paper, or is
5 it -- is it clear that it's paper?

6 MS. VANDER ELS: There is no express
7 requirement for --

8 MS. NANCY JESTER: Okay.

9 MS. VANDER ELS: -- publication.

10 MS. NANCY JESTER: Okay.

11 MS. VANDER ELS: But in response to an
12 earlier question, we noted for the Board's
13 consideration that there is an inherent
14 requirement for print because there are
15 parameters given for font size and the like
16 with regard to the notice (inaudible) --

17 MS. NANCY JESTER: And so you're
18 saying, tacitly assumed in that --

19 MS. VANDER ELS: Correct.

20 MS. NANCY JESTER: -- (inaudible) --

21 MS. VANDER ELS: And so the Board
22 should consider that, along with the argument
23 that on -- the online publication is
24 sufficient, and we're glad to talk to you
25 about the risks --

1 MS. NANCY JESTER: Associated with
2 that.

3 VANDER ELS: -- (inaudible) each of
4 those offline.

5 MS. NANCY JESTER: Can I ask you --
6 well, let me ask, did we comply with the fonts
7 with -- in -- in the electronic transmission
8 of these documents?

9 MS. MS. KEISHA SMITH: The electronic -
10 - so what's on the Champ -- the Legal Organ's
11 website now is, like, a banner that links to
12 the full notice, which is in the font size.

13 MS. NANCY JESTER: In -- in the
14 correct -- and the email that we sent out to
15 the -- we sent that document -- email that
16 that complies with the font recommendations --
17 or the font requirements of the law?

18 MS. MS. KEISHA SMITH: I need to check
19 with that. I think it's the same -- we've
20 sent the same notice that's posted, and I
21 think that the font is the minimum font --

22 MS. VANDER ELS: Right. And I think
23 the font requirements are limited to the -- to
24 the publication --

25 MS. NANCY JESTER: Okay.

1 MS. DELE LOWMAN SMITH: Yeah.

2 MS. NANCY JESTER: All right.

3 MS. VANDER ELS: -- in the --

4 MS. NANCY JESTER: Got it. Okay.

5 MS. VANDER ELS: -- in the paper of
6 general circulation.

7 MS. NANCY JESTER: So these other
8 dissemination features that we did doesn't --
9 doesn't matter on that? Okay. Got it. Okay.
10 Okay. How's that for clarity? Not really.

11 Okay. All right. But you -- so -- so
12 Ms. Vander Els, you're saying, there isn't
13 anything in the law that says it must be on a
14 piece of paper? There isn't anything that
15 says that? Doesn't say it has to be in print?
16 I just assumes it -- it just describes the
17 font.

18 MS. VANDER ELS: The -- the physical
19 dimensions --

20 MS. NANCY JESTER: The physical
21 dimensions --

22 MS. VANDER ELS: -- of the notice.

23 MS. NANCY JESTER: -- of the notice,
24 which you could receive it electronically and
25 print it out, and it would match that, right?

1 MS. VANDER ELS: Those are all
2 arguments that could be made --

3 MS. NANCY JESTER: Okay.

4 MS. VANDER ELS: -- in support of --

5 MS. NANCY JESTER: I feel like it's
6 really awkward for me to be arguing this, too,
7 but --

8 MS. VANDER ELS: I know --

9 MS. NANCY JESTER: -- you know, here we
10 are. Here we are. Okay. I mean, I'm just --
11 you know, I'm not unsympathetic to the whole
12 electronic versus, you know, carriage-and-
13 buggy requirements that we seem to be -- I
14 mean, I get it. You know, I don't -- I don't
15 like paper, either. Is that really -- but
16 I'm, also, just a rule-follower, right?

17 I'm real -- and this one is bothering
18 me because it doesn't say print. You're
19 saying it doesn't say print, but it give font
20 requirements, so your very cautious advice is
21 to -- to see it in the print version. That's
22 the cautious advice we're sort of in receipt
23 of from the legal team, which I get. I get
24 that. I get that.

25 MS. VANDER ELS: That's right.

1 MS. NANCY JESTER: So then it's up to
2 us to determine do we want to be that
3 cautious. Are we prepared? Because if we're
4 not quite that cautious, then you can have
5 Wednesday voting --

6 MS. VANDER ELS: Correct.

7 MS. NANCY JESTER: -- and we can just
8 keep going. Okay.

9 MS. DELE LOWMAN SMITH: That's my
10 question.

11 MS. NANCY JESTER: Well, and so just --
12 I'd like that to be that in a motion, and then
13 separately, that -- I mean, that's just me, so
14 I -- because I don't know where I am on that
15 yet.

16 MS. DELE LOWMAN SMITH: Okay.

17 MS. NANCY JESTER: I got to think about
18 that.

19 MS. DELE LOWMAN SMITH: That's fine.

20 MS. NANCY JESTER: Okay. All right.
21 Thank you.

22 MS. DELE LOWMAN SMITH: Ms. Swift?

23 MS. KARLI SWIFT: I guess, again -- I
24 mean, would it be helpful to understand what -
25 - I guess, what's the concern, Nancy, that you

1 have that would be -- or questions that you
2 have to get more or less comfortable with
3 this, with the print? Like, is it concerns
4 about what had happened, what we -- because
5 I'm interested in that, too. I don't know
6 what --

7 MS. NANCY JESTER: Yeah, I mean -- and
8 no, right. No, I understand. I mean, I -- I
9 don't -- I really wish a lot of these
10 notification laws would be brought into
11 modernity. I get it.

12 MS. KARLY SWIFT: Yeah.

13 MS. NANCY JESTER: I really do. And
14 I'm -- my conflict is I have -- I do have some
15 people who, generally -- (inaudible). Okay.
16 I do -- I do have, you know, confidence in --
17 in Ms. Vander Els and Mr. Phillips' caution,
18 you know, to us.

19 They have -- you know, they have
20 credibility with me, so I get that, and I want
21 to -- I want to take that in. I mean, but it
22 is an opinion. It's an opinion. So I -- I
23 get that. I'm a four corners person. I just
24 like it to be real explicit, and -- and I
25 don't -- you know, I'm -- the -- the holiday

1 thing, I think -- I mean, I -- I -- I just
2 don't feel like I can go against that.

3 That's -- that's pretty explicit to me,
4 so that -- that's one I need -- you know, I
5 need pulled out because I can't -- I got to
6 vote that way.

7 But this LNA testing thing that
8 prevents Wednesday is -- is really
9 uncomfortable, but I -- so I don't know. I
10 mean, I'm inclined to -- I'm inclined to -- oh
11 gosh, I'm going back and forth. The
12 deliberation in front of the public It's good
13 for you to see that. I think this is great.
14 I'm sorry. I will say, I think doing the
15 people's business in front of the people is a
16 really good idea, so I do think that's good.

17 But this is why I struggle with that.
18 The -- the holiday thing I'm not struggling
19 with. I'm -- that's the law, and that's --
20 whether we like it or not, that's the law.
21 And then all the places we're doing it and the
22 times, I have no problem with that at all.
23 That's -- so those are the three things.
24 Those are -- so that's where I am. Madam
25 Chair, I yield the floor.

1 MS. DELE LOWMAN SMITH: Thank you. Ms.
2 Motter?

3 MS. MOTTER: The font size and all of
4 those particulars, is that in a State Election
5 Board rule?

6 MS. VANDER ELS: It -- I can read the
7 language.

8 MS. MOTTER: Okay.

9 MS. VANDER ELS: But it's in OCGA 21-2-
10 379.25, and the is in Subsection C. The
11 advertisement in the newspaper of general
12 circulation shall be prominently displayed,
13 shall not be less than 30 square inches, and
14 shall not be placed in the section of the
15 newspaper where legal notices appear.

16 MS. MOTTER: So can you (inaudible)?

17 MS. VANDER ELS: Sure. The
18 advertisement in the newspaper of general
19 circulation shall be prominently displayed,
20 shall not be less than 30 square inches, and
21 shall not be placed in the section of the
22 newspaper were legal notices appear.

23 MS. DELE LOWMAN SMITH: Okay. I'll
24 come back to you. Did that answer your
25 question, Ms. Motter? You had -- you wanted

1 to --

2 MS. MOTTER: Yeah. I'm kind of
3 struggling with this because, man, I -- I
4 would love to have some clarity in the law
5 that reflects our modern era, but on the other
6 hand, I, also, work in the Pension Law Space,
7 which is a very conservative area, pension law
8 being tax law, and so much of tax law requires
9 paper notices that there has been movement to
10 electronic media.

11 But that took a lot of time to,
12 actually, get that legislation and guidance on
13 the books. So I'm quite, honestly, struggling
14 with this, and now I've looked at the law that
15 you've just stated. Yeah, I am in
16 Struggleville with this issue, so.

17 MS. DELE LOWMAN SMITH: All right.
18 Yes, Ms. Swift?

19 MS. KARLI SWIFT: I just want to add
20 one more thing. To our point about being
21 modern, I think that the drafter of this
22 legislation, obviously, don't understand,
23 like, how technology works because font --
24 like, fonts have -- in their coding, it shows
25 what the font size is.

1 So it -- we could still be meeting this
2 print requirement based on the coding of -- of
3 what we are submitting. And so I think --
4 well, I totally -- I do understand that we
5 need to abide by not only the intent of the
6 law but what it says. What it says is so
7 unclear. If the intent was to it only be in a
8 written form and not including these, like,
9 more modern approaches to writing -- because I
10 think about it in the context of contracts.

11 So for a long time, there was this
12 whole argument about, do electronic signatures
13 mean the same thing as a -- a written form,
14 and it may -- it took a decade for us to get
15 there, but there's no argument now that an
16 electronic signature has the same validity as
17 a written signature.

18 And so I think -- I mean, again, this
19 is more for, you know, as we move forward and
20 we think about the small tweaks that we need
21 to make or the -- the conversations we need to
22 have with our legislators. Like, these are
23 small things that can really clarify for all
24 of us so that we're not doing that.

25 And then I guess I have one more

1 question. So taking this LNA issue aside, if
2 we -- if we go with the -- if we go down the
3 road of a more conservative view of the LNA
4 testing, does that mean we couldn't -- that
5 completely takes away Wednesday voting? Or is
6 it --

7 FEMALE VOICE: Not if they respond --

8 FEMALE VOICE: (Inaudible) --

9 FEMALE VOICE: -- (inaudible).

10 FEMALE VOICE: Sorry, Ms. Smith.

11 Sorry.

12 MS. MS. KEISHA SMITH: So -- well,
13 according to the guidance in the memo, if we
14 have to wait until Thursday to put -- you
15 know, to see if the notice publishes, then we
16 can't begin LNA until Tuesday the 22nd,
17 which --

18 MS. KARLI SWIFT: Right.

19 MS. MS. KEISHA SMITH: Um-hum.

20 MS. KARLI SWIFT: Okay. Thank you.

21 That's all.

22 MS. DELE LOWMAN SMITH: So -- okay.

23 Ms. -- Vice Chair Jester.

24 MS. NANCY JESTER: Thank you, and I'll
25 be quick. So I was on -- I was on the fence

1 until you read that thing. Now I'm not on the
2 fence because it said, 30 square inches. So
3 like, I can't be guaranteed that everyone's
4 device would show something in the format of
5 30 square inches, and I -- you know, so I -- I
6 can't -- I -- it's got to be written, in my
7 opinion, at this point.

8 And I hate that. Sorry. I think
9 that's horrible. Let's get on with modernity.
10 No one -- I don't read -- I don't have a
11 subscription to the paper, right?

12 So I get it. But I appreciate that you
13 read that, and I cannot support anything
14 before that paper, then, to be compliant. I
15 just want to be compliant because for me at
16 the end of the day, I want DeKalb to be
17 compliant in with the law so that there can be
18 no question on everything we do here, whatever
19 outcomes happen in DeKalb, I don't want there
20 to be any question, nothing hanging over us,
21 nobody pointing a finger at us.

22 I want -- I -- we had a great election
23 this time. I want that to be the case with
24 the runoff, and you know, this lawsuit's going
25 to interesting to see. That's another issue.

1 See how that -- what happens there, but that's
2 where I am. So I yield the floor, Madam
3 Chair. Thank you.

4 MS. DELE LOWMAN SMITH: Thank you,
5 Madam Vice Chair.

6 Ms. Smith, so if the LNA testing were
7 not to begin until Thursday the 22nd, is --

8 FEMALE VOICE: (Inaudible) Tuesday?

9 MS. DELE LOWMAN SMITH: I'm sorry.
10 Tuesday. Thank you. Tuesday the 22nd. Is it
11 possible that the machines necessary only for
12 Wednesday for one site would be available for
13 Wednesday?

14 MS. MS. KEISHA SMITH: Yes, we would,
15 you know, work diligently to ensure that the
16 machines for Memorial would be properly tested
17 that day.

18 MS. DELE LOWMAN SMITH: Okay. So --
19 okay. So we may have a solution. And
20 there -- it sounds like there's still a
21 remaining question about whether something
22 will run on Tuesday. Can you address that?
23 Am I interpreting this correctly? That's not
24 accurate? And I'm sorry -- I can't really
25 absorb this and keep everything I need to keep

1 in terms of managing the meeting in mind, so I
2 don't --

3 MS. VANDER ELS: I know.

4 MS. DELE LOWMAN SMITH: -- I'm probably
5 not fully understanding this.

6 MS. VANDER ELS: I think what we're
7 working with the vendor to do would be to
8 submit a notice that would run on Thursday.
9 So it would be a revised notice of LNA testing
10 that would be -- it would be published --

11 MS. DELE LOWMAN SMITH: Oh.

12 MS. VANDER ELS: -- and sent out on
13 Thursday.

14 MS. DELE LOWMAN SMITH: Okay. All
15 right. Well, that -- that's a little bit
16 different than -- than my -- than what my
17 understanding was.

18 MS. KARLI SWIFT: I guess I don't
19 understand, either. So -- okay. Let me
20 just -- let me just try to -- this is what I
21 heard.

22 MS. VANDER ELS: Um-hum.

23 MS. KARLI SWIFT: We've already
24 published virtually, meaning we've published
25 on the web -- on the -- on the Legal Organ's

1 site like we normally do. What we're saying
2 is that we now, in theory, arguably, need to,
3 also, send a print notification through that
4 same Legal Organ, and it's going to take us
5 two days to do that, so that won't happen
6 until Thursday. Is that --

7 MS. VANDER ELS: Right. The -- the --
8 not all of the electronic notices that have
9 been distributed were sent out five days ahead
10 of the current schedule, which would be
11 Thursday, and your print publication currently
12 is not going to run until Thursday.

13 So the option you're considering is to
14 have a revised notice of LNA testing beginning
15 next Tuesday be distributed Thursday of this
16 week. So it would be printed in the AJC and
17 distributed in all the other requisite ways as
18 soon as possible that LNA testing would begin
19 next Tuesday.

20 MS. KARLI SWIFT: Okay. So just -- I'm
21 sorry. So the -- we've already provided
22 notice that we're going to start LNA testing
23 on Thursday via email and on the website for
24 the Legal Organ, so right now, people have
25 notice and are expecting LNA testing on

1 Thursday, as I understand it.

2 So what we're now is saying is we want
3 to, ostensibly, cancel that Thursday, which is
4 going to confuse people even more, and then do
5 it on Tuesday. Is that what I'm
6 understanding?

7 MS. VANDER ELS: Yes.

8 MS. KARLI SWIFT: Okay. Thank you.

9 MS. DELE LOWMAN SMITH: Okay. So one
10 final check-in before we see how many motions
11 we are about to vote on. If, according to Ms.
12 Smith, they plan to prioritize whatever
13 equipment would be used for the locations here
14 for Wednesday voting, is there a comfort level
15 among the Board in supporting Wednesday voting
16 with the times that are noted here, as well as
17 the LNA requirements recommended by our
18 attorneys, which is what Ms. Swift just got
19 clarification on? Not starting this Thursday
20 but starting next Tuesday.

21 MS. NANCY JESTER: And having the
22 Wednesday early voting just be at Memorial
23 and --

24 MS. DELE LOWMAN SMITH: Yes.

25 MS. NANCY JESTER: -- get through those

1 tests?

2 MS. DELE LOWMAN SMITH: Yes.

3 MS. MS. KEISHA SMITH: And it was
4 always only going to be at Memorial.

5 MS. DELE LOWMAN SMITH: Always, yes.

6 MS. NANCY JESTER: All right.

7 MS. DELE LOWMAN SMITH: Um-hum. So
8 that doesn't change --

9 MS. KARLI SWIFT: So we're saying we --
10 if we -- and I -- on the record, I don't think
11 this -- because I -- I still have another
12 question about if it even applies to counties
13 that have website or not because isn't that,
14 also -- and have you been --

15 MS. VANDER ELS: It --

16 MS. KARLI SWIFT: So there -- I'm
17 sorry. There's another question about this
18 lies -- whether this written requirement
19 applies to a county that has a website that
20 you could, also, post it, which makes it even
21 more complicated, but I will take that off the
22 table, if we are allowed -- if we're -- if we
23 can still get to Wednesday voting, which I
24 think we can because we're only -- we're going
25 to do LNA testing first on the machines we

1 need for Wednesday voting, and then we'll --
2 you'll -- the office will figure it out. Is
3 that -- that's where we are?

4 MS. DELE LOWMAN SMITH: That's what
5 I -- I --

6 MS. KARLI SWIFT: Okay.

7 MS. DELE LOWMAN SMITH: -- I believe
8 so. Ms. Motter?

9 MS. MOTTER: I'm just curious why this
10 hasn't come up before in years past. I'm a
11 bit incredulous that, first of all, our Legal
12 Organ can't post and print on the same day.

13 This can't be a brand-new issue because
14 we have to do LNA testing notices all the
15 time, so I'm kind of curious how this all came
16 to be and -- and why we have had to discuss
17 this for the past, what, 20-25 minutes
18 because --

19 MS. DELE LOWMAN SMITH: Thirty minutes.

20 MS. MOTTER: -- this shouldn't be a new
21 issue, so I'm wondering, how did we handle
22 this in years past? And maybe that's a
23 discussion our attorneys don't want us to have
24 publicly, but --

25 MS. DELE LOWMAN SMITH: Oh, you

1 answered it.

2 MS. MOTTER: Okay.

3 MS. DELE LOWMAN SMITH: It is the
4 timeline. We, usually, have a lot more time
5 to recover.

6 MS. MOTTER: That's what I thought. So
7 thank you for confirming that.

8 MS. DELE LOWMAN SMITH: It's -- it's
9 your --

10 MS. MOTTER: It's unfortunate.

11 MS. DELE LOWMAN SMITH: -- the
12 newspapers, also, print less often now --

13 FEMALE VOICE: It's -- it's constantly
14 --

15 MS. DELE LOWMAN SMITH: -- because
16 social media.

17 MS. KARLI SWIFT: Yeah, when the law
18 was changed, I don't think there was a --

19 MS. DELE LOWMAN SMITH: Right.

20 MS. KARLI SWIFT: -- sight line into
21 how it would shorten it, then, from four weeks
22 to eight weeks, how all these other laws would
23 interact with it. And so hopefully, our
24 legislators hear us and you know, can work
25 towards fixing some of these if they're going

1 to keep it.

2 MS. DELE LOWMAN SMITH: Yeah, since
3 none of us were included in the discussion
4 process before any of the laws were made, so
5 I'm sure it's revelation. But okay.

6 So we -- I believe we're down to two
7 motions, one of which would approve the 16
8 locations that we had during the general, some
9 set of potential additional locations to be
10 named in the motion, as well as ours, starting
11 on Wednesday the 23rd at Memorial and Sunday,
12 as expansively as staffing will allow, through
13 the Friday, which will be one motion.

14 MS. KARLI SWIFT: So I think there
15 needs to be -- let me just posit. I think we
16 should split out the Sunday timing because it
17 should be 7:00 -- I think I would prefer that
18 we do 7:00 to 7:00 for all those times, but
19 I'm nervous that if we have a motion that
20 says, based on what the staff can, we may not
21 even -- you know, there might be changes to
22 the Monday through Friday.

23 So I would prefer to have the Monday
24 through Friday from 7:00 to 7:00 be a separate
25 motion, and then have the Sunday with a

1 preference for 7:00 to 7:00, subject to as
2 expansive as the -- that -- the office can
3 provide.

4 MS. DELE LOWMAN SMITH: Okay. So we're
5 back to three motions, then, because then
6 there are -- it's the Saturday --

7 MS. KARLI SWIFT: Um-hum.

8 MS. DELE LOWMAN SMITH: -- motion, as
9 well. Okay. All right. that's fine, as well
10 as we all know what we're talking about and
11 voting on. It's -- it's -- it's fine.

12 FEMALE VOICE: Well, we have to restate
13 it. We --

14 MS. DELE LOWMAN SMITH: Right. Okay.
15 So now that I think we've got it all clear,
16 Ms. Swift, you made the original motion.
17 Would you like to attempt to restate one of
18 the --

19 MS. KARLI SWIFT: Okay.

20 MS. DELE LOWMAN SMITH: -- three
21 motions?

22 MS. KARLI SWIFT: Okay. So I'll
23 restate -- well, do they need to be in any
24 specific order?

25 MS. DELE LOWMAN SMITH: Logically, I

1 think it would make sense to do -- to do
2 the -- no.

3 MS. KARLI SWIFT: Okay.

4 MS. DELE LOWMAN SMITH: It doesn't
5 matter. Just --

6 MS. KARLI SWIFT: All right. So --

7 MS. DELE LOWMAN SMITH: It doesn't
8 matter.

9 MS. KARLI SWIFT: -- I move that we
10 allow Saturday voting, subject to the outcome
11 of pending litigation against the Secretary of
12 State --

13 FEMALE VOICE: The State of Georgia.

14 MS. KARLI SWIFT: State of Georgia?

15 FEMALE VOICE: Let's do (inaudible).

16 FEMALE VOICE: Yep.

17 MS. KARLI SWIFT: You want to do that
18 one last?

19 FEMALE VOICE: I just want that to be
20 its own --

21 MS. KARLI SWIFT: Yeah, yeah, no,
22 that -- that's the only motion.

23 FEMALE VOICE: Oh, okay. Okay.

24 MS. KARLI SWIFT: That's a separate
25 motion. Yeah.

1 FEMALE VOICE: I got it.

2 MS. KARLI SWIFT: So I'm just starting
3 with the motion I'm making, and then -- that's
4 why I was asking about the --

5 FEMALE VOICE: Got you. I was --

6 MS. KARLI SWIFT: -- what needs to go
7 first.

8 Okay. So I move that we approve
9 Saturday voting, subject to the finding -- or
10 finding of the court and pending legislation
11 against the State of Georgia related to their
12 guidance that Saturday voting is not allowed.

13 So we can allow -- my motion is that we
14 can allow Saturday voting, if the Court
15 affirms the Plaintiffs in the litigation
16 against the State of Georgia. Is that --

17 MS. VANDER ELS: I think -- I think
18 that's fine. And -- but specifying the -- you
19 know, with the locations identified by staff.

20 MS. KARLI SWIFT: And at the locations
21 identified by staff, at the times identified
22 by staff with a preference for 7:00 a.m. to
23 7:00 p.m.

24 MS. DELE LOWMAN SMITH: We have a
25 motion. Is there a second?

1 MS. SUSAN MOTTER: Second.

2 MS. KARLI SWIFT: What for?

3 MS. VANDER ELS: November 26th.

4 MS. KARLI SWIFT: For November 26th,
5 2022.

6 MS. DELE LOWMAN SMITH: Okay. We have
7 a motion and second. Any further discussion?
8 Okay.

9 MS. KARLI SWIFT: And just so we're
10 clear. This is -- again, it would not be
11 allowed unless the lawsuit allows it.

12 MS. DELE LOWMAN SMITH: Right. Okay.
13 Madam Vice Chair, how do you vote?

14 MS. NANCY JESTER: Nay.

15 MS. DELE LOWMAN SMITH: Ms. -- Mr.
16 Lewis is not here. Ms. Motter, how do you
17 vote?

18 MS. SUSAN MOTTER: I vote, aye.

19 MS. DELE LOWMAN SMITH: Ms. Swift, how
20 do you vote?

21 MS. KARLI SWIFT: Aye.

22 MS. DELE LOWMAN SMITH: And the Chair
23 votes, aye. And so that motion passes three
24 to one for Saturday voting.

25 Okay. Next motion regarding -- what is

1 it?

2 MS. KARLI SWIFT: Okay. So the next
3 motion is about the LNA -- is the Wednesday
4 voting.

5 MS. DELE LOWMAN SMITH: I thought we
6 already -- no. It was Sunday because we
7 already said, we're going with Wednesday. So
8 that's going to part of the regular hour.

9 MS. KARLI SWIFT: Oh. Okay. Got you.
10 Got you.

11 MS. DELE LOWMAN SMITH: So it was the
12 Sunday hours, right?

13 MS. KARLI SWIFT: Yeah.

14 MS. DELE LOWMAN SMITH: That you wanted
15 to do separately.

16 MS. KARLI SWIFT: Yes. So --

17 MS. SUSAN MOTTER: And don't forget the
18 locations -- for locations.

19 MS. KARLI SWIFT: Yeah. Okay. So the
20 locations would be in the next motion, right?

21 MS. DELE LOWMAN SMITH: Yes. Yes.

22 MS. KARLI SWIFT: All right. So I
23 move to approve Sunday voting. I move that we
24 allow Sunday voting from 7:00 to 7:00 p.m.,
25 subject to availability of staff, and in the

1 event staff is unavailable, the -- the
2 director can implement voting as expansive as
3 possible within 7:00 a.m. to 7:00 p.m. based
4 on staffing availability.

5 MS. DELE LOWMAN SMITH: We have a
6 motion. Is there a second?

7 MS. SUSAN MOTTER: Second.

8 MS. KARLI SWIFT: I'm sorry. And the
9 day is November 26th?

10 MS. SUSAN MOTTER: '7th.

11 MS. KARLI SWIFT: 2022.

12 MS. SUSAN MOTTER: And I second it.

13 MS. DELE LOWMAN SMITH: Okay. Motion
14 and a second. Is there any discussion?

15 MS. NANCY JESTER: Question.

16 MS. DELE LOWMAN SMITH: Yes, Madam Vice
17 Chair.

18 MS. NANCY JESTER: Okay. So we're
19 voting -- so this motion is -- and this will
20 be a third motion?

21 MS. DELE LOWMAN SMITH: Yes.

22 MS. NANCY JESTER: Okay. So this
23 motion is just for the Sunday voting -- to
24 expand it? Is that the sole purpose of this
25 motion?

1 MS. DELE LOWMAN SMITH: That's it.

2 MS. KARLI SWIFT: That's the sole
3 purpose. From the noon to 5:00, to have 7:00
4 to 7:00.

5 MS. NANCY JESTER: Okay. And then your
6 intention is to bring a subsequent motion for
7 the remainder of all of the voting? Okay. I
8 got it. Okay.

9 MS. DELE LOWMAN SMITH: Any further
10 discussion on the motion? Okay. Madam Vice
11 Chair -- and I'm just doing this off of order.
12 Madam Vice Chair, how do you vote?

13 MS. NANCY JESTER: Aye.

14 MS. DELE LOWMAN SMITH: Ms. Motter, how
15 do you vote?

16 MS. SUSAN MOTTER: I vote, aye.

17 MS. DELE LOWMAN SMITH: Ms. Swift, how
18 do you vote?

19 MS. KARLI SWIFT: Aye.

20 MS. DELE LOWMAN SMITH: And the Chair
21 votes, aye. And that passes four, zero.
22 Okay. Final motion.

23 MS. KARLI SWIFT: Oh, okay.

24 MS. DELE LOWMAN SMITH: And --

25 MS. KARLI SWIFT: So sorry. The final

1 motion is to approve advance voting Monday
2 November 28th through December -- Friday
3 December 2nd from 7:00 a.m. to 7:00 p.m. at
4 the locations -- do I need to read the
5 locations that are in on the map?

6 MS. DELE LOWMAN SMITH: Yes. And then
7 add in --

8 MS. KARLI SWIFT: Okay. And then at --
9 so at Dunwoody Library, North Dekalb Senior
10 Center, Briarwood, Emery, Betsy Brannum
11 (phonetic), South Dekalb Mall, Bulla
12 (phonetic), Tucker Library, Clarkston Library,
13 Memorial, there are two locations there,
14 Wesley Chapel Library, Ellenwood Library, Wade
15 Walker, Berean, former Sam's, and -- I'm going
16 to say mine first, and then you can add yours.
17 Would I say additional sites to include?

18 MS. VANDER ELS: Additional sites to
19 include, subject to availability of staff.

20 MS. KARLI SWIFT: Additional sites to
21 include, subject to availability of the
22 location and staff: Salem-Panola Library,
23 Ousley United Methodist Church, New Bethel
24 AME, Mack Love Center.

25 MS. MS. KEISHA SMITH: Old Smoke Rise

1 Elementary School, Tucker City Hall, Linwood
2 Community Center, Perimeter Center, Chamblee
3 (inaudible), actually, Forest Fleming Arena,
4 and Honeysuckle Park.

5 MS. DELE LOWMAN SMITH: Okay. We have
6 a motion. Is there a second?

7 MS. SUSAN MOTTER: I second.

8 MS. DELE LOWMAN SMITH: Okay. Any
9 discussion on that motion? And that
10 includes -- you specified that Wednesday --
11 okay.

12 MS. VANDER ELS: No. I don't think she
13 did.

14 MS. SUSAN MOTTER: She did.

15 MS. VANDER ELS: Oh, she did? Okay.

16 MS. SUSAN MOTTER: 28 through December
17 2nd. She did.

18 MS. VANDER ELS: Oh --

19 MS. DELE LOWMAN SMITH: Oh, no.

20 (Inaudible) --

21 MS. VANDER ELS: Oh I -- the Monday --
22 I'm sorry. Wednesday November 23rd, I think,
23 has not been addressed yet. The early voting
24 at memorial.

25 MS. DELE LOWMAN SMITH: Yeah. So

1 that -- the motion should include Wednesday
2 the 23rd and the 27th through the 2nd.

3 MS. SUSAN MOTTER: 28.

4 MS. DELE LOWMAN SMITH: No --

5 MS. SUSAN MOTTER: 27th.

6 MS. DELE LOWMAN SMITH: Yeah.

7 MS. SUSAN MOTTER: -- Sunday
8 (inaudible).

9 MS. DELE LOWMAN SMITH: Um-hum.

10 MS. KARLI SWIFT: Yeah. So that would
11 include the dates -- I'm sorry. I thought I
12 included all of the dates. But it would be
13 November 23rd, November 27th through December
14 2nd.

15 MS. DELE LOWMAN SMITH: Correct. Okay.
16 All right. Any further discussion on the
17 motion? Okay. Vice Chair Jester, how do you
18 vote?

19 MS. NANCY JESTER: Aye.

20 MS. DELE LOWMAN SMITH: Ms. Motter, how
21 do you vote?

22 MS. SUSAN MOTTER: I vote Aye.

23 MS. DELE LOWMAN SMITH: Ms. Swift, how
24 do you vote?

25 MS. KARLI SWIFT: Aye.

1 MS. DELE LOWMAN SMITH: And the Chair
2 votes, aye. And that motion passes four to
3 zero. Okay. Thank you, all, as well as
4 members of the public for your patience with
5 that process. Okay.

6 So the last item for decision is
7 Dunwoody Election Day polling place. And I'll
8 give Ms. Smith the floor to give us some
9 context on that before asking for a motion.

10 MS. KEISHA SMITH: Okay. Thank you,
11 Madam Chair. Staff received a notification
12 from the polling that place that housed the
13 Dunwoody precinct and the November 8th General
14 Election that they would not be able to house
15 the precinct in December --

16 FEMALE VOICE: What's the location?

17 MS. KEISHA SMITH: Dunwoody, which was
18 the church at Chapel Hill, the Dunwoody
19 campus. So that was the previous location.

20 And what staff is recommending for
21 approval is to move the Dunwoody precinct back
22 to the Dunwoody Library. Yeah. I'm sorry.
23 Page 29 is the notice that will be published
24 Thursday, this Thursday, as well as next week,
25 the 23rd, to move the location back to

1 Dunwoody Library located at 5339 Chamblee
2 Dunwoody Road.

3 It will be a joint location. And it's
4 been there before. And it has the space for
5 it. And so if the Board approves this
6 proposed polling place change, then we will
7 notify the impacted voters this week with a
8 letter, and I'll, you know, also post signage
9 and social media and other media like press
10 announcements accordingly. So that's --

11 MS. DELE LOWMAN SMITH: Okay. So we've
12 heard the desired motion from the director.
13 Can we -- is anyone ready to make a motion?
14 And then we can have any discussions
15 necessary.

16 MS. VANDER ELS: I move approval of
17 this request.

18 MS. SUSAN MOTTER: I second.

19 MS. DELE LOWMAN SMITH: Okay. Did you
20 have -- did you want to talk about this, Vice
21 Chair Jester, or ask any questions?

22 MS. NANCY JESTER: I suppose -- when
23 did they inform us of this?

24 MS. KEISHA SMITH: It was late last
25 week.

1 MS. NANCY JESTER: Okay. And how --
2 and how long have they been a -- do we know
3 how long they've been a polling location?
4 Because you said that we'd had a joint one
5 before.

6 MS. KEISHA SMITH: I'm not sure how
7 long. But I know that we -- that they did not
8 serve in the May primary.

9 MS. NANCY JESTER: Okay.

10 MS. KEISHA SMITH: So I think there's
11 been some back and forth there.

12 MS. NANCY JESTER: Okay. Did they give
13 a reason for not being a polling place?

14 MS. KEISHA SMITH: I think there were
15 some challenges before this year that kind
16 of --

17 MS. NANCY JESTER: They may have a
18 preschool or something. I'm not sure. Maybe
19 that --

20 MS. KEISHA SMITH: Well, and that's
21 something, too, for this year. But I think
22 that there were several factors --

23 MS. NANCY JESTER: Okay.

24 MS. KEISHA SMITH: -- that they just
25 kind of determined that it was -- just wasn't

1 a good fit.

2 MS. NANCY JESTER: I got you.

3 MS. KEISHA SMITH: So long-term, we're
4 going to have to identify another location for
5 them permanently.

6 MS. NANCY JESTER: Okay. But you will
7 collapse them in with the Dunwoody Library,
8 which is just for anybody who's -- it's
9 like -- it's within walking distance of that
10 particular location. You can just walk up the
11 street to the Dunwoody Library from there. So
12 it's not a physical, huge difference. So
13 we'll collapse that in.

14 Is that going to be a volume issue for
15 the Library?

16 MS. KEISHA SMITH: So --

17 MS. NANCY JESTER: You would prefer it
18 to be separate, but it's not a big -- I mean,
19 is that what I'm hearing?

20 MS. KEISHA SMITH: I think what we've
21 decided for this election is that instead of
22 having them, what we consider, co-located --

23 MS. NANCY JESTER: Yeah.

24 MS. KEISHA SMITH: -- and in the same
25 polling place, it's going to be combined. And

1 so they will -- there will be one line, you
2 know, so --

3 MS. NANCY JESTER: I got it. You'll
4 make it one precinct anyway.

5 MS. KEISHA SMITH: -- and (inaudible)
6 same machines. Yes. Pretty much. So it's a
7 little less complicated, logistically. You
8 know, so --

9 MS. NANCY JESTER: Because when
10 you're -- so physically, you're going to have
11 to run Dunwoody Library as two precincts when
12 you have it in there. But it will be co-
13 located. But then you'll collapse them
14 together for the next go-round.

15 MS. KEISHA SMITH: Correct.

16 MS. NANCY JESTER: So it is a little
17 bit of a difference. But -- okay. I
18 understand what you're saying. Okay. I have
19 no problem, and my motion stands.

20 MS. DELE LOWMAN SMITH: Any further
21 discussion?

22 MS. SUSAN MOTTER: Just -- thank you,
23 Madam Chair. Just so I understand, and the
24 Public as well, this is a temporary move to
25 this location because of reasons that this

1 location gave our staff. And what I'm also
2 hearing is that long-term, there may be
3 another location for this particular group of
4 voters. Is that what I'm hearing?

5 MS. KEISHA SMITH: Yes. Possibly. If
6 we determine that, you know, there's more, you
7 know, an additional location is needed to
8 process voters more efficiently or quickly.

9 MS. SUSAN MOTTER: Okay. And then you
10 will come back to this Board for approval of
11 this new location at such time it's determined
12 to be the new location?

13 MS. KEISHA SMITH: That's correct.

14 MS. SUSAN MOTTER: Okay. Thank you.

15 MS. DELE LOWMAN SMITH: Any further
16 discussion?

17 MS. NANCY JESTER: I understood
18 something different. So I just want to be
19 clear. So I understood that this location is
20 we're getting rid of it now.

21 So -- and we're going to move it co-
22 located at Dunwoody Library. And that you
23 assume in the future, we're not going to need
24 another location. We will combine Dunwoody
25 Library and this precinct into one precinct at

1 Dunwoody Library.

2 MS. KEISHA SMITH: So today --

3 MS. NANCY JESTER: That's your --
4 that's your thought.

5 MS. KEISHA SMITH: -- we were -- yes.
6 So the proposed --

7 MS. NANCY JESTER: It's a co-location
8 today.

9 MS. KEISHA SMITH: Correct.

10 MS. NANCY JESTER: Okay. But I
11 understood, subsequent to that, in a future
12 election, you anticipate combining these
13 precincts into one at Dunwoody Library and not
14 identify another location.

15 MS. KEISHA SMITH: That may be an
16 option that we present to the Board as
17 combining them permanently or if it, you know,
18 if it's more -- you know, there's a
19 possibility that we may find that, you know,
20 we need two separate locations because of the
21 volume.

22 MS. NANCY JESTER: Okay.

23 MS. KEISHA SMITH: And at that -- so
24 we'll have that --

25 MS. NANCY JESTER: Okay. That's fine.

1 That was not what I took away from my
2 question, subsequent. But thank you for the
3 clarity. Thank you.

4 MS. DELE LOWMAN SMITH: Okay. Any
5 further discussion on this? So the motion was
6 to approve a temporary change as noted on page
7 29. Ms. Vice Chair Jester, how do you vote?

8 MS. NANCY JESTER: I vote, aye.

9 MS. DELE LOWMAN SMITH: Ms. Motter, how
10 do you vote?

11 MS. SUSAN MOTTER: I vote, aye.

12 MS. DELE LOWMAN SMITH: Ms. Swift, how
13 do you vote?

14 MS. KARLI SWIFT: Aye.

15 MS. DELE LOWMAN SMITH: And the Chair
16 votes, aye. And that passes four to zero.
17 Thank you. Okay. Ms. Smith, you are
18 recognized to give your director's report.

19 MS. KEISHA SMITH: Thank you. In the
20 packet, beginning on page 30, you'll find the
21 post-election report from November 8th. And
22 just very, you know, high-level information.
23 As of, you know, the report date, which is
24 reflected in the official and complete
25 results, we had 506,713 registered voters.

1 299,362 of those registered voters cast
2 ballots.

3 The overall turnout was 59.08 percent
4 in Dekalb County. And that break down is also
5 below, which you will see 85,721 came out on
6 Election Day to cast their ballots. Advanced
7 voting in person, we had 189,830 voters come
8 out. And then absentee by mail, with 23,663,
9 and provisional 148.

10 As we all know there, you know, Dekalb
11 was not the only county, but we did, you know,
12 across the State of Georgia, saw record
13 turnout. In Dekalb, we had 63 percent in
14 advance voting casting ballots. Which is, you
15 know, to put things in perspective, you kind
16 of see the comparison with 2018, the general
17 election there was 48 percent, and then 2014,
18 34 percent. So definitely and increase there.

19 While Memorial Drive, the two
20 locations, along with Tucker Library, were the
21 most popular during our advance voting weeks,
22 the turn out across the county was very well,
23 you know, also. So there was a good
24 distribution of voters in all of the 16 sites.

25 MS. DELE LOWMAN SMITH: Ms. Smith, if

1 you just wouldn't mind, I just wanted to,
2 because most of the people in the audience are
3 not going to be able to see this, she gave us
4 just a great visual.

5 So if you're able to go look at, if we
6 have our druthers, we'd have like a big,
7 fancy, sleek television, and you'd be able to
8 see everything we were looking at, at the same
9 time.

10 But it kind of shows the turnout
11 comparatively speaking. So anybody who's
12 looking for that can find this information on
13 the website.

14 MS. KEISHA SMITH: Thank you. Okay.
15 And on page 34, you will see the absentee by
16 mail totals. And I wasn't here during 2020,
17 and I understand that there, you know,
18 absentee by mail was very popular during the
19 pandemic. We had, this year, in 2022, 7.8
20 percent participated in absentee by mail
21 voting.

22 In 2018, it was 6.3 percent. And
23 again, in 2014, 3.9. So there's been a steady
24 increase there. The next slide just breaks
25 down the absentee by mail and non-UOCA and

1 UOCAVAs. And so there were a total of 23,713
2 ballots scanned. Out of those, there were
3 22,942 non-UOCAVA and 771 UOCAVA ballots. So
4 a total of 24,050 when you include the
5 rejected, uncured of 337.

6 And the following page, or slide, 36
7 just breaks down the numbers. So for the
8 cured, there were 104. And the rejected
9 cured, 101. And so the various reasons for
10 rejected ballots, of course, include invalid
11 ID, invalid signature, or missing signatures.

12 And the final, page 37 just kind of is
13 a snapshot of the County's precincts and
14 polling locations. Right now, we have a total
15 of 191 precincts, 176 polling places for
16 November 8th. And then that equipment tested
17 and deployed is broken down by poll pads,
18 which you'll see 471, touch screens, 2,336.
19 And then the scanners at 269.

20 And so I just, you know, want to take a
21 moment to thank the staff and the poll
22 workers, because we, you know, did have a
23 pretty, you know, successful election. And it
24 took all of the effort, you know, of the staff
25 in prepping.

1 And then of course, you know, on
2 Election Day and during advanced voting,
3 everyone working together to insure that our
4 residents, our registered voters, had a great
5 experience at the polls. And so I'm very, you
6 know, thankful for everyone. All, you know,
7 all of the hands that were on deck to insure
8 that that happened.

9 MS. DELE LOWMAN SMITH: Thank you, Ms.
10 Smith. Any questions for the director? Okay.

11 Next on the agenda is commissioner's
12 comments. And I do not see that we have a
13 commissioner present. That may be a change
14 since we -- it was much more convenient to
15 participate when we were virtual. So we'll
16 just see how that works going forward. Yes.

17 MR. ANTHONY LEWIS: Madam Chair,
18 they're meeting right now.

19 MS. DELE LOWMAN SMITH: And they're
20 meeting right now also. So this is not our
21 normal meeting day and time. So we'll assess
22 this going forward as a recurring item as
23 well. And so we don't have a need for
24 executive session.

25 MS. VANDER ELS: That's correct.

1 MS. DELE LOWMAN SMITH: Okay. Great.
2 So let's go on to Board comments. And we can
3 start with Ms. Motter.

4 MS. SUSAN MOTTER: Thank you, Madam
5 Chair. Congratulations to our Executive
6 Director and her staff for an election well
7 done. From the early voting days to the
8 actual Election Day, I've heard nothing but
9 good things from folks out in the field.

10 While I was in line as a voter to
11 exercise my own vote, I had a lot of folks
12 come up to me and say, thank y'all for what
13 y'all are doing. And I would say to the
14 voters, no, you need to thank our staff and
15 our Executive Director, because it's all their
16 hard work that you're seeing and experiencing
17 here at the polling locations.

18 So thank y'all so much. And thank you
19 for your continued efforts with your staff to
20 monitor and improve things. We see a lot of
21 excited -- exciting changes have occurred.
22 And we know there are far more to come. So
23 thank you for that work. And thank you to my
24 colleagues.

25 I appreciate the -- the robust

1 discussion we have. Even though it might be
2 tedious for the Public, we do need to hash
3 much of this out in front of the Public.
4 These laws can be challenging. These laws
5 some time have voids. And so we're trying to
6 just get through the laws as best as we can
7 with the advice of our county attorneys.

8 And also, thanks to our county
9 attorneys. Y'all have also put in the time.
10 And some of our unsung heroes, a lot of the
11 Public don't realize that when the election's
12 on, our county attorneys are also on, on the
13 watch as well. So thank y'all. And that's
14 all I have. Madam Chair.

15 MS. DELE LOWMAN SMITH: Thank you, Ms.
16 Motter. Vice Chair Jester, would you like to
17 be recognized?

18 MS. NANCY JESTER: Thank you. No.
19 I've gotten great reports back from -- from
20 most folks. And again, any questions we had
21 were answered really timely. One thing, I
22 think maybe to my fellow Board members and to
23 staff, you know, I think if we set aside some
24 time maybe for -- I don't know if it's a
25 retreat or a special call board meeting or

1 something where we can debrief a little bit
2 about some of the specifics. Might be
3 helpful. Just some of the framework issues.

4 Again, we had -- this was by all
5 accounts one of the best, you know, elections
6 we've had. And we've all worked so hard to
7 get to this place. So that's great. But it
8 doesn't mean we can't still improve. So
9 there's some thoughts, you know, that I think
10 would be helpful to have some of our
11 stakeholders share with us.

12 I think we had a commentor today that
13 talked about receiving a letter with some of
14 that. Some folks have provided to me some
15 insight into things. And I know I've spoken
16 with our executive director about some
17 thoughts I have on just nuts and bolts issues
18 on improving. Nothing I'm married to. You
19 know, no huge strains. But just ways to
20 improve the viability into all of our
21 processes. And just for the public and for my
22 fellow Board members.

23 That's something I've -- you know,
24 we've spent so much time on some of these huge
25 rocks we lifted since we all came together.

1 And we've done some big lifting. We have a
2 new executive director. And I just -- I'm
3 very excited about that.

4 And now maybe we can spend some time
5 refining things. And one of the things that,
6 just in all of my time in public life, it's,
7 you know, I've always said, do the People's
8 business in front of the People. All that.
9 And sort of, you know, embedded in that is the
10 notion of visibility up and down the sequence
11 of processes for something as important as
12 your vote.

13 And I think we've made great strides in
14 that. And I really appreciate the work you've
15 done. And I think we might be able to, again,
16 continue to improve that. Continue to improve
17 the -- the experience that the poll watchers
18 have as well.

19 And I think they're -- they're doing
20 better. Our poll managers are -- so there's
21 just so many things that have improved. And
22 we're just continuing to go down that path.
23 Because I really want us to be quite an
24 example, you know, of -- and I remember when I
25 first met our Chair.

1 One of our discussions with different
2 folks that are sitting around the room. She
3 tell you was, hey, let's just construct a
4 system where we're like the -- we're great at
5 it, and people come to us and ask us how to
6 run elections, because we've sort of perfected
7 it, and let's bring all the resources to bear
8 on that.

9 And, you know, we've done some of that
10 now. So that's great. And we see the
11 outcomes. And we can continue to do that and
12 make ourselves even better.

13 So I feel really good about that. But
14 let's all consider that. Maybe some sort of
15 after the runoff, maybe some time next year,
16 consider the refining of the good things we've
17 already done.

18 So anyway. All right. With that, I'll
19 yield the floor. Thank you to all my
20 colleagues. Thank you.

21 MS. DELE LOWMAN SMITH: Thank you, Vice
22 Chair. Ms. Swift, you're recognized.

23 MS. KARLI SWIFT: Thank you. I want to
24 echo what my colleague's comments. Thank you
25 to the staff, the legal team, and to the

1 Public for all the work that you guys have
2 done to help us get through what was a
3 challenging election cycle and that is still
4 not over. So as we continue to do the work to
5 ensure that everyone has the opportunity to
6 vote, know that we're all working really hard
7 to make sure it's accessible.

8 And also, you know, that's what's
9 important, at least for me. And I think I can
10 say that for all of my colleagues. And I
11 agree. I think it'll be really good for us to
12 really sit down and look at, not only what
13 went well, but really what didn't go well and
14 where there are real opportunities for us to
15 improve.

16 I think there's some improvement that
17 can be done around some of our polling
18 locations to really ensure that people have
19 precincts that are really close to them, that
20 folks are not traveling, if you're in certain
21 parts of this district, you're traveling much
22 further than folks in other parts of the
23 district or traveling.

24 So I think those are some discussions
25 that we really need to be thinking about. And

1 maybe it's a couple of sessions. Probably one
2 with stakeholders. Probably one just
3 internally and with the office and maybe with
4 legal, to really work through some of those
5 issues.

6 But we got to get to December 6th
7 first. So let's get through that. And then
8 we can talk more about how we can just further
9 improve the process.

10 MS. DELE LOWMAN SMITH: Thank you. And
11 I will also echo the thanks to our VRE team.
12 This was a much, much bigger midterm than some
13 of us may have anticipated. And you handled
14 it fantastically. Thank you for all of your
15 hard work responding to all of the changes.
16 As we heard one of our speakers say, more
17 changes in the last 3 years than in the
18 previous 30.

19 And adapting to all of that with major
20 turnout that exceeded many people's
21 expectations for a midterm election, was
22 fantastic. Thank you to all of our poll
23 workers for your diligence. For people who
24 served as poll watchers, poll observers, as
25 well, and the ways that you participate in and

1 help bring visibility to, and accountability
2 to the voting process.

3 As well as to our partners in Dekalb,
4 specifically, our legal partners. And it's a
5 delicate dance that we maintain. It's very
6 important. It's, you know, I know it sounds a
7 little bit cheesy. But this is -- this is
8 important stuff. And it is important that you
9 all provide us the best possible legal
10 guidance, and that we, at times, push back in
11 favor of as much access as possible.

12 And that's important conversation that
13 has to be had. And I appreciate that. Thank
14 you for all of the speakers who were able to
15 be with us today, as well as those who emailed
16 in advance. As we said, we'll make sure that
17 your comments are included in the minutes.

18 And there was something else I was
19 going to say, and I've now -- oh. My
20 colleagues, I just want to reiterate how proud
21 I am to serve with you. I have a local
22 government background. I have worked for
23 multiple boards of commission, city councils,
24 and currently work with many, many boards of
25 commissions and city councils all over the

1 country.

2 I am very proud to be a member of this
3 one and the way that we interact with each
4 other, our attention to detail, the time that
5 we take uncompensated to understand the issues
6 before us, and try to serve all of the voters
7 of Dekalb County. I'm very proud to be able
8 to serve with you.

9 So can we get a motion to adjourn,
10 please?

11 MS. NANCY JESTER: So moved.

12 MS. SUSAN MOTTER: Second.

13 MS. DELE LOWMAN SMITH: We have a
14 motion and second. All in favor?

15 MS. KARLI SWIFT: Aye.

16 MS. SUSAN MOTTER: Aye.

17 MS. NANCY JESTER: Aye.

18 MS. DELE LOWMAN SMITH: We stand
19 adjourned. Thank you.

20 (End of Video Recording.)

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CERTIFICATE

I, Wendy Sawyer, do hereby certify that I was authorized to and transcribed the foregoing recorded proceedings, and that the transcript is a true record, to the best of my ability.

DATED this 17th day of November, 2022.

RETRIEVED FROM DEMOCRACYDOCKET.COM

WENDY SAWYER, CDLT

<p style="text-align: center;">A</p> <p>a.m 6:18 30:22 33:3 35:3 abide 17:5 ability 3:4 59:5 able 5:8 38:14 47:3,5,7 53:15 57:14 58:7 absentee 46:8 47:15,18,20,25 absorb 20:25 accept 6:4 access 57:11 accessible 55:7 accountability 57:1 accounts 52:5 accuracy 4:5 accurate 20:24 act 4:13 actual 50:8 adapting 56:19 add 2:11 16:19 35:7,16 adding 3:1 additional 2:9 27:9 35:17,18 35:20 43:7 address 20:22 addressed 36:23 adjourn 58:9 adjourned 58:19 advance 35:1 46:14,21 57:16 advanced 46:6 49:2 advertisement 15:11,18 advice 11:20,22 51:7 affirms 30:15 agenda 49:11 agree 55:11 ahead 22:9 AJC 22:16 allow 27:12 29:10 30:13,14</p>	<p>32:24 allowed 24:22 30:12 31:11 allows 31:11 AME 35:24 analyzes 2:5 announcements 39:10 answer 15:24 answered 26:1 51:21 ANTHONY 49:17 anticipate 44:12 anticipated 56:13 anybody 5:6 41:8 47:11 anyway 42:4 54:18 appear 15:15,22 applies 24:12,19 appreciate 5:25 19:12 50:25 53:14 57:13 approaches 17:9 approval 38:21 39:16 43:10 approve 3:25 27:7 30:8 32:23 35:1 45:6 approves 39:5 area 16:7 Arena 36:3 arguably 22:2 arguing 11:6 argument 8:22 17:12,15 arguments 11:2 aside 18:1 51:23 asking 5:20 30:4 38:9 assess 4:20 49:21 Associated 9:1 assume 43:23</p>	<p>assumed 8:18 assumes 10:16 attempt 28:17 attention 58:4 attorney's 4:22 attorneys 23:18 25:23 51:7,9 51:12 audience 47:2 authorized 59:3 availability 4:3 32:25 33:4 35:19,21 available 20:12 awkward 11:6 aye 31:18,21,23 34:13,16,19,21 37:19,22,25 38:2 45:8,11 45:14,16 58:15 58:16,17</p> <p style="text-align: center;">B</p> <p>back 2:15 14:11 15:24 28:5 38:21,25 40:11 43:10 51:19 57:10 background 57:22 ballots 46:2,6,14 48:2,3,10 banner 9:11 based 3:25 17:2 27:20 33:3 bear 54:7 beginning 2:1 22:14 45:20 believe 6:8 25:7 27:6 Berean 35:15 best 3:15 51:6 52:5 57:9 59:5 Bethel 35:23 Betsy 35:10 better 53:20 54:12</p>	<p>bifurcate 2:24 3:16,18 big 41:18 47:6 53:1 bigger 56:12 bit 21:15 25:11 42:17 52:1 57:7 board 2:5 3:20 6:4,7 8:21 15:5 23:15 39:5 43:10 44:16 50:2 51:22,25 52:22 Board's 2:6 4:20 8:12 boards 57:23,24 bolts 52:17 books 16:13 bothering 11:17 brand-new 25:13 Brannum 35:10 BRE 1:10 break 46:4 breaks 47:24 48:7 Briarwood 35:10 bring 34:6 54:7 57:1 broken 48:17 brought 13:10 buggy 11:13 Bulla 35:11 business 14:15 53:8</p> <p style="text-align: center;">C</p> <p>C 15:10 call 51:25 campus 38:19 cancel 23:3 carriage-and- 11:12 case 19:23 cast 46:1,6</p>	<p>casting 46:14 caution 13:17 cautious 11:20 11:22 12:3,4 CDLT 59:24 Center 35:10,24 36:2,2 century 4:12 certain 55:20 CERTIFICATE 59:1 certify 59:2 Chair 2:20 14:25 18:23 20:3,5 31:13 31:22 33:17 34:11,12,20 37:17 38:1,11 39:21 42:23 45:7,15 49:17 50:5 51:14,16 53:25 54:22 challenges 40:15 challenging 51:4 55:3 Chamblee 36:2 39:1 Champ 9:10 Champion 5:6 7:14 Champion's 5:2 7:12 change 24:8 39:6 45:6 49:13 changed 26:18 changes 27:21 50:21 56:15,17 changing 4:9 Chapel 35:14 38:18 check 2:16 9:18 check-in 23:10 cheesy 57:7 church 35:23 38:18 circulated 7:3</p>
--	---	--	---	--

<p>circulation 4:24 10:6 15:12,19 city 36:1 57:23 57:25 clarification 23:19 clarify 17:23 clarity 5:25 10:10 16:4 45:3 Clarkston 35:12 clear 3:13 6:15 8:5 28:15 31:10 43:19 close 55:19 co- 42:12 43:21 co-located 41:22 co-location 44:7 coding 16:24 17:2 collapse 41:7,13 42:13 colleague's 54:24 colleagues 5:13 50:24 54:20 55:10 57:20 combine 43:24 combined 41:25 combining 44:12 44:17 come 2:15 15:24 25:10 43:10 46:7 50:12,22 54:5 comfort 3:21 4:20 5:13 23:14 comfortable 3:3 13:2 commentor 52:12 comments 49:12 50:2 54:24 57:17 commission 57:23</p>	<p>commissioner 49:13 commissioner's 49:11 commissions 57:25 commit 4:6 Community 36:2 comparatively 47:11 comparison 46:16 complement 2:13 complete 45:24 completely 7:25 18:5 compliant 19:14 19:15,17 complicated 24:21 42:7 complies 9:16 comply 9:6 concern 12:25 concerns 13:3 condition 4:5 conditionally 3:25 conditions 4:2 confidence 13:16 confirming 26:7 conflict 13:14 confuse 23:4 Congratulations 50:5 conservative 16:7 18:3 consider 2:18 8:22 41:22 54:14,16 consideration 7:17,17 8:13 considering 22:13 constantly 26:13</p>	<p>constraint 6:2,3 construct 54:3 constructing 2:17 context 17:10 38:9 continue 53:16 53:16 54:11 55:4 continued 50:19 continuing 53:22 contracts 17:10 convenient 49:14 conversation 57:12 conversations 17:21 corners 8:3 13:23 correct 6:13 8:19 9:14 12:6 37:15 42:15 43:13 44:9 49:25 correctly 20:23 councils 57:23 57:25 counties 24:12 country 58:1 county 2:4,9 24:19 46:4,11 46:22 51:7,8 51:12 58:7 County's 48:13 couple 3:19 56:1 course 2:7 48:10 49:1 court 30:10,14 credibility 13:20 cured 48:8,9 curious 25:9,15 current 22:10 currently 22:11 57:24 cycle 55:3</p>	<p style="text-align: center;">D</p> <p>D.C 1:24 dance 57:5 date 45:23 DATED 59:6 dates 37:11,12 day 19:16 20:17 25:12 33:9 38:7 46:6 49:2 49:21 50:8 59:6 days 22:5,9 50:7 debrief 52:1 decade 17:14 December 35:2 35:3 36:16 37:13 38:15 56:6 decided 41:21 decision 38:6 deck 49:7 definitely 46:18 DeKalb 1:10 19:16,19 35:9 35:11 46:4,10 46:13 57:3 58:7 DELE 2:12,14 2:21 3:7,9 5:18 5:23 6:13,22 6:24 7:1,5,9,20 8:1 10:1 12:9 12:16,19,22 15:1,23 16:17 18:22 20:4,9 20:18 21:4,11 21:14 23:9,24 24:2,5,7 25:4,7 25:19,25 26:3 26:8,11,15,19 27:2 28:4,8,14 28:20,25 29:4 29:7 30:24 31:6,12,15,19 31:22 32:5,11 32:14,21 33:5 33:13,16,21</p>	<p>34:1,9,14,17 34:20,24 35:6 36:5,8,19,25 37:4,6,9,15,20 37:23 38:1 39:11,19 42:20 43:15 45:4,9 45:12,15 46:25 49:9,19 50:1 51:15 54:21 56:10 58:13,18 deliberation 14:12 delicate 57:5 dependent 4:3 deployed 48:17 described 6:5 describes 10:16 desired 39:12 detail 58:4 determine 12:2 43:6 determined 40:25 43:11 device 19:4 difference 41:12 42:17 different 2:18 21:16 43:18 54:1 DIGITAL 1:23 diligence 56:23 diligently 20:15 dimensions 10:19,21 direction 3:12 director 33:2 39:12 49:10 50:6,15 52:16 53:2 director's 45:18 discuss 25:16 discussion 25:23 27:3 31:7 33:14 34:10 36:9 37:16 42:21 43:16</p>
--	--	--	--	--

<p>45:5 51:1 discussions 39:14 54:1 55:24 dispense 4:4 displayed 15:12 15:19 dissemination 10:8 distance 41:9 distributed 2:8 22:9,15,17 distribution 46:24 district 55:21,23 document 9:15 documents 9:8 doing 14:14,21 17:24 34:11 50:13 53:19 drafter 16:21 Drive 46:19 druthers 47:6 Dunwoody 35:9 38:7,13,17,18 38:21,22 39:1 39:2 41:7,11 42:11 43:22,24 44:1,13</p> <hr/> <p style="text-align: center;">E</p> <p>earlier 8:12 early 23:22 36:23 50:7 echo 54:24 56:11 edition 5:2,3,9 7:13,19 efficiently 43:8 effort 48:24 efforts 50:19 eight 26:22 either 11:15 21:19 election 4:10 15:4 19:22 38:7,14 41:21 44:12 46:6,17</p>	<p>48:23 49:2 50:6,8 55:3 56:21 election's 51:11 elections 52:5 54:6 electronic 9:7,9 11:12 16:10 17:12,16 22:8 electronically 10:24 Elementary 36:1 Ellenwood 35:14 Els 8:6,9,11,19 8:21 9:3,22 10:3,5,12,18 10:22 11:1,4,8 11:25 12:6 13:17 15:6,9 15:17 21:3,6 21:12,22 22:7 23:7 24:15 30:17 31:3 35:18 36:12,15 36:18,21 39:16 49:25 email 2:10 7:7 9:14,15 22:23 emailed 57:15 embedded 53:9 Emery 35:10 ensure 20:15 55:5,18 equipment 23:13 48:16 equitably 2:8 era 16:5 event 33:1 everyone's 19:3 EVIDENCE 1:23 example 53:24 exceeded 56:20 excited 50:21 53:3 exciting 50:21 executive 49:24</p>	<p>50:5,15 52:16 53:2 exercise 50:11 expand 33:24 expanded 4:2 expansive 28:2 33:2 expansively 27:12 expectations 56:21 expecting 22:25 experience 49:5 53:17 experiencing 50:16 explicit 13:24 14:3 express 8:6</p> <hr/> <p style="text-align: center;">F</p> <p>factors 40:22 fancy 47:7 fantastic 56:22 fantastically 56:14 far 4:23 50:22 favor 57:11 58:14 features 10:8 feel 11:5 14:2 54:13 fellow 51:22 52:22 FEMALE 18:7 18:8,9,10 20:8 26:13 28:12 29:13,15,16,19 29:23 30:1,5 38:16 fence 18:25 19:2 field 50:9 figure 25:2 FILE 1:9 final 23:10 34:22 34:25 48:12 find 5:8 44:19</p>	<p>45:20 47:12 finding 30:9,10 fine 12:19 28:9 28:11 30:18 44:25 finger 19:21 first 24:25 25:11 30:7 35:16 53:25 56:7 fit 41:1 five 22:9 fixing 26:25 Fleming 36:3 floor 14:25 20:2 38:8 54:19 folks 50:9,11 51:20 52:14 54:2 55:20,22 following 48:6 font 8:15 9:12,16 9:17,21,21,23 10:17 11:19 15:3 16:23,25 fonts 9:6 16:24 foregoing 59:3 Forest 36:3 forget 32:17 form 17:8,13 format 19:4 former 35:15 forth 14:11 40:11 forward 17:19 49:16,22 four 8:3 13:23 26:21 34:21 38:2 45:16 framework 52:3 Friday 27:13,22 27:24 35:2 front 14:12,15 51:3 53:8 full 9:12 fully 21:5 further 31:7 34:9 37:16 42:20 43:15</p>	<p>45:5 55:22 56:8 future 43:23 44:11</p> <hr/> <p style="text-align: center;">G</p> <p>gaps 2:3 gauge 5:13 general 10:6 15:11,18 27:8 38:13 46:16 generally 13:15 Georgia 29:13 29:14 30:11,16 46:12 getting 43:20 give 3:4 11:19 38:8,8 40:12 45:18 given 3:18 4:23 5:5 8:15 glad 8:24 go 14:2 18:2,2 30:6 47:5 50:2 53:22 55:13 go-round 42:14 going 3:12 12:8 14:11 19:24 22:4,12,22 23:4 24:4,24 26:25 32:7,8 35:15 41:4,14 41:25 42:10 43:21,23 47:3 49:16,22 57:19 good 14:12,16 14:16 41:1 46:23 50:9 54:13,16 55:11 gosh 14:11 gotten 51:19 government 57:22 great 14:13 19:22 47:4 49:4 50:1 51:19 52:7</p>
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<p>53:13 54:4,10 group 1:23 43:3 guaranteed 19:3 guess 4:19 5:12 12:23,25 17:25 21:18 guidance 2:16 16:12 18:13 30:12 57:10 guys 55:1</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>Hall 36:1 hand 16:6 handle 25:21 handled 56:13 hands 49:7 hanging 19:20 happen 19:19 22:5 happened 6:17 7:7 13:4 49:8 happening 6:16 happens 20:1 hard 50:16 52:6 55:6 56:15 hash 51:2 hate 7:24 19:8 hear 26:24 heard 21:21 39:12 50:8 56:16 hearing 6:15 41:19 43:2,4 help 55:2 57:1 helpful 12:24 52:3,10 heroes 51:10 hey 54:3 high-level 45:22 Hill 38:18 holiday 13:25 14:18 honestly 16:13 Honeysuckle 36:4 hopefully 26:23</p>	<p>hoping 4:4 horrible 19:9 hour 32:8 hours 4:2 32:12 house 38:14 housed 38:12 How's 10:10 huge 41:12 52:19,24</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>ID 48:11 idea 14:16 identified 30:19 30:21,21 identify 41:4 44:14 imagine 7:8 impacted 39:7 implement 33:2 implication 4:18 important 53:11 55:9 57:6,8,8 57:12 improve 50:20 52:8,20 53:16 53:16 55:15 56:9 improved 53:21 improvement 55:16 improving 52:18 inaudible 8:16 8:20 9:3 13:15 15:16 18:8,9 20:8 29:15 36:3,20 37:8 42:5 inches 15:13,20 19:2,5 inclined 14:10 14:10 include 35:17,19 35:21 37:1,11 48:4,10 included 27:3 37:12 57:17</p>	<p>includes 4:23 36:10 including 17:8 increase 2:6 46:18 47:24 incredulous 25:11 indicates 4:22 inform 39:23 information 5:7 5:8,11 45:22 47:12 inherent 8:13 insight 52:15 instructing 6:8 insure 49:3,7 intent 17:5,7 intention 34:6 interact 26:23 58:3 interested 5:5 13:5 interesting 19:25 internally 56:3 interpolate 4:13 interpreting 20:23 invalid 48:10,11 issue 16:16 18:1 19:25 25:13,21 41:14 issues 3:19 52:3 52:17 56:5 58:5 it'll 55:11 item 38:6 49:22</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>Jester 2:19,23 3:8 5:16,19,24 6:14,23,25 7:2 7:6,10,21 8:2,8 8:10,17,20 9:1 9:5,13,25 10:2 10:4,7,20,23 11:3,5,9 12:1,7</p>	<p>12:11,17,20 13:7,13 18:23 18:24 23:21,25 24:6 31:14 33:15,18,22 34:5,13 37:17 37:19 39:21,22 40:1,9,12,17 40:23 41:2,6 41:17,23 42:3 42:9,16 43:17 44:3,7,10,22 44:25 45:7,8 51:16,18 58:11 58:17 joint 39:3 40:4</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>KARLI 12:23 13:12 16:19 18:18,20 21:18 21:23 22:20 23:8 24:9,16 25:6 26:17,20 27:14 28:7,19 28:22 29:3,6,9 29:14,17,21,24 30:2,6,20 31:2 31:4,9,21 32:2 32:9,13,16,19 32:22 33:8,11 34:2,19,23,25 35:8,20 37:10 37:25 45:14 54:23 58:15 keep 12:8 20:25 20:25 27:1 KEISHA 2:2,13 9:9,18 18:12 18:19 20:14 24:3 35:25 38:10,17 39:24 40:6,10,14,20 40:24 41:3,16 41:20,24 42:5 42:15 43:5,13 44:2,5,9,15,23</p>	<p>45:19 47:14 kind 16:2 25:15 40:15,25 46:15 47:10 48:12 know 2:4,5,11 3:6 4:13 11:8,9 11:11,12,14 12:14 13:5,16 13:18,19,25 14:4,9 17:19 18:15 19:5,24 20:15 21:3 26:24 27:21 28:10 30:19 39:8 40:2,7 42:2,8 43:6,7 44:17,18,19 45:22,23 46:10 46:10,11,15,23 47:17 48:20,22 48:23,24 49:1 49:6,6 50:22 51:23,24 52:5 52:9,15,19,23 53:7,9,24 54:9 55:6,8 57:6,6</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>language 15:7 late 39:24 law 4:8 6:9 8:3 9:17 10:13 14:19,20 16:4 16:6,7,8,8,14 17:6 19:17 26:17 laws 4:10,11 13:10 26:22 27:4 51:4,4,6 lawsuit 31:11 lawsuit's 19:24 left 4:12 legal 3:19 5:1,7 6:9 7:17 9:10 11:23 15:15,22 21:25 22:4,24 25:11 54:25</p>
---	---	---	---	--

56:4 57:4,9 legislation 16:12 16:22 30:10 legislators 17:22 26:24 let's 19:9 29:15 50:2 54:3,7,14 56:7 letter 39:8 52:13 level 3:21 4:20 5:13 23:14 Lewis 31:16 49:17 Library 35:9,12 35:12,14,14,22 38:22 39:1 41:7,11,15 42:11 43:22,25 44:1,13 46:20 lies 24:18 life 53:6 lifted 52:25 lifting 53:1 limited 9:23 line 26:20 42:1 50:10 links 9:11 Linwood 36:1 litigation 4:1 29:11 30:15 little 2:2 21:15 42:7,16 52:1 57:7 living 4:14 LNA 6:1,10 7:18 14:7 18:1,3,16 20:6 21:9 22:14,18,22,25 23:17 24:25 25:14 32:3 local 57:21 located 39:1 42:13 43:22 location 35:22 38:16,19,25 39:3 40:3 41:4 41:10 42:25	43:1,3,7,11,12 43:19,24 44:14 locations 23:13 27:8,9 30:19 30:20 32:18,18 32:20 35:4,5 35:13 44:20 46:20 48:14 50:17 55:18 logic 4:5 Logically 28:25 logistically 42:7 long 17:11 40:2 40:3,7 long-term 41:3 43:2 look 47:5 55:12 looked 5:7 16:14 looking 47:8,12 lot 13:9 16:11 26:4 50:11,20 51:10 love 16:4 35:24 LOWMAN 2:12 2:14,21 3:7,9 5:18,23 6:13 6:22,24 7:1,5,9 7:20 8:1 10:1 12:9,16,19,22 15:1,23 16:17 18:22 20:4,9 20:18 21:4,11 21:14 23:9,24 24:2,5,7 25:4,7 25:19,25 26:3 26:8,11,15,19 27:2 28:4,8,14 28:20,25 29:4 29:7 30:24 31:6,12,15,19 31:22 32:5,11 32:14,21 33:5 33:13,16,21 34:1,9,14,17 34:20,24 35:6 36:5,8,19,25 37:4,6,9,15,20	37:23 38:1 39:11,19 42:20 43:15 45:4,9 45:12,15 46:25 49:9,19 50:1 51:15 54:21 56:10 58:13,18 <hr/> M <hr/> M 1:24 machines 20:11 20:16 24:25 42:6 Mack 35:24 Madam 2:20 14:24 20:2,5 31:13 33:16 34:10,12 38:11 42:23 49:17 50:4 51:14 mail 46:8 47:16 47:18,20,25 maintain 57:5 major 56:19 maker 3:11 makers 4:8 making 30:3 Mall 35:11 man 16:3 managers 53:20 managing 21:1 map 35:5 married 52:18 match 10:25 matter 10:9 29:5 29:8 mean 7:23 11:10 11:14 12:13,24 13:7,8,21 14:1 14:10 17:13,18 18:4 41:18 52:8 meaning 21:24 media 16:10 26:16 39:9,9 meet 6:11 meeting 1:10 6:6	17:1 21:1 49:18,20,21 51:25 member 58:2 members 38:4 51:22 52:22 memo 4:22 6:6 18:13 memorial 20:16 23:22 24:4 27:11 35:13 36:24 46:19 met 4:21 5:11,14 6:9 53:25 Methodist 35:23 midterm 56:12 56:21 mind 21:1 47:1 mine 35:16 minimum 9:21 minutes 25:17 25:19 57:17 missing 48:11 modern 16:5,21 17:9 modernity 13:11 19:9 moment 48:21 Monday 27:22 27:23 35:1 36:21 monitor 50:20 motion 2:17,24 2:25 3:2,11,16 3:22 5:21 12:12 27:10,13 27:19,25 28:8 28:16 29:22,25 30:3,13,25 31:7,23,25 32:3,20 33:6 33:13,19,20,23 33:25 34:6,10 34:22 35:1 36:6,9 37:1,17 38:2,9 39:12 39:13 42:19	45:5 58:9,14 motions 3:23 5:22 23:10 27:7 28:5,21 Motter 3:14 15:2,3,8,16,25 16:2 25:8,9,20 26:2,6,10 31:1 31:16,18 32:17 33:7,10,12 34:14,16 36:7 36:14,16 37:3 37:5,7,20,22 39:18 42:22 43:9,14 45:9 45:11 50:3,4 51:16 58:12,16 move 6:2,3 17:19 29:9 30:8 32:23,23 38:21,25 39:16 42:24 43:21 moved 58:11 movement 16:9 multiple 57:23 <hr/> N <hr/> named 27:10 Nancy 2:19,23 3:8 5:16,19,24 6:14,23,25 7:2 7:6,10,21 8:2,8 8:10,17,20 9:1 9:5,13,25 10:2 10:4,7,20,23 11:3,5,9 12:1,7 12:11,17,20,25 13:7,13 18:24 23:21,25 24:6 31:14 33:15,18 33:22 34:5,13 37:19 39:22 40:1,9,12,17 40:23 41:2,6 41:17,23 42:3 42:9,16 43:17 44:3,7,10,22
---	--	--	---	---

<p>44:25 45:8 51:18 58:11,17 Nay 31:14 necessary 20:11 39:15 need 9:18 14:4,5 17:5,20,21 20:25 22:2 25:1 28:23 35:4 43:23 44:20 49:23 50:14 51:2 55:25 needed 43:7 needs 27:15 30:6 nervous 27:19 new 25:20 35:23 43:11,12 53:2 newspaper 15:11,15,18,22 newspapers 26:12 night 2:10 non-UOCACA 47:25 non-UOCAVA 48:3 noon 34:3 normal 49:21 normally 22:1 North 35:9 noted 8:12 23:16 45:6 notice 4:22 6:18 8:16 9:12,20 10:22,23 18:15 21:8,9 22:14 22:22,25 38:23 notices 15:15,22 16:9 22:8 25:14 notification 13:10 22:3 38:11 notify 39:7 notion 53:10 November 1:11</p>	<p>7:13 31:3,4 33:9 35:2 36:22 37:13,13 38:13 45:21 48:16 59:6 number 2:7 numbers 48:7 nuts 52:17 NW 1:24</p> <hr/> <p style="text-align: center;">O</p> <p>objecting 3:5 observers 56:24 obviously 16:22 occurred 50:21 OCGA 15:9 office 5:1 7:12 25:2 28:2 56:3 official 45:24 offline 9:4 oh 14:10 21:11 25:25 29:23 32:9 34:23 36:15,18,19,21 57:19 okay 2:12,14 3:8 5:19,19 6:15 6:19,23 7:10 7:13,21 8:1,8 8:10 9:25 10:4 10:9,9,10,11 11:3,10 12:8 12:16,20 13:15 15:8,23 18:20 18:22 20:18,19 21:14,19 22:20 23:8,9 25:6 26:2 27:5 28:4 28:9,14,19,22 29:3,23,23 30:8 31:6,8,12 31:25 32:2,9 32:19 33:13,18 33:22 34:5,7,8 34:10,22,23 35:8 36:5,8,11 36:15 37:15,17</p>	<p>38:3,5,10 39:11,19 40:1 40:9,12,23 41:6 42:17,18 43:9,14 44:10 44:22,25 45:4 45:17 47:14 49:10 50:1 Old 35:25 online 4:15 5:2,9 7:12 8:23 opinion 6:6 13:22,22 19:7 opportunities 55:14 opportunity 55:5 option 22:13 44:16 order 2:19 28:24 34:11 Organ 5:1,7 22:4 24 25:12 Organ's 9:10 21:25 original 28:16 ostensibly 23:3 Ousley 35:23 outcome 4:1 29:10 outcomes 19:19 54:11 overall 46:3</p> <hr/> <p style="text-align: center;">P</p> <p>p.m 30:23 32:24 33:3 35:3 packet 45:20 pads 48:17 page 38:23 45:6 45:20 47:15 48:6,12 pandemic 47:19 paper 7:18,24,24 8:4,5 10:5,14 11:15 16:9 19:11,14</p>	<p>parameters 8:15 Park 36:4 part 32:8 participate 49:15 56:25 participated 47:20 particular 41:10 43:3 particulars 15:4 parties 4:24 5:6 5:10 7:4 partners 57:3,4 parts 55:21,22 passes 31:23 34:21 38:2 45:16 path 53:22 patience 38:4 pending 29:11 30:10 pension 16:6,7 people 13:15 14:15 22:24 23:4 47:2 53:8 54:5 55:18 56:23 people's 3:22 14:15 53:7 56:20 percent 46:3,13 46:17,18 47:20 47:22 perfected 54:6 Perimeter 36:2 permanently 41:5 44:17 person 13:23 46:7 perspective 46:15 Phillips' 13:17 phonetic 35:11 35:12 physical 4:25 10:18,20 41:12 physically 42:10</p>	<p>piece 10:14 place 5:4 38:7,12 39:6 40:13 41:25 52:7 placed 15:14,21 places 14:21 48:15 Plaintiffs 30:15 plan 23:12 please 58:10 pleasure 2:6 point 2:19,22 16:20 19:7 pointing 19:21 political 4:24 poll 48:17,21 53:17,20 56:22 56:24,24 polling 38:7,12 39:6 40:3,13 41:25 48:14,15 50:17 55:17 polls 49:5 popular 46:21 47:18 posit 27:15 possibility 44:19 possible 2:23 20:11 22:18 33:3 57:9,11 possibly 2:11 43:5 post 24:20 25:12 39:8 post-election 45:21 posted 7:10,12 9:20 posting 4:24,25 5:1,12,14 potential 27:9 practice 4:19 precinct 38:13 38:15,21 42:4 43:25,25 precincts 42:11 44:13 48:13,15</p>
---	---	--	---	--

<p>55:19 prefer 27:17,23 41:17 preference 28:1 30:22 prepared 6:17 6:19 7:2 12:3 prepping 48:25 preschool 40:18 present 44:16 49:13 press 39:9 pretty 14:3 42:6 48:23 prevents 14:8 previous 38:19 56:18 primary 40:8 print 4:14,17,18 5:3,3 8:14 10:15,25 11:18 11:19,21 13:3 17:2 22:3,11 25:12 26:12 printed 5:9 22:16 prioritize 23:12 probably 21:4 56:1,2 problem 14:22 42:19 proceedings 59:4 process 27:4 38:5 43:8 56:9 57:2 processes 52:21 53:11 prominently 15:12,19 properly 20:16 proposed 39:6 44:6 proud 57:20 58:2,7 provide 28:3 57:9</p>	<p>provided 22:21 52:14 provisional 46:9 public 14:12 38:4 42:24 51:2,3,11 52:21 53:6 55:1 publication 6:4 8:9,23 9:24 22:11 publicly 25:24 published 21:10 21:24,24 38:23 publishes 18:15 pulled 14:5 purpose 33:24 34:3 push 57:10 put 18:14 46:15 51:9</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>question 3:17,20 3:20 5:17 8:12 12:10 15:25 18:1 19:18,20 20:21 24:12,17 33:15 45:2 questions 13:1 39:21 49:10 51:20 quick 18:25 quickly 43:8 quite 4:15 12:4 16:13 53:23</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>read 5:6 15:6 19:1,10,13 35:4 reading 4:7 ready 39:13 real 11:17 13:24 55:14 realize 51:11 really 10:10 11:6</p>	<p>11:15 13:9,13 14:8,16 17:23 20:24 51:21 53:14,23 54:13 55:6,11,12,13 55:18,19,25 56:4 reason 40:13 reasons 42:25 48:9 receipt 11:22 receive 10:24 received 5:10 38:11 receiving 52:13 recognized 45:18 51:17 54:22 recommendati... 2:25 3:24 recommendati... 9:16 recommended 23:17 recommending 38:20 record 24:10 46:12 59:4 recorded 59:3 Recording 2:1 58:20 recover 26:5 recurring 49:22 refining 53:5 54:16 reflected 45:24 reflective 4:11 reflects 16:5 regard 8:16 regarding 6:1 31:25 registered 45:25 46:1 49:4 regular 32:8 reiterate 57:20 rejected 48:5,8 48:10</p>	<p>related 30:11 remainder 34:7 remaining 20:21 remember 53:24 remove 6:3 report 45:18,21 45:23 reports 51:19 request 3:17 39:17 requirement 4:17 5:12 7:16 8:7,14 17:2 24:18 requirements 4:21 5:14 6:9 9:17,23 11:13 11:20 23:17 requires 16:8 requisite 22:17 reschedule 7:18 research 2:3 residents 49:4 resources 54:7 respond 18:7 responding 56:15 response 8:11 restate 3:11 28:12,17,23 results 45:25 retreat 51:25 revelation 27:5 revised 21:9 22:14 rid 43:20 right 3:7 5:23 7:20 9:22 10:2 10:11,25 11:16 11:25 12:20 13:8 16:17 18:18 19:11 21:15 22:7,24 24:6 26:19 28:9,14 29:6 31:12 32:12,20 32:22 37:16</p>	<p>48:14 49:18,20 54:18 Rise 35:25 risks 8:25 road 18:3 39:2 robust 50:25 rocks 52:25 room 54:2 rule 15:5 rule-follower 11:16 run 7:15 20:22 21:8 22:12 42:11 54:6 running 5:3 runoff 19:24 54:15 RUNTIME 1:12</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>Salem-Panola 35:22 Sam's 35:15 Saturday 3:2,25 28:6 29:10 30:9,12,14 31:24 saw 46:12 Sawyer 59:2,24 saying 6:1,16,21 8:18 10:12 11:19 22:1 23:2 24:9 42:18 says 10:13,15 17:6,6 27:20 scanned 48:2 scanners 48:19 schedule 22:10 School 36:1 screens 48:18 second 2:15 30:25 31:1,7 33:6,7,12,14 36:6,7 39:18 58:12,14 secondly 3:2</p>
---	--	--	--	--

Secretary 29:11	sleek 47:7	social 26:16 39:9	50:3	sure 2:8 15:17
section 15:14,21	slide 47:24 48:6	sole 33:24 34:2	starting 23:19	27:5 40:6,18
see 11:21 14:13	small 17:20,23	solution 20:19	23:20 27:10	55:7 57:16
18:15 19:25	Smith 2:2,12,13	soon 22:18	30:2	SUSAN 31:1,18
20:1 23:10	2:14,21 3:7,9	sorry 6:25 14:14	state 2:4,21 15:4	32:17 33:7,10
46:5,16 47:3,8	5:18,23 6:13	18:10,11 19:8	29:12,13,14	33:12 34:16
47:15 48:18	6:22,24 7:1,5,9	20:9,24 22:21	30:11,16 46:12	36:7,14,16
49:12,16 50:20	7:20 8:1 9:9,18	24:17 33:8	stated 3:14 4:16	37:3,5,7,22
54:10	10:1 12:9,16	34:25 36:22	16:15	39:18 42:22
seeing 50:16	12:19,22 15:1	37:11 38:22	stating 4:21	43:9,14 45:11
send 22:3	15:23 16:17	sort 2:25 3:12	steady 47:23	50:4 58:12,16
Senior 35:9	18:10,12,19,22	6:3 11:22 53:9	strains 52:19	Swift 12:22,23
sense 29:1	20:4,6,9,14,18	54:6,14	street 1:24 41:11	13:12 16:18,19
sent 7:7 9:14,15	21:4,11,14	sounds 20:20	strides 53:13	18:18,20 21:18
9:20 21:12	23:9,12,24	57:6	structured 3:22	21:23 22:20
22:9	24:2,3,5,7 25:4	South 35:11	struggle 14:17	23:8,18 24:9
separate 27:24	25:7,19,25	space 16:6 39:4	Struggleville	24:16 25:6
29:24 41:18	26:3,8,11,15	speakers 56:16	16:16	26:17,20 27:14
44:20	26:19 27:2	57:14	struggling 14:18	28:7,16,19,22
separately 12:13	28:4,8,14,20	speaking 47:11	16:3,13	29:3,6,9,14,17
32:15	28:25 29:4,7	special 51:25	stuff 7:19 57:8	29:21,24 30:2
sequence 53:10	30:24 31:6,12	specific 28:24	subject 28:1	30:6,20 31:2,4
serve 40:8 57:21	31:15,19,22	specifically 57:4	29:10 30:9	31:9,19,21
58:6,8	32:5,11,14,21	specifics 52:2	32:25 35:19,21	32:2,9,13,16
served 56:24	33:5,13,16,21	specified 36:10	submission 5:2	32:19,22 33:8
session 49:24	34:1,9,14,17	specifying 30:18	submit 21:8	33:11 34:2,17
sessions 56:1	34:20,24 35:6	spend 53:4	submitted 2:10	34:19,23,25
set 27:9 51:23	35:25 36:5,8	spent 52:24	7:14	35:8,20 37:10
share 52:11	36:19,25 37:4	split 27:16	submitting 17:3	37:23,25 45:12
shorten 26:21	37:6,9,15,20	spoken 52:15	subscription	45:14 54:22,23
show 19:4	37:23 38:1,8	square 15:13,20	19:11	58:15
shows 16:24	38:10,17 39:11	19:2,5	Subsection	system 54:4
47:10	39:19,24 40:6	staff 2:4 6:8,17	15:10	
sight 26:20	40:10,14,20,24	27:20 30:19,21	subsequent 34:6	T
signage 39:8	41:3,16,20,24	30:22 32:25	44:11 45:2	table 24:22
signature 17:16	42:5,15,20	33:1 35:19,22	successful 48:23	tacitly 8:18
17:17 48:11	43:5,13,15	38:11,20 43:1	sufficient 8:24	take 5:4 13:21
signatures 17:12	44:2,5,9,15,23	48:21,24 50:6	Suite 1:24	22:4 24:21
48:11	45:4,9,12,15	50:14,19 51:23	Sunday 27:11,16	48:20 58:5
sit 55:12	45:17,19 46:25	54:25	27:25 32:6,12	takes 18:5
site 20:12 22:1	46:25 47:14	staffing 4:3	32:23,24 33:23	talk 3:10 8:24
sites 2:7,9 3:1	49:9,10,19	27:12 33:4	37:7	39:20 56:8
35:17,18,20	50:1 51:15	stakeholders	support 3:4,23	talked 52:13
46:24	54:21 56:10	52:11 56:2	11:4 19:13	talking 28:10
sitting 54:2	58:13,18	stand 58:18	supporting	tax 16:8,8
size 8:15 9:12	Smoke 35:25	stands 42:19	23:15	team 11:23
15:3 16:25	snapshot 48:13	start 6:10 22:22	suppose 39:22	54:25 56:11

<p>technology 16:23 tedious 51:2 television 47:7 tell 54:3 temporary 42:24 45:6 terms 3:21 21:1 test 6:1 tested 20:16 48:16 testing 4:6 6:10 6:18 14:7 18:4 20:6 21:9 22:14,18,22,25 24:25 25:14 tests 24:1 thank 3:8,9 5:24 12:21 15:1 18:20,24 20:3 20:4,10 23:8 26:7 38:3,10 42:22 43:14 45:2,3,17,19 47:14 48:21 49:9 50:4,12 50:14,18,18,23 50:23 51:13,15 51:18 54:19,20 54:21,23,24 56:10,14,22 57:13 58:19 thankful 49:6 thanks 51:8 56:11 theory 22:2 thing 3:6 14:1,7 14:18 16:20 17:13 19:1 51:21 things 2:18 3:4 7:16 14:23 17:23 46:15 50:9,20 52:15 53:5,5,21 54:16 think 2:9 9:19</p>	<p>9:21,22 12:17 14:1,13,14,16 16:21 17:3,10 17:18,20 19:8 21:6 24:10,24 26:18 27:14,15 27:17 28:15 29:1 30:17,17 36:12,22 40:10 40:14,21 41:20 51:22,23 52:9 52:12 53:13,15 53:19 55:9,11 55:16,24 thinking 55:25 third 33:20 Thirty 25:19 thought 26:6 32:5 37:11 44:4 thoughts 52:9,17 three 14:23 28:5 28:20 31:23 Thursday 5:4 6:19 7:15 18:14 20:7 21:8,13 22:6 22:11,12,15,23 23:1,3,19 38:24,24 time 4:15 16:11 17:11 19:23 25:15 26:4 43:11 47:9 49:21 51:5,9 51:24 52:24 53:4,6 54:15 58:4 timeline 26:4 timely 51:21 times 14:22 23:16 27:18 30:21 57:10 timing 27:16 today 44:2,8 52:12 57:15 total 48:1,4,14</p>	<p>totally 17:4 totals 47:16 touch 48:18 transcribed 59:3 transcript 59:4 TRANSCRIP... 1:9 transmission 9:7 traveling 55:20 55:21,23 true 59:4 try 4:12 21:20 58:6 trying 3:13 5:12 51:5 Tucker 35:12 36:1 46:20 Tuesday 7:13 18:16 20:8,10 20:10,22 22:15 22:19 23:5,20 turn 46:22 turnout 46:3,13 47:10 56:20 tweaks 17:20 two 5:22 22:5 27:6 35:13 42:11 44:20 46:19</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>Um-hum 7:1,5 18:19 21:22 24:7 28:7 37:9 unavailable 33:1 unclear 17:7 uncomfortable 14:9 uncompensated 58:5 uncured 48:5 understand 7:22 12:24 13:8 16:22 17:4 21:19 23:1 42:18,23 47:17 58:5</p>	<p>understanding 21:5,17 23:6 understood 43:17,19 44:11 unfortunate 26:10 United 35:23 unsung 51:10 unsympathetic 11:11 UOCAVA 48:3 UOCAVAs 48:1 updated 4:11 useful 4:9 usually 26:4</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>validity 17:16 Vander 8:6,9,11 8:19,21 9:3,22 10:3,5,12,18 10:22 11:1,4,8 11:25 12:6 13:17 15:6,9 15:17 21:3,6 21:12,22 22:7 23:7 24:15 30:17 31:3 35:18 36:12,15 36:18,21 39:16 49:25 various 3:23 48:9 vendor 21:7 version 11:21 versus 11:12 viability 52:20 Vice 18:23 20:5 31:13 33:16 34:10,12 37:17 39:20 45:7 51:16 54:21 Video 1:9,12 2:1 58:20 view 18:3 virtual 49:15 virtually 21:24</p>	<p>visibility 53:10 57:1 visual 47:4 VOICE 18:7,8,9 18:10 20:8 26:13 28:12 29:13,15,16,19 29:23 30:1,5 38:16 voids 51:5 volume 41:14 44:21 vote 6:7 14:6 23:11 31:13,17 31:18,20 34:12 34:15,16,18 37:18,21,22,24 45:7,8,10,11 45:13 50:11 53:12 55:6 voter 50:10 voters 39:7 43:4 43:8 45:25 46:1,7,24 49:4 50:14 58:6 votes 31:23 34:21 38:2 45:16 voting 3:1,3,25 4:7 12:5 18:5 23:14,15,22 24:23 25:1 28:11 29:10 30:9,12,14 31:24 32:4,23 32:24 33:2,19 33:23 34:7 35:1 36:23 46:7,14,21 47:21 49:2 50:7 57:2 VRE 4:25 7:11 56:11</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>Wade 35:14 wait 18:14</p>
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<p>walk 41:10 Walker 35:15 walking 41:9 want 2:7,16 4:20 12:2 13:20,21 16:19 19:15,16 19:19,22,23 23:2 25:23 29:17,19 39:20 43:18 48:20 53:23 54:23 57:20 wanted 4:9 15:25 32:14 47:1 Washington 1:24 wasn't 40:25 47:16 watch 51:13 watchers 53:17 56:24 way 14:6 58:3 ways 22:17 52:19 56:25 we'll 25:1 41:13 44:24 49:15,21 57:16 we're 3:14,14 4:13 6:16 8:24 11:22 12:3 14:21 17:24 21:6 22:1,22 23:2 24:9,22 24:24,24 27:6 28:4,10 31:9 32:7 33:18 41:3 43:20,21 43:23 51:5 53:22 54:4,4 55:6 we've 7:11,18 9:19 21:23,24 22:21 28:15 39:11 41:20 52:6,6,24 53:1 53:13 54:6,9</p>	<p>54:16 web 21:25 website 4:25 7:11 9:11 22:23 24:13,19 47:13 Wednesday 4:6 6:12 12:5 14:8 18:5 20:12,13 23:14,15,22 24:23 25:1 27:11 32:3,7 36:10,22 37:1 week 22:16 38:24 39:7,25 weeks 26:21,22 46:21 Wendy 59:2,24 went 55:13 Wesley 35:14 willingness 3:22 wish 13:9 wondering 25:21 work 16:6 20:15 26:24 50:16,23 53:14 55:1,4 56:4,15 57:24 worked 52:6 57:22 workers 48:22 56:23 working 3:14 21:7 49:3 55:6 works 16:23 49:16 world 4:14,15 wouldn't 47:1 writing 17:9 written 17:8,13 17:17 19:6 24:18</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>y'all 50:12,13,18</p>	<p>51:9,13 yeah 10:1 13:7 13:12 16:2,15 26:17 27:2 29:21,21,25 32:13,19 36:25 37:6,10 38:22 41:23 year 40:15,21 47:19 54:15 years 25:10,22 56:17 Yep 6:24 29:16 yield 14:25 20:2 54:19</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zero 34:21 38:3 45:16</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1:03:59 1:12 101 48:9 104 48:8 148 46:9 15 1:11 15th 7:14 16 27:7 46:24 1730 1:24 176 48:15 17th 5:4 59:6 189,830 46:7 191 48:15</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2,336 48:18 20-25 25:17 20036 1:24 2014 46:17 47:23 2018 46:16 47:22 202 1:25 2020 47:16 2022 1:11 31:5 33:11 47:19</p>	<p>59:6 21-2- 15:9 21st 4:12 22,942 48:3 22nd 18:16 20:7 20:10 23,663 46:8 23,713 48:1 232-0646 1:25 23rd 27:11 36:22 37:2,13 38:25 24,050 48:4 269 48:19 26th 31:3,4 33:9 27th 37:2,5,13 28 36:16 37:3 28th 35:2 29 38:23 45:7 299,362 46:1 2nd 35:3 36:17 37:2,14</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 56:17 3.9 47:23 30 15:13,20 19:2 19:5 45:20 56:18 337 48:5 34 46:18 47:15 36 48:6 37 48:12 379.25 15:10</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>471 48:18 48 46:17</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5:00 34:3 506,713 45:25 5339 39:1 59.08 46:3</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6.3 47:22 63 46:13</p>	<p>6th 56:6</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7.8 47:19 7:00 27:17,18,18 27:24,24 28:1 28:1 30:22,23 32:24,24 33:3 33:3 34:3,4 35:3,3 771 48:3 7th 33:10</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8:00 6:18 812 1:24 85,721 46:5 8th 38:13 45:21 48:16</p>
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Exhibit 4

RETRIEVED FROM DEMOCRACYDOCKET.COM

Muscogee County Elections Board adds additional early in-person voting day on Sunday, Nov. 27

Posted: Nov 15, 2022 / 06:17 PM EST

Updated: Nov 15, 2022 / 06:17 PM EST

SHARE

COLUMBUS, Ga. (WRBL) — The crucial Georgia U.S. Senate runoff is three weeks away.

But a lot of focus is on how early in-person advance voting will work.

The Muscogee County board voted this afternoon to add an additional day of early in-person voting in Columbus. That move comes as Senator Raphael Warnock's campaign is pushing in the courts for more advanced voting.

ADVERTISING

On the recommendation of Director Nancy Boren, the Columbus board approved advance voting at the City Services Center on Sunday, Nov. 27. It will run from 7 a.m. to 7 p.m.

Beginning on Monday, Nov. 28 through Friday, Dec. 2 advance voting will be held at three Muscogee County locations. The City Services Center on Macon Road, Columbus Technical College on Manchester Expressway, and Shirley Winston Park off Steam Mill Road.

Some in the crowd pushed for advance voting on Saturday, Nov. 26, but the board's attorney Thomas Gristina advised it was not allowed under state law.

Georgia's law reads that Saturday early voting will be prohibited if a holiday falls within two days of it. In this case, that would be

Thanksgiving on November 24, and a holiday that used to observe Confederate General Robert E. Lee's birthday, November 25.

Warnock is facing Republican Herschel in the runoff. Warnock's campaign and Democratic organizations filed suit in Fulton County Superior Court to allow Saturday voting, saying the law does not apply to runoffs.

Chairman Muscogee County Board of Elections and Registrations U.D. Roberts said expanding to Sunday early voting was an easy call. More than 34,000 Muscogee County voters cast early in-person ballots in the Nov. 8 election.

"And I think around the holidays it's good for people coming in and kids coming home for the holiday they can vote before they go back," Roberts said. "It is just a good opportunity with a short race like this to have expanded. ... Saturday was not permissible according to advice from our attorney."

The board also certified the county's election results. They will now be sent to the state, which plans to certify them next week.

The Muscogee County Board said they would consider in-person advance voting on the Saturday after Thanksgiving if it got court approval.

The board wants to remind voters that as long as you are registered to vote in Muscogee County, you are eligible to vote in the runoff. You do not have to have voted in last week's election to be eligible.

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Exhibit 5

RETRIEVED FROM DEMOCRACYDOCKET.COM



Fulton County Government

December 17, 2020 · 🌐

Skip the line and vote early for the U.S. Senate Runoff Election!

To see a full list of Early Voting locations, please visit: <http://ow.ly/blQU50COpEv>

Monday, December 14 to Friday, December 18
Monday, December 21 to Wednesday,
December 23
8:30 a.m. - 6 p.m.

Monday, December 28 to Wednesday,
December 30
7 a.m. - 7 p.m.

SATURDAY VOTING:
Saturday, December 19 and December 26
8:30 a.m. - 6 p.m.

SUNDAY VOTING:

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or

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Exhibit 6

RETRIEVED FROM DEMOCRACYDOCKET.COM

Gwinnett

Departments Elections Voting [Advance Voting](#)

Tuesday, January 5 General Election Runoff

Eligible voters may vote advance in person every day, including weekends, from December 14 to December 31 at the below locations. There is NO VOTING on December 24 and 25. To view Advance Voting wait times and locations [click here](#).

Location	Address	Hours
Gwinnett Voter Registrations & Elections Beauty P. Baldwin Building	455 Grayson Highway, Suite 200 Lawrenceville, GA 30046	8:00am to 5:00pm
Bogan Park Community Recreation Center	2723 North Bogan Road Buford, GA 30518	7:00am to 7:00pm
Lenora Park Gym	4515 Lenora Church Road Snellville, GA 30078	7:00am to 7:00pm
Dacula Park Activity Building	2735 Old Auburn Road Dacula, GA 30019	7:00am to 7:00pm
Lucky Shoals Park Community Recreation Center	4651 Britt Road Norcross, GA 30093	7:00am to 7:00pm
George Pierce Park Community Recreation Center	55 Buford Highway Suwanee, GA 30024	7:00am to 7:00pm
Gwinnett County Fairgrounds	2405 Sugarloaf Parkway, Lawrenceville, GA 30045	7:00am to 7:00pm
Mountain Park Activity Building	1063 Rockbridge Road Stone Mountain, GA 30087	7:00am to 7:00pm
Shorty Howell Park Activity Building	2750 Pleasant Hill Road Duluth, GA 30096	7:00am to 7:00pm

Official Site of Gwinnett County Government
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Exhibit 7

RETRIEVED FROM DEMOCRACYDOCKET.COM

House Bill 268 (AS PASSED HOUSE AND SENATE)

By: Representatives Fleming of the 121st, Rynders of the 152nd, Burns of the 159th, Coomer of the 14th, Hatchett of the 150th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 elections and primaries generally, so as to provide for the time period for certification of
3 election officials; to repeal obsolete provision; to provide for additional training and
4 sanctions for election superintendents who violate provisions of law or rules and regulations;
5 to revise manner and times for certain qualifying for office; to provide for certain
6 authorization for certain write-in candidate intention of candidacies; to repeal provisions
7 regarding municipal registrars; to revise the types of identification acceptable for voting; to
8 require certain information for voter registration; to revise provisions regarding change of
9 address for electors; to limit when polling places may be moved; to require certain reports
10 regarding polling places established outside of precinct boundaries; to provide for the manner
11 of voting in advance voting locations; to provide for correction of mistakes and omissions
12 on ballot; to provide for the manner of applying for absentee ballots for certain voters; to
13 change the oath form for absentee ballots; to revise the period for certain advance voting; to
14 provide limitations regarding certain activities within close proximity to polling locations
15 when voting is occurring; to provide for the manner of obtaining a provisional ballot; to
16 provide for the delivery, presentation, preservation, and destruction of voting materials; to
17 provide for related matters; to repeal conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **SECTION 1.**

20 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
21 primaries generally, is amended by revising Code Section 21-2-101, relating to certification
22 program for county and municipal election superintendents or election board designee,
23 waiver of certification, and failure to comply, as follows:

24 "21-2-101.

25 (a) All county and municipal election superintendents, chief registrars, and absentee ballot
26 clerks or, in the case of a board of elections or a board of elections and registration, the

27 designee of such board charged with the daily operations of such board shall become
 28 certified by completing a certification program approved by the Secretary of State by no
 29 later than ~~December 31 of the year in which they are appointed~~ within six months
 30 following their appointment. Such program may include instruction on, and may require
 31 the superintendent to demonstrate proficiency in, the operation of the state's direct
 32 recording electronic voting equipment, the operation of the voting equipment used in such
 33 superintendent's jurisdiction, and in state and federal law and procedures related to
 34 elections. The local government employing the superintendent or designee shall cover the
 35 costs, if any, incurred by such superintendent's or designee's participation in the
 36 certification program. Such certification programs shall be offered by the Secretary of
 37 State on multiple occasions before December 31 of the year in which such superintendents
 38 or designees are appointed and shall not exceed 64 hours of classroom, online, and
 39 practical instruction as authorized and approved by the Secretary of State.

40 (b) ~~Any county chief registrar or municipal absentee ballot clerk appointed prior to~~
 41 ~~January 1, 2010, who has not met the certification requirement shall complete a~~
 42 ~~certification program approved by the Secretary of State by no later than December 31,~~
 43 ~~2011~~ Reserved.

44 (c)(1) A full, partial, or conditional waiver of the certification requirement may be
 45 granted by the Secretary of State, in the discretion of the Secretary of State, upon the
 46 presentation of evidence by the election superintendent or board that the individual was
 47 unable to complete such training due to medical disability, providential cause, or other
 48 reason deemed sufficient by the Secretary of State.

49 (2) In the event that a municipality authorizes a county to conduct its elections pursuant
 50 to Code Section 21-2-45, the municipality may be granted by the Secretary of State, in
 51 the discretion of the Secretary of State, a waiver of the certification requirement, provided
 52 that the superintendent in charge of running the municipal election shall have previously
 53 completed a certification program approved by the Secretary of State and has
 54 demonstrated a proficiency in the operation of the voting equipment used in said
 55 municipality.

56 (d) A superintendent and the county or municipal governing authority which employs such
 57 superintendent may be fined by the State Election Board for failure to attain the
 58 certification required in this Code section.

59 (e) After notice and hearing as provided in Chapter 13 of Title 50, the 'Georgia
 60 Administrative Procedure Act', the State Election Board may require additional or remedial
 61 training or limit, suspend, or revoke the certification of a superintendent if such
 62 superintendent is found to have violated any provision of this chapter or any rule,

63 regulation, or order issued by the State Election Board. In its discretion, the State Election
 64 Board may reinstate such certification.
 65 (f) The State Election Board is authorized to promulgate, amend, or repeal rules and
 66 regulations for the implementation of this Code section. Such rules and regulations may
 67 include provisions related to additional or remedial training or the limitation, suspension,
 68 revocation, or reinstatement of a superintendent's certification issued by the Secretary of
 69 State."

70 SECTION 2.

71 Said chapter is further amended by revising Code Section 21-2-130, relating to procedures
 72 for qualification of candidates generally, as follows:

73 "21-2-130.

74 Candidates may qualify for an election ~~by virtue of~~ as follows:

75 (1) ~~Nomination in a primary conducted by a political party through a political party~~
 76 primary;

77 (2) ~~Filing a nomination petition either as an independent candidate or as a nominee of~~
 78 ~~a political body, if duly certified by the chairperson and the secretary of the political body~~
 79 ~~as having been nominated in a duly constituted political body convention as prescribed~~
 80 ~~in Code Section 21-2-172~~ notice of candidacy and affidavit and paying a qualifying fee
 81 or filing a pauper's affidavit with a pauper's petition in conjunction with:

82 (A) Filing a nomination petition declared lawful pursuant to Code Section 21-2-171
 83 either as an independent candidate or as a nominee of a political body, if duly certified
 84 by the chairperson and the secretary of the political body as having been nominated in
 85 a duly constituted political body convention as prescribed in Code Section 21-2-172;

86 (B) Nomination for a state-wide office by a duly constituted political body convention
 87 as prescribed in Code Section 21-2-172 if the political body making the nomination has
 88 qualified to nominate candidates for state-wide public office under the provisions of
 89 Code Section 21-2-180;

90 (C) Candidacy in a special election as prescribed in subsection (e) of Code
 91 Section 21-2-132;

92 (D) Qualifying as an incumbent candidate to succeed such incumbent as prescribed in
 93 subsection (e) of Code Section 21-2-132; or

94 (E) Candidacy for election to a nonpartisan office;

95 (3) ~~Nomination for a state-wide office by a duly constituted political body convention~~
 96 ~~as prescribed in Code Section 21-2-172 if the political body making the nomination has~~
 97 ~~qualified to nominate candidates for state-wide public office under the provisions of Code~~
 98 ~~Section 21-2-180;~~

99 ~~(4)(3)~~ In the case of an election for presidential electors, nomination as prescribed by
 100 rules of a political party and subsection (f) of Code Section 21-2-153; or
 101 ~~(5)(4)~~ Substitute nomination by a political party or body as prescribed in Code Sections
 102 Section 21-2-134 and 21-2-155, respectively;
 103 ~~(6)~~ ~~Candidacy in a special election as prescribed in subsection (e) of Code~~
 104 ~~Section 21-2-132; or~~
 105 ~~(7)~~ ~~Being an incumbent qualifying as a candidate to succeed such incumbent as~~
 106 ~~prescribed in subsection (e) of Code Section 21-2-132."~~

107 SECTION 3.

108 Said chapter is further amended by revising subsection (d) of Code Section 21-2-132, relating
 109 to filing notice of candidacy, nomination petition, and affidavit, payment of qualifying fee,
 110 pauper's affidavit and qualifying petition for exemption from qualifying fee, and military
 111 service, as follows:

112 "(d) All political body and independent candidates shall file their notice of candidacy and
 113 pay the prescribed qualifying fee by the date prescribed in this subsection in order to be
 114 eligible to have their names placed on the election ballot by the Secretary of State or
 115 election superintendent, as the case may be, in the following manner:

116 (1) ~~Each candidate for federal or state office~~ elector for President or Vice President of
 117 the United States, or his or her agent, desiring to have ~~his or her name~~ the names of his
 118 or her candidates for President and Vice President placed on the election ballot shall file
 119 a notice of his or her candidacy, giving his or her name, residence address, and the office
 120 he or she is seeking, in the office of the Secretary of State ~~either during the period~~
 121 ~~beginning at 9:00 A.M. on the Monday of the thirty-fifth week immediately prior to the~~
 122 ~~election and ending at 12:00 Noon on the Friday immediately following such Monday;~~
 123 ~~notwithstanding the fact that any such days may be legal holidays, or during the period~~
 124 ~~beginning at 9:00 A.M. on the fourth Monday in June immediately prior to the election~~
 125 ~~and ending at 12:00 Noon on the Friday following the fourth Monday in June,~~
 126 ~~notwithstanding the fact that any such days may be legal holidays, in the case of a general~~
 127 ~~election. In the case of a special election to fill a federal office, each candidate shall file~~
 128 ~~a notice of his or her candidacy, giving his or her name, residence address, and the office~~
 129 ~~sought, in the office of the Secretary of State no earlier than the date of the call of the~~
 130 ~~special election and no later than 60 days prior to the special election. In the case of a~~
 131 ~~special election to fill a state office, each candidate shall file a notice of his or her~~
 132 ~~candidacy, giving his or her name, residence address, and the office sought, in the office~~
 133 ~~of the Secretary of State no earlier than the date of the call of the special election and no~~
 134 ~~later than 25 days prior to the special election;~~

135 (2) Each candidate for United States Senate, United States House of Representatives, or
 136 state office, or his or her agent, desiring to have his or her name placed on the election
 137 ballot shall file a notice of his or her candidacy, giving his or her name, residence
 138 address, and the office he or she is seeking, in the office of the Secretary of State during
 139 the period beginning at 9:00 A.M. on the Monday of the thirty-fifth week immediately
 140 prior to the election and ending at 12:00 Noon on the Friday immediately following such
 141 Monday, notwithstanding the fact that any such days may be legal holidays, in the case
 142 of a general election. In the case of a special election to fill a federal office listed in this
 143 subsection, each candidate shall file a notice of his or her candidacy, giving his or her
 144 name, residence address, and the office he or she is seeking, in the office of the Secretary
 145 of State no earlier than the date of the call of the special election and no later than 60 days
 146 prior to the special election. In the case of a special election to fill a state office, each
 147 candidate shall file a notice of his or her candidacy, giving his or her name, residence
 148 address, and the office he or she is seeking, in the office of the Secretary of State no
 149 earlier than the date of the call of the special election and no later than 25 days prior to
 150 the special election;

151 ~~(2)~~(3) Each candidate for a county office, or his or her agent, desiring to have his or her
 152 name placed on the election ballot shall file notice of his or her candidacy in the office
 153 of the superintendent of his or her county either during the period beginning at 9:00 A.M.
 154 on the Monday of the thirty-fifth week immediately prior to the election and ending at
 155 12:00 Noon on the Friday immediately following such Monday, notwithstanding the fact
 156 that any such days may be legal holidays, ~~or during the period beginning at 9:00 A.M. on~~
 157 ~~the fourth Monday in June immediately prior to the election and ending at 12:00 Noon~~
 158 ~~on the Friday following the fourth Monday in June, notwithstanding the fact that any such~~
 159 ~~days may be legal holidays,~~ in the case of a general election and no earlier than the date
 160 of the call of the election and no later than 25 days prior to the election in the case of a
 161 special election;

162 ~~(3)~~(4) Each candidate for municipal office or a designee shall file a notice of candidacy
 163 in the office of the municipal superintendent of such candidate's municipality during the
 164 municipality's qualifying period. Each municipal superintendent shall designate the days
 165 of the qualifying period, which shall be no less than three days and no more than five
 166 days. The days of the qualifying period shall be consecutive days. Qualifying periods
 167 shall commence no earlier than 8:30 A.M. on the third Monday in August immediately
 168 preceding the general election and shall end no later than 4:30 P.M. on the following
 169 Friday; and, in the case of a special election, the municipal qualifying period shall
 170 commence no earlier than the date of the call and shall end no later than 25 days prior to
 171 the election; and

172 ~~(4)~~(5)(A) In extraordinary circumstances as described in Code Section 21-2-543.1,
 173 each candidate, or his or her agent, desiring to have his or her name placed on the
 174 election ballot shall file a notice of his or her candidacy, giving his or her name,
 175 residence address, and the office he or she is seeking, with the office of the Secretary
 176 of State no earlier than the date of the call of the special election and no later than ten
 177 days after the announcement of such extraordinary circumstances.

178 (B) The provisions of this subsection shall not apply where, during the 75 day period
 179 beginning on the date of the announcement of the vacancy:

180 (i) A regularly scheduled general election for the vacant office is to be held; or

181 (ii) Another special election for the vacant office is to be held pursuant to a writ for
 182 a special election issued by the Governor prior to the date of the announcement of the
 183 vacancy.

184 The hours of qualifying each day shall be from 8:30 A.M. until 4:30 P.M. with one hour
 185 allowed for the lunch break; provided, however, that municipalities which have normal
 186 business hours which cover a lesser period of time shall conduct qualifying during normal
 187 business hours for each such municipality. Except in the case of a special election, notice
 188 of the opening and closing dates and the hours for candidates to qualify shall be published
 189 at least two weeks prior to the opening of the qualifying period."

190

SECTION 4.

191 Said chapter is further amended by revising subsection (a) of Code Section 21-2-133, relating
 192 to giving notice of intent of write-in candidacy, filing of affidavit, limitations on candidacy,
 193 and certification of candidates, as follows:

194 "(a) No person elected on a write-in vote shall be eligible to hold office unless notice of
 195 his or her intention of candidacy was filed and published no earlier than January 1 and no
 196 later than the Tuesday after the first Monday in September prior to the election for county,
 197 state, and federal elections; no later than seven days after the close of the qualifying period
 198 for nonpartisan elections in the case of nonpartisan elections for state or county offices; no
 199 later than seven days after the close of the municipal qualifying period for municipal
 200 elections in the case of a general election; or no later than seven days after the close of the
 201 special election qualifying period for a special election by the person to be a write-in
 202 candidate or by some other person or group of persons qualified to vote in the subject
 203 election, as follows:

204 (1) In a state general or special election, notice shall be filed with the Secretary of State
 205 and published in a newspaper of general circulation in the state;

206 (2) In a general or special election of county officers, notice shall be filed with the
 207 superintendent of elections in the county in which he or she is to be a candidate and
 208 published in the official organ of the same county; or

209 (3) In a municipal general or special election, notice shall be filed with the
 210 superintendent and published in the official gazette of the municipality holding the
 211 election.

212 In the event that such intention of candidacy is filed and published by a person or group of
 213 persons other than the candidate, such person or group of persons shall also file a written,
 214 notarized authorization by the candidate for such filing and publication."

215 SECTION 5.

216 Said chapter is further amended by revising subsection (c) of Code Section 21-2-212, relating
 217 to county registrars, appointment, certification, term of service, vacancies, compensation and
 218 expenses of chief registrar, registrars, and other officers and employees, and budget
 219 estimates, as follows:

220 ~~"(c) The governing authority of each municipality shall appoint registrars as necessary, and~~
 221 ~~the appointments shall be entered on the minutes of such governing authority. The~~
 222 ~~municipal governing authority shall designate one of the registrars as chief registrar. The~~
 223 ~~chief registrar will serve as such during such registrar's term of office, and such designation~~
 224 ~~shall likewise be entered on the minutes of such governing authority. Such registrars shall~~
 225 ~~serve at the pleasure of the municipal governing authority, and compensation of the~~
 226 ~~registrars shall be fixed by such governing authority. Any registrar shall have the right to~~
 227 ~~resign at any time by submitting a resignation to such governing authority. In the event of~~
 228 ~~any such removal or resignation of a registrar, such registrar's duties and authority as such~~
 229 ~~shall terminate instantly. Successors to resigned registrars shall be appointed by the~~
 230 ~~municipal governing authority. Each appointment or change in designation shall be entered~~
 231 ~~on the minutes of such governing authority and certified by the governing authority. The~~
 232 ~~municipal governing authority may furnish such employees and facilities as it deems~~
 233 ~~necessary for the operation of the office and the affairs of the registrars~~ Reserved."

234 SECTION 6.

235 Said chapter is further amended by revising Code Section 21-2-214, relating to qualifications
 236 of registrars and deputy registrars, prohibited political activities, oath of office, privilege
 237 from arrest, and duties conducted in public, as follows:

238 "21-2-214.

239 (a) Members of the board of registrars shall be electors of ~~the~~ this state and the county in
 240 which they serve, and any deputy registrars shall be electors of the state. All registrars

241 shall be able to read, write, and speak the English language. ~~Municipal registrars shall be~~
242 ~~registered Georgia voters and shall be able to read, write, and speak the English language.~~
243 Registrars and deputy registrars shall have never been convicted of a felony involving
244 moral turpitude unless such person's civil rights have been restored and at least ten years
245 have elapsed from the date of the completion of the sentence without a subsequent
246 conviction of another felony involving moral turpitude and shall never have been convicted
247 of a crime involving fraud, and the appointing authority shall be authorized to investigate
248 the applicant's criminal history before making such appointment.

249 (b) The office of a member of a county ~~or municipal~~ board of registrars, a deputy registrar,
250 member of a county or municipal board of elections or county or municipal board of
251 elections and registration, or a member of a joint county-municipal board of elections or
252 joint county-municipal board of elections and registration shall be vacated immediately
253 upon such officer's qualifying for any nomination or office to be voted for at a primary or
254 election or qualifying for any nomination or office or qualifying to have such officer's
255 name placed on any primary or election ballot pursuant to Code Sections 21-2-132 and
256 21-2-153 or giving notice of such officer's intention of write-in candidacy; provided,
257 however, that this Code section shall not apply to a chief deputy registrar who is also an
258 elected public officer and who seeks to qualify for reelection to the public office such chief
259 deputy registrar is presently holding. Nothing contained in this Code section shall cause
260 the office of a member of a county ~~or municipal~~ board of registrars, deputy registrar,
261 member of a county or municipal board of elections or county or municipal board of
262 elections and registration, or a member of a joint county-municipal board of elections or
263 joint county-municipal board of elections and registration to be vacated upon qualifying
264 for or having such officer's name placed on the ballot or holding office in a political party
265 or body or serving as a presidential elector.

266 (c) No member of a county ~~or municipal~~ board of registrars, deputy registrar, member of
267 a county or municipal board of elections or county or municipal board of elections and
268 registration, or a member of a joint county-municipal board of elections or joint
269 county-municipal board of elections and registration, while conducting the duties of such
270 person's office, shall engage in any political activity on behalf of a candidate, political party
271 or body, or question, including, but not limited to, distributing campaign literature,
272 engaging in any communication that advocates or criticizes a particular candidate,
273 officeholder, or political party or body, and wearing badges, buttons, or clothing with
274 partisan messages.

275 (d) Before entering upon the duties of office, each registrar and deputy registrar shall take
276 the following oath before some officer authorized to administer oaths under the laws of this
277 state:

278 'I do solemnly swear that I will faithfully and impartially discharge, to the best of my
279 ability, the duties imposed upon me by law as (deputy) registrar.'

280 (e) Registrars, deputy registrars, election superintendents, and poll officers shall be
281 privileged from arrest upon days of primaries and elections, except for fraudulent
282 misconduct of duty, felony, larceny, or breach of the peace.

283 (f) The registrars shall conduct their duties in public and all hearings on the qualifications
284 of electors shall be conducted in public."

285 **SECTION 7.**

286 Said chapter is further amended by revising paragraph (2) of subsection (g) of Code
287 Section 21-2-216, relating to qualifications of electors generally, reregistration of electors
288 purged from list, eligibility of nonresidents who vote in presidential elections, retention of
289 qualification for standing as elector, evidence of citizenship, and check of convicted felons
290 and deceased persons databases, as follows:

291 "(2) Satisfactory evidence of citizenship shall include any of the following:

292 (A) The number of the applicant's Georgia driver's license or identification card issued
293 by the Department of Driver Services if the applicant has provided satisfactory
294 evidence of United States citizenship to the Department of Driver Services or a legible
295 photocopy of the applicant's driver's license or identification card issued by an
296 equivalent government agency of another state if the agency indicates on the driver's
297 license or identification card that the applicant has provided satisfactory evidence of
298 United States citizenship to the agency;

299 (B) A legible photocopy of the applicant's birth certificate that verifies citizenship to
300 the satisfaction of the board of registrars;

301 (C) A legible photocopy of pertinent pages of the applicant's United States passport
302 identifying the applicant and the applicant's passport number or presentation to the
303 board of registrars of the applicant's United States passport;

304 (D) A presentation to the board of registrars of a legible copy of the applicant's United
305 States naturalization documents or the alien registration number from the applicant's
306 naturalization documents. If only the applicant's alien registration number is provided,
307 the applicant shall not be found eligible to vote until the applicant's alien registration
308 number is verified with the United States Citizenship and Immigration Services by the
309 board of registrars;

310 (E) Other documents or methods of proof that are established pursuant to the federal
311 Immigration Reform and Control Act of 1986 (P. L. 99-603);

312 (F) The applicant's Bureau of Indian Affairs card ~~number~~, tribal treaty card ~~number~~,
313 or tribal enrollment ~~number~~ card; and

314 (G) For residents of this state who are United States citizens but are not in possession
 315 of any of the documents or methods of proof enumerated under subparagraphs (A)
 316 through (F) of this paragraph, other documents or methods of proof for establishing
 317 evidence of United States citizenship which shall be promulgated by rule and regulation
 318 of the State Election Board."

319 **SECTION 8.**

320 Said chapter is further amended by adding a new Code section to read as follows:

321 "21-2-220.1.

322 (a) Any person applying to register to vote shall provide his or her Georgia driver's license
 323 number or identification card number for an identification card issued pursuant to Article 5
 324 of Chapter 5 of Title 40 on the voter registration application. If a person does not have a
 325 Georgia driver's license or identification card issued pursuant to Article 5 of Chapter 5 of
 326 Title 40, such person shall provide the last four digits of his or her social security number
 327 on the voter registration application. If a person does not have a Georgia driver's license,
 328 a Georgia identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or a
 329 social security number, the person shall affirm this fact in the manner prescribed in the
 330 voter registration application upon penalty of law and such application shall be processed
 331 without regard to the procedures outlined in subsections (b), (c), and (d) of this Code
 332 section.

333 (b) For those voter registration applicants who have a Georgia driver's license number or
 334 identification card number for an identification card issued pursuant to Article 5 of
 335 Chapter 5 of Title 40, or the last four digits of a social security number, a voter registration
 336 application may be accepted as valid only after the board of registrars has verified the
 337 authenticity of the Georgia driver's license number, the identification card number of an
 338 identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or the last four
 339 digits of the social security number provided by the applicant.

340 (c) The authenticity of an applicant's Georgia driver's license number, identification card
 341 number of an identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or
 342 the last four digits of the social security number may be verified by:

343 (1) The board of registrars matching the Georgia driver's license number, identification
 344 card number of an identification card issued pursuant to Article 5 of Chapter 5 of
 345 Title 40, or the last four digits of the social security number provided by the applicant
 346 with the applicant's record on file with the Department of Driver Services or the federal
 347 Social Security Administration; or

348 (2) The applicant providing sufficient evidence to the board of registrars to verify the
 349 applicant's identity, which sufficient evidence includes, but is not limited to, providing
 350 one of the forms of identification listed in subsection (a) of Code Section 21-2-417.

351 (d)(1) If a completed voter registration application has been received by the registration
 352 deadline set by Code Section 21-2-224 but the Georgia driver's license number, the
 353 identification card number of an identification card issued pursuant to Article 5 of
 354 Chapter 5 of Title 40, or the last four digits of the social security number provided by the
 355 applicant cannot be verified, the applicant shall be notified that the number cannot be
 356 verified and that the applicant must provide sufficient evidence to the board of registrars
 357 to verify the applicant's identity in order to have his or her application processed by the
 358 board of registrars.

359 (2) If the applicant provides such sufficient evidence on or before the date of a primary
 360 or election, and if the applicant is found eligible to vote, the applicant shall be added to
 361 the list of electors and shall be permitted to vote in the primary or election and any runoff
 362 resulting therefrom and subsequent primaries and elections.

363 (3) If the applicant has not provided such sufficient evidence or such number has not
 364 otherwise been verified on or before the date of a primary or election, the applicant
 365 presenting himself or herself to vote shall be provided a provisional ballot. The
 366 provisional ballot shall be counted only if such number is verified by the end of the time
 367 period set forth in subsection (c) of Code Section 21-2-419 or if the applicant presents
 368 sufficient evidence to the board of registrars to verify the applicant's identity, by the end
 369 of the time period set forth in subsection (c) of Code Section 21-2-419.

370 (4) The voter application shall be rejected if the Georgia driver's license number,
 371 identification card number of an identification card issued pursuant to Article 5 of
 372 Chapter 5 of Title 40, or last four digits of the social security number provided by the
 373 applicant is not verified and the applicant fails to present sufficient evidence to the board
 374 of registrars to verify the applicant's identity within 26 months following the date of the
 375 application.

376 (5) This subsection shall not apply to an electronic voter registration application
 377 submitted pursuant to Code Section 21-2-221.2."

378 **SECTION 9.**

379 Said chapter is further amended by revising subsection (e) of Code Section 21-2-224, relating
 380 to registration deadlines, restrictions on voting in primaries, official list of electors, and
 381 voting procedure when portion of county changed from one county to another, as follows:

382 "(e) The county board of registrars shall deliver to ~~the chief registrar~~ of the municipality,
 383 upon a basis mutually agreed upon between the county board of registrars and the

384 governing authority of the municipality, a copy of the list of electors for the municipality
 385 for the primary or election. Such list shall be delivered not earlier than the fifth Monday
 386 prior to a primary or election and not later than 21 days prior to such primary or election
 387 for the purpose of permitting ~~the chief registrar~~ of the municipality to check the accuracy
 388 of the list. The ~~municipal registrar~~ municipality shall, upon receipt of the county
 389 registration list, or as soon as practicable thereafter but in no event later than five days prior
 390 to such primary or election, review such list and identify in writing to the county board of
 391 registrars any names on the electors list of persons who are not qualified to vote at such
 392 primary or election, stating the reason for disqualification. The county board of registrars
 393 shall challenge the persons identified in accordance with Code Section 21-2-228. In
 394 addition, the county board of registrars shall provide a list of inactive electors for the
 395 municipality. The ~~municipal registrar~~ municipality shall certify such lists and file with the
 396 city clerk a copy showing the names of electors entitled to vote at such primary or
 397 election."

398 **SECTION 10.**

399 Said chapter is further amended by revising subsection (c) of Code Section 21-2-226, relating
 400 to duties of county board in determining eligibility of voters; maps of municipal boundaries,
 401 notice of ineligibility, issuance of registration cards, and reimbursement for postage cost, as
 402 follows:

403 "(c) It shall be the duty of each incorporated municipality located wholly or partially
 404 within the boundaries of a county to provide a detailed map showing the municipal
 405 boundaries, municipal precinct boundaries, and voting district boundaries to the county
 406 board of registrars no later than January 1, 1995, and within 15 days of any changes in such
 407 municipal boundaries, precinct boundaries, or voting district boundaries. Upon receiving
 408 any changes in municipal boundaries, the county board of registrars shall provide to the
 409 ~~municipal registrar~~ municipality a list of all voters affected by such changes with the street
 410 addresses of such electors for the purpose of verifying the changes with the municipality.
 411 Upon receiving the list of electors affected by changes in municipal boundaries, the
 412 ~~municipal registrar~~ municipality shall immediately review the information provided by the
 413 county registrars and advise the county registrars of any discrepancies."

414 **SECTION 11.**

415 Said chapter is further amended by revising subsection (d) of Code Section 21-2-233, relating
 416 to comparison of change of address information supplied by United States Postal Service
 417 with electors list, removal from list of electors, and notice to electors, as follows:

418 "(d) Whenever an elector's name is removed from the list of electors by the county
 419 registrars because the elector has furnished in writing to the registrar a residence address
 420 that is located outside of the State of Georgia, the registrars shall notify the elector in
 421 writing at the elector's new address that the elector's name is being deleted from the list of
 422 electors. ~~Whenever an elector's registration is transferred by the county registrars to
 423 another county in this state because the elector has furnished in writing to the registrar a
 424 residence address that is located in this state outside of the elector's present county of
 425 registration in accordance with subsection (c) of this Code section, the registrars of the
 426 county of the elector's former residence shall notify the elector in writing at the elector's
 427 new address that the elector's registration is being transferred to the new address. The
 428 registrars of the county of the elector's new address shall provide the elector with a new
 429 registration card pursuant to Code Section 21-2-226."~~

430

SECTION 12.

431 Said chapter is further amended by revising subsection (d) of Code Section 21-2-234, relating
 432 to electors who have failed to vote and with whom there has been no contact in three years,
 433 confirmation notice requirements and procedure, and time for completion of list maintenance
 434 activities, as follows:

435 "(d) If the elector returns the card and shows that he or she has changed residence to a
 436 place outside of the State of Georgia, the elector's name shall be removed from the
 437 appropriate list of electors. If the elector confirms his or her change of address to an
 438 address outside of the boundaries of the county or municipality in which the elector is
 439 currently registered, ~~the elector's name shall be removed from the appropriate list of~~
 440 ~~electors and information shall be sent to the elector explaining how the elector can continue~~
 441 ~~to be eligible to vote~~ but still within the State of Georgia, the elector's registration shall be
 442 transferred to the new county or municipality. The Secretary of State or the registrars shall
 443 forward the confirmation card to the registrars of the county in which the elector's new
 444 address is located, and the registrars of the county of the new address shall update the voter
 445 registration list to reflect the change of address."

446

SECTION 13.

447 Said chapter is further amended by revising subsection (e) of Code Section 21-2-265, relating
 448 to duty of superintendent to select polling places, change, petition objecting to proposed
 449 change, space for political parties holding primaries, facilities for disabled voters, and
 450 selection of polling place outside precinct to better serve voters, as follows:

451 "(e) ~~The~~ On and after January 1, 2018, the superintendent may establish the polling place
 452 for a precinct outside the boundaries of the precinct if there is no suitable facility within the

453 precinct which could be used as a polling place and if, by so doing, such polling place
 454 would better serve the needs of the voters; provided, however, that no polling place shall
 455 be established outside of the boundaries of the precinct within 90 days of a primary or
 456 election, and the superintendent shall submit a report to the State Election Board to
 457 demonstrate that there is no suitable facility within the precinct prior to establishing the
 458 polling place outside the boundaries of the precinct."

459 **SECTION 14.**

460 Said chapter is further amended by revising Code Section 21-2-293, relating to correction of
 461 mistakes and omissions on ballot, as follows:

462 "21-2-293.

463 (a) If the election superintendent discovers that a mistake or omission has occurred in the
 464 printing of official ballots or in the programming of the display of the official ballot on
 465 DRE voting equipment for any primary or election, the superintendent is authorized on his
 466 or her own motion to take such steps as necessary to correct such mistake or omission if
 467 the superintendent determines that such correction is feasible and practicable under the
 468 circumstances; provided, however, that the superintendent gives at least 24 hours notice to
 469 the Secretary of State and any affected candidates of the mistake or omission prior to
 470 making such correction.

471 (b) When it is shown by affidavit that a mistake or omission has occurred in the printing
 472 of official ballots or in the programming of the display of the official ballot on DRE voting
 473 equipment for any primary or election, the superior court of the proper county may, upon
 474 the application of any elector of the county or municipality, require the superintendent to
 475 correct the mistake or omission or to show cause why he or she should not do so."

476 **SECTION 15.**

477 Said chapter is further amended by revising Code Section 21-2-380.1, relating to
 478 appointment of absentee ballot clerk, as follows:

479 "21-2-380.1.

480 The governing authority of a municipality shall appoint an absentee ballot clerk who may
 481 be the county registrar, ~~municipal registrar~~, or any other designated official and who shall
 482 perform the duties set forth in this article."

483 **SECTION 16.**

484 Said chapter is further amended by revising subparagraph (a)(1)(G) and paragraph (2) of
 485 subsection (b) of Code Section 21-2-381, relating to making of application for absentee
 486 ballot, determination of eligibility by ballot clerk, furnishing of applications to colleges and
 487 universities, and persons entitled to make application, as follows:

488 "(G) Any elector meeting criteria of advanced age or disability specified by rule or
 489 regulation of the State Election Board or any elector who is entitled to vote by absentee
 490 ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42
 491 U.S.C. Section 1973ff, et seq., as amended, may request in writing on one application
 492 a ballot for a presidential preference primary held pursuant to Article 5 of this chapter
 493 and for a primary as well as for any runoffs resulting therefrom and for the election for
 494 which such primary shall nominate candidates as well as any runoffs resulting
 495 therefrom. If not so requested by such person, a separate and distinct application shall
 496 be required for each primary, run-off primary, election, and run-off election. Except
 497 as otherwise provided in this subparagraph, a separate and distinct application for an
 498 absentee ballot shall always be required for the presidential preference primary held
 499 pursuant to Article 5 of this chapter and for any special election or special primary."

500 "(2) If found eligible, the registrar or absentee ballot clerk shall certify by signing in the
 501 proper place on the application and then:

502 (A) Shall mail the ballot as provided in this Code section;

503 (B) If the application is made in person, shall issue the ballot to the elector to be voted
 504 on a direct recording electronic (DRE) voting system within the confines of the
 505 registrar's or absentee ballot clerk's office as required by Code Section 21-2-383 if the
 506 ballot is issued during the advance voting period established pursuant to subsection (d)
 507 of Code Section 21-2-385; or

508 (C) May deliver the ballot in person to the elector if such elector is confined to a
 509 hospital."

510 **SECTION 17.**

511 Said chapter is further amended by revising paragraph (1) of subsection (c) of Code
 512 Section 21-2-384, relating to preparation and delivery of supplies, mailing of ballots, oath
 513 of absentee electors and persons assisting absentee electors, master list of ballots sent,
 514 challenges, and electronic transmission of ballots, as follows:

515 "(c)(1) The oaths referred to in subsection (b) of this Code section shall be in
 516 substantially the following form:

517 I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of
 518 the State of Georgia; that my residence address, for voting purposes, is _____

519 County, Georgia; that I possess the qualifications of an elector required by the laws of
 520 the State of Georgia; that I am entitled to vote in the precinct containing my residence
 521 in the primary or election in which this ballot is to be cast; that I am eligible to vote by
 522 absentee ballot; that I have not marked or mailed any other absentee ballot, nor will I
 523 mark or mail another absentee ballot for voting in such primary or election; nor shall
 524 I vote therein in person; and that I have read and understand the instructions
 525 accompanying this ballot; and that I have carefully complied with such instructions in
 526 completing this ballot. I understand that the offer or acceptance of money or any other
 527 object of value to vote for any particular candidate, list of candidates, issue, or list of
 528 issues included in this election constitutes an act of voter fraud and is a felony under
 529 Georgia law.

530 _____

531 Elector's Residence

532 Address

533 _____

534 ~~Month and Day~~ Year of

535 Elector's Birth

536 _____
 537 Signature or Mark of Elector

538 Oath of Person Assisting Elector (if any):

539 I, the undersigned, do swear (or affirm) that I assisted the above-named elector in
 540 marking such elector's absentee ballot as such elector personally communicated such
 541 elector's preference to me; and that such elector is entitled to receive assistance in
 542 voting under provisions of subsection (a) of Code Section 21-2-409.

543 This, the _____ day of _____, _____.

544 _____
 545 Signature of Person Assisting
 546 Elector -- Relationship

547 Reason for assistance (Check appropriate square):

548 Elector is unable to read the English language.

549 Elector requires assistance due to physical disability.

550 The forms upon which such oaths are printed shall contain the following information:

551 Georgia law provides, in subsection (b) of Code Section 21-2-409, that no person shall
 552 assist more than ten electors in any primary, election, or runoff in which there is no
 553 federal candidate on the ballot.

554 Georgia law further provides that any person who knowingly falsifies information so
 555 as to vote illegally by absentee ballot or who illegally gives or receives assistance in
 556 voting, as specified in Code Section 21-2-568 or 21-2-573, shall be guilty of a felony."

557 **SECTION 18.**

558 Said chapter is further amended by revising paragraph (1) of subsection (d) of Code
 559 Section 21-2-385, relating to procedure for voting by absentee ballot and advance voting, as
 560 follows:

561 "(d)(1) There shall be a period of advance voting that shall commence:

562 (A) On the fourth Monday immediately prior to each primary or election;

563 (B) On the fourth Monday immediately prior to a runoff from a general primary;

564 (C) On the fourth Monday immediately prior to a runoff from a general election in
 565 which there are candidates for a federal office on the ballot in the runoff; and

566 (D) As soon as possible prior to a runoff from any other general election in which there
 567 are only state or county candidates on the ballot in the runoff

568 and shall end on the Friday immediately prior to each primary, election, or runoff.

569 Voting shall be conducted during normal business hours on weekdays during such period
 570 and shall be conducted on the second Saturday prior to a primary or election during the

571 hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections

572 in which there are no federal or state candidates on the ballot, no Saturday voting hours

573 shall be required; and provided, further, that, if such second Saturday is a public and legal

574 holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and

575 legal holiday occurring on the Thursday or Friday immediately preceding such second

576 Saturday, or if such second Saturday immediately precedes a public and legal holiday

577 occurring on the following Sunday or Monday, such advance voting shall not be held on

578 such second Saturday but shall be held on the third Saturday prior to such primary; or

579 election, ~~or runoff~~. Except as otherwise provided in this paragraph, counties and

580 municipalities may extend the hours for voting beyond regular business hours and may

581 provide for additional voting locations pursuant to Code Section 21-2-382 to suit the

582 needs of the electors of the jurisdiction at their option."

583 **SECTION 19.**

584 Said chapter is further amended by revising subsections (a) and (c) of Code

585 Section 21-2-414, relating to restrictions on campaign activities and public opinion polling

586 within the vicinity of a polling place, cellular phone use prohibited, prohibition of candidates
587 from entering certain polling places, and penalty, as follows:

588 "(a) No person shall solicit votes in any manner or by any means or method, nor shall any
589 person distribute or display any campaign material, nor shall any person solicit signatures
590 for any petition ~~or conduct any exit poll or public opinion poll with voters,~~ nor shall any
591 person, other than election officials discharging their duties, establish or set up any tables
592 or booths on any day in which ballots are being cast:

593 (1) Within 150 feet of the outer edge of any building within which a polling place is
594 established;

595 (2) Within any polling place; or

596 (3) Within 25 feet of any voter standing in line to vote at any polling place.

597 These restrictions shall not apply to conduct occurring in private offices or areas which
598 cannot be seen or heard by such electors."

599 "~~(c)(1) Reserved~~ No person shall conduct any exit poll or public opinion poll with voters
600 within 25 feet of the exit of any building in which a polling place is established on any
601 day in which ballots are being cast.

602 (2) Except for credentialed poll watchers, poll workers, and law enforcement officers,
603 poll managers may manage the number of persons allowed in the polling place to prevent
604 confusion, congestion, and inconvenience to voters."

605 SECTION 20.

606 Said chapter is further amended by revising subsection (a) of Code Section 21-2-418, relating
607 to provisional ballots, as follows:

608 "(a) If a person presents himself or herself at a polling place, absentee polling place, or
609 registration office in his or her county of residence in this state for the purpose of casting
610 a ballot in a primary or election ~~believing~~ stating a good faith belief that he or she has
611 timely registered to vote in such county of residence in such primary or election and the
612 person's name does not appear on the list of registered electors, the person shall be entitled
613 to cast a provisional ballot in his or her county of residence in this state as provided in this
614 Code section."

615 SECTION 21.

616 Said chapter is further amended by revising subsection (c) of Code Section 21-2-500, relating
617 to delivery of voting materials, presentation to grand jury in certain cases, preservation and
618 destruction, and destruction of unused ballots, as follows:

619 "(c) Immediately upon completing the returns required by this article, the municipal
620 superintendent shall deliver in sealed containers to the city clerk the used and void ballots

621 and the stubs of all ballots used; one copy of the oaths of poll officers; and one copy of
622 each numbered list of voters, tally paper, voting machine paper proof sheet, and return
623 sheet involved in the primary or election. In addition, the municipal superintendent shall
624 deliver copies of the voting machine ballot labels, computer chips containing ballot
625 tabulation programs, copies of computer records of ballot design, and similar items or an
626 electronic record of the program by which votes are to be recorded or tabulated, which is
627 captured prior to the election, and which is stored on some alternative medium such as a
628 CD-ROM or floppy disk simultaneously with the programming of the PROM or other
629 memory storage device. Such ballots and other documents shall be preserved under seal
630 in the office of the city clerk for at least 24 months; and then they may be destroyed unless
631 otherwise provided by order of the mayor and council if a contest has been filed or by court
632 order, provided that the electors list, voter's certificates, and duplicate oaths of assisted
633 electors shall be immediately returned by the superintendent to the county or municipal
634 registrar ~~as appropriate.~~"

635 **SECTION 22.**

636 All laws and parts of laws in conflict with this Act are repealed.

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Exhibit 8

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West's Code of Georgia Annotated
Title 21. Elections (Refs & Annos)
Chapter 2. Elections and Primaries Generally (Refs & Annos)
Article 10. Absentee Voting (Refs & Annos)

Ga. Code Ann., § 21-2-385

§ 21-2-385. Voting by absentee electors; penalties

Effective: July 1, 2021

Currentness

(a) At any time after receiving an official absentee ballot, but before the day of the primary or election, except electors who are confined to a hospital on the day of the primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and enclose and securely seal the same in the envelope on which is printed "Official Absentee Ballot." This envelope shall then be placed in the second one, on which is printed the form of the oath of the elector; the name and oath of the person assisting, if any; and other required identifying information. The elector shall then fill out, subscribe, and swear to the oath printed on such envelope. In order to verify that the absentee ballot was voted by the elector who requested the ballot, the elector shall print the number of his or her Georgia driver's license number or identification card issued pursuant to Article 5 of Chapter 5 of Title 40 in the space provided on the outer oath envelope. The elector shall also print his or her date of birth in the space provided in the outer oath envelope. If the elector does not have a Georgia driver's license or state identification card issued pursuant to Article 5 of Chapter 5 of Title 40, the elector shall so affirm in the space provided on the outer oath envelope and print the last four digits of his or her social security number in the space provided on the outer oath envelope. If the elector does not have a Georgia driver's license, identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or a social security number, the elector shall so affirm in the space provided on the outer oath envelope and place a copy of one of the forms of identification set forth in subsection (c) of Code Section 21-2-417 in the outer envelope. Such envelope shall then be securely sealed and the elector shall then personally mail or personally deliver same to the board of registrars or absentee ballot clerk, provided that mailing or delivery may be made by the elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or an individual residing in the household of such elector. The absentee ballot of a disabled elector may be mailed or delivered by the caregiver of such disabled elector, regardless of whether such caregiver resides in such disabled elector's household. The absentee ballot of an elector who is in custody in a jail or other detention facility may be mailed or delivered by any employee of such jail or facility having custody of such elector. An elector who is confined to a hospital on a primary or election day to whom an absentee ballot is delivered by the registrar or absentee ballot clerk shall then and there vote the ballot, seal it properly, and return it to the registrar or absentee ballot clerk. If the elector registered to vote for the first time in this state by mail and has not previously provided the identification required by Code Section 21-2-220 and votes for the first time by absentee ballot and fails to provide the identification required by Code Section 21-2-220 with such absentee ballot, such absentee ballot shall be treated as a provisional ballot and shall be counted only if the registrars are able to verify the identification and registration of the elector during the time provided pursuant to Code Section 21-2-419.

(b) A physically disabled or illiterate elector may receive assistance in preparing his or her ballot from any person of the elector's choice other than such elector's employer or the agent of such employer or an officer or agent of such elector's union; provided, however, that no person whose name appears on the ballot as a candidate at a particular primary, election, or runoff nor the mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law of such candidate shall offer assistance during such primary, election, or runoff under the provisions of this Code section to any elector who is not related to such candidate. For the purposes of this subsection, the term "related to such candidate" shall mean such candidate's mother, father, grandparent,

aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law. The person rendering assistance to the elector in preparing the ballot shall sign the oath printed on the same envelope as the oath to be signed by the elector. Any person who willfully violates this subsection shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00, or both, for each such violation.

(c) When an elector applies in person for an absentee ballot, after the absentee ballots have been printed, the absentee ballot may be issued to the elector at the time of the application therefor within the confines of the registrar's or absentee ballot clerk's office if such application is made during the advance voting period as provided in subsection (d) of this Code section or may be mailed to the elector, depending upon the elector's request. If the ballot is issued to the elector at the time of application, the elector shall then and there within the confines of the registrar's or absentee ballot clerk's office vote and return the absentee ballot as provided in subsections (a) and (b) of this Code section. In the case of persons voting in accordance with subsection (d) of this Code section, the board of registrars or absentee ballot clerk shall furnish accommodations to the elector to ensure the privacy of the elector while voting his or her absentee ballot.

(d)(1) There shall be a period of advance voting that shall commence:

(A) On the fourth Monday immediately prior to each primary or election; and

(B) As soon as possible prior to a runoff from any general primary or election but no later than the second Monday immediately prior to such runoff

and shall end on the Friday immediately prior to each primary, election, or runoff. Voting shall be conducted beginning at 9:00 A.M. and ending at 5:00 P.M. on weekdays, other than observed state holidays, during such period and shall be conducted on the second and third Saturdays during the hours of 9:00 A.M. through 5:00 P.M. and, if the registrar or absentee ballot clerk so chooses, the second Sunday, the third Sunday, or both the second and third Sundays prior to a primary or election during hours determined by the registrar or absentee ballot clerk, but no longer than 7:00 A.M. through 7:00 P.M.; provided, however, that, if such second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday, or if such second Saturday immediately precedes a public and legal holiday occurring on the following Sunday or Monday, such advance voting shall not be held on such second Saturday but shall be held on the third Saturday prior to such primary or election beginning at 9:00 A.M. and ending at 5:00 P.M. Except as otherwise provided in this paragraph, the registrars may extend the hours for voting to permit advance voting from 7:00 A.M. until 7:00 P.M. and may provide for additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the jurisdiction at their option; provided, however, that voting shall occur only on the days specified in this paragraph and counties and municipalities shall not be authorized to conduct advance voting on any other days.

(2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice to the electors of their jurisdiction of the availability of advance voting as well as the times, dates, and locations at which advance voting will be conducted. In addition, the registrars or absentee ballot clerk shall notify the Secretary of State in the manner prescribed by the Secretary of State of the times, dates, and locations at which advance voting will be conducted.

(3) The board of registrars shall publish the dates, times, and locations of the availability of advance voting in its jurisdiction on the homepage of the county's publicly accessible website associated with elections or registrations, or if the county does not have such a website, in a newspaper of general circulation, and by posting in a prominent location in the county, no later

than 14 days prior to the beginning of the advance voting period for a general primary, special primary, general election, or special election and no later than seven days prior to the beginning of the advance voting period for any run-off election. Any new advance voting locations added after that deadline shall be published in the same manner as soon as possible. The board of registrars shall not remove any advance voting location after the notice of such location is published, except in the case of an emergency or unavoidable event that renders a location unavailable for use. Any changes that are made due to an emergency or unavoidable event after a notice of a location has been published shall be published as soon as possible in the same manner set forth in this paragraph.

(e) On each day of an absentee voting period, each county board of registrars or municipal absentee ballot clerk shall report for the county or municipality to the Secretary of State and post on the county or municipal website, or if the county or municipality does not maintain such a website, a place of public prominence in the county or municipality, not later than 10:00 A.M. on each business day the number of persons to whom absentee ballots have been issued, the number of persons who have returned absentee ballots, and the number of absentee ballots that have been rejected. Additionally, on each day of an advance voting period, each county board of registrars or municipal absentee ballot clerk shall report to the Secretary of State and post on the county or municipal website, or if the county or municipality does not maintain such a website, a place of public prominence in the county or municipality, not later than 10:00 A.M. on each business day the number of persons who have voted at the advance voting sites in the county or municipality. During the absentee voting period and for a period of three days following a primary, election, or runoff, each county board of registrars or municipal absentee ballot clerk shall report to the Secretary of State and post on the county or municipal website, or if the county or municipality does not maintain such a website, a place of public prominence in the county or municipality, not later than 10:00 A.M. on each business day the number of persons who have voted provisional ballots, the number of provisional ballots that have verified or cured and accepted for counting, and the number of provisional ballots that have been rejected.

Credits

Laws 1924, p. 186, § 4; Laws 1953, Jan.-Feb. Sess., p. 579, § 1; Laws 1955, p. 204, § 3; Laws 1955, p. 732, § 3; Laws 1956, p. 682, §§ 3, 4; Laws 1964, Ex. Sess., p. 26, § 1; Laws 1965, p. 119, § 1; Laws 1968, p. 871, § 16; Laws 1969, p. 329, § 22; Laws 1974, p. 71, §§ 6-8; Laws 1977, p. 683, § 1; Laws 1980, p. 1256, § 4; Laws 1981, p. 1718, § 8; Laws 1983, p. 140, § 1; Laws 1985, p. 496, § 14; Laws 1986, p. 32, § 1; Laws 1986, p. 932, § 6; Laws 1988, p. 641, § 2; Laws 1989, p. 1742, § 2; Laws 1990, p. 143, § 5; Laws 1992, p. 2510, § 3; Laws 1998, p. 295, § 1; Laws 2003, Act 209, § 39, eff. July 1, 2003; Laws 2006, Act 874, § 4, eff. Jan. 1, 2007; Laws 2007, Act 259, § 2, eff. July 1, 2007; Laws 2010, Act 632, § 21, eff. July 1, 2010; Laws 2011, Act 241, § 3, eff. July 1, 2011; Laws 2014, Act 343, § 6, eff. Jan. 21, 2014; Laws 2016, Act 347, § 4, eff. April 26, 2016; Laws 2017, Act 250, § 18, eff. July 1, 2017; Laws 2019, Act 24, § 31, eff. April 2, 2019; Laws 2021, Act 9, § 28, eff. July 1, 2021.

Formerly Code 1933, § 34-3303; Code 1933, § 34-1406.

Ga. Code Ann., § 21-2-385, GA ST § 21-2-385

The statutes and Constitution are current through legislation passed at the 2022 Regular Session of the Georgia General Assembly. Some sections may be more current, see credits for details. The statutes are subject to changes by the Georgia Code Commission.

Exhibit 9

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IN THE SUPERIOR COURT OF HOUSTON COUNTY

STATE OF GEORGIA

Carolyn V. Sullivan
Carolyn V. Sullivan, Clerk of Superior Court
Houston County, Georgia

THE NEW GEORGIA PROJECT,

:

Civil Action No: 2020 V 123366

:

Plaintiff,

:

:

v.

:

:

KATHERINE SHELTON, in her official
capacity as Chair of the Houston County
Board of Elections; BARBARA WADDLE,
in her official capacity as Vice Chair of the
Houston County Board of Elections; JOHN
APPLEGATE, in his official capacity as a
member of the Houston County Board of
Elections; HENRY CHILDS in his official
capacity as a member of the Houston County
Board of Elections; SHERMAN FALANA, in
his official capacity as a Member of the Houston
County Board of Elections,

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Defendants.

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ORDER RE: PETITION FOR WRIT OF MANDAMUS

Plaintiff filed a Petition for Mandamus and Injunctive and Declaratory Relief on December 16, 2020. Defendants filed a response on December 17, 2020. Plaintiff was seeking a Writ of Mandamus compelling the Houston County Board of Elections to provide two additional advance voting dates. This Court, recognizing the immediate need of both sides for a decision, held a hearing on December 17, 2020 at 4:00 pm by Zoom video conference.

Petitioner argues the law requires the board to make advance voting available on Saturday, December 19, 2020 and Monday, January, 4, 2020. Neither day is currently on the Board's schedule for early voting and the County maintains neither is required by law. The schedule for advance voting is primarily controlled by OCGA § 21-2-385(d)(1) Its language is relevant to both issues raised by the Plaintiff.

This section clearly delineates primary, election and runoff with specific language for each. The election at issue is governed by OCGA § 21-2-385(d)(1)(C) which provides advance voting shall begin "on the fourth Monday immediately prior to a runoff from a

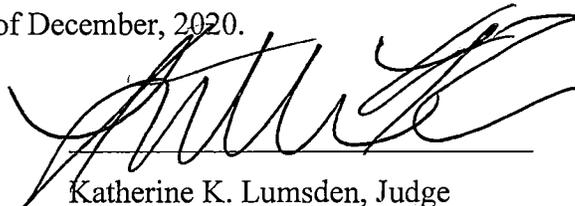
general election in which there are candidates for a federal office on the ballot in the runoff” and “shall end on the Friday immediately prior to each primary, election or runoff.” It goes on in relevant portion “Voting shall be conducted during normal business hours on weekdays during such period and shall be conducted on the second Saturday prior to a primary or election during the hours of 9:00 A.M. through 4:00 P.M.” This portion specifically leaves out “runoff” when establishing Saturday advance voting. Thus Saturday advance voting is not required for runoff elections.

As to the second issue raised, OCGA § 21-2-385(d)(1) requires advance voting “shall end on the Friday immediately prior” in this case January 1, 2020. It also requires voting to be conducted during “normal business hours on weekdays during such period”. January 1, 2020 is a legal holiday pursuant OCGA § 1-4-1. With regard to the election code, OCGA § 21-2-14 governs the computation of time “unless otherwise stated in specific code section” for exercising any such privilege, i.e. voting. Petitioner argues this requires an additional day of advance voting on Monday, January 4, 2020. However, there are additional code sections to consider in deciding if it “is otherwise stated” and thus OCGA § 21-2-14 is trumped by the specificity found there.

Advance voting is included in the definition of absentee electors as defined in OCGA § 21-2-380. Further, OCGA § 21-2-384(a)(2) specifies in relevant portion “no absentee ballot shall be issued on the day prior to a primary or election”. OCGA § 21-2-385(c) goes on in relevant portion “In the case of persons voting in accordance with subsection (d) of this Code section, the board of registrars or absentee ballot clerk shall furnish accommodations to the elector to ensure the privacy of the elector while voting his or her **absentee ballot**”(emphasis added). Therefore when read together, it appears that advance voting is the casting of an absentee ballot under the law. There is a specific provision that prohibits utilizing same on the day before a primary, election or runoff. Therefore, a Monday advanced voting day is not required despite the Friday, January 1st holiday. The Court notes that this analysis and conclusion differs from her opinion announced at the end of the hearing yesterday. However, after having the opportunity to carefully review the statutes and briefs of counsel, the Court is convinced this the decision required by law.

The petition for Writ of Mandamus and all other relief is DENIED.

SO ORDERED this 18 day of December, 2020.



Katherine K. Lumsden, Judge
Houston Superior Court

Exhibit 10

RETRIEVED FROM DEMOCRACYDOCKET.COM

West's Code of Georgia Annotated
Title 21. Elections (Refs & Annos)
Chapter 2. Elections and Primaries Generally (Refs & Annos)
Article 10. Absentee Voting (Refs & Annos)

This section has been updated. [Click here for the updated version.](#)

Ga. Code Ann., § 21-2-385

§ 21-2-385. Voting by absentee electors; penalties

Effective: April 2, 2019 to June 30, 2021

<Text of section effective until July 1, 2021. See, also, text of section 21-2-385 effective July 1, 2021.>

(a) At any time after receiving an official absentee ballot, but before the day of the primary or election, except electors who are confined to a hospital on the day of the primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and enclose and securely seal the same in the envelope on which is printed "Official Absentee Ballot." This envelope shall then be placed in the second one, on which is printed the form of the oath of the elector; the name and oath of the person assisting, if any; and other required identifying information. The elector shall then fill out, subscribe, and swear to the oath printed on such envelope. Such envelope shall then be securely sealed and the elector shall then personally mail or personally deliver same to the board of registrars or absentee ballot clerk, provided that mailing or delivery may be made by the elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or an individual residing in the household of such elector. The absentee ballot of a disabled elector may be mailed or delivered by the caregiver of such disabled elector, regardless of whether such caregiver resides in such disabled elector's household. The absentee ballot of an elector who is in custody in a jail or other detention facility may be mailed or delivered by any employee of such jail or facility having custody of such elector. An elector who is confined to a hospital on a primary or election day to whom an absentee ballot is delivered by the registrar or absentee ballot clerk shall then and there vote the ballot, seal it properly, and return it to the registrar or absentee ballot clerk. If the elector registered to vote for the first time in this state by mail and has not previously provided the identification required by Code Section 21-2-220 and votes for the first time by absentee ballot and fails to provide the identification required by Code Section 21-2-220 with such absentee ballot, such absentee ballot shall be treated as a provisional ballot and shall be counted only if the registrars are able to verify the identification and registration of the elector during the time provided pursuant to Code Section 21-2-419.

(b) A physically disabled or illiterate elector may receive assistance in preparing his or her ballot from any person of the elector's choice other than such elector's employer or the agent of such employer or an officer or agent of such elector's union; provided, however, that no person whose name appears on the ballot as a candidate at a particular primary, election, or runoff nor the mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law of such candidate shall offer assistance during such primary, election, or runoff under the provisions of this Code section to any elector who is not related to such candidate. For the purposes of this subsection, the term "related to such candidate" shall mean such candidate's mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law. The person rendering assistance to the elector in preparing the ballot shall sign the oath printed on the same envelope as the oath to be signed by the elector. Any person who willfully violates this subsection shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00, or both, for each such violation.

(c) When an elector applies in person for an absentee ballot, after the absentee ballots have been printed, the absentee ballot may be issued to the elector at the time of the application therefor within the confines of the registrar's or absentee ballot clerk's office if such application is made during the advance voting period as provided in subsection (d) of this Code section or may be mailed to the elector, depending upon the elector's request. If the ballot is issued to the elector at the time of application, the elector shall then and there within the confines of the registrar's or absentee ballot clerk's office vote and return the absentee ballot as provided in subsections (a) and (b) of this Code section. In the case of persons voting in accordance with subsection (d) of this Code section, the board of registrars or absentee ballot clerk shall furnish accommodations to the elector to ensure the privacy of the elector while voting his or her absentee ballot.

(d)(1) There shall be a period of advance voting that shall commence:

(A) On the fourth Monday immediately prior to each primary or election;

(B) On the fourth Monday immediately prior to a runoff from a general primary;

(C) On the fourth Monday immediately prior to a runoff from a general election in which there are candidates for a federal office on the ballot in the runoff; and

(D) As soon as possible prior to a runoff from any other general election in which there are only state or county candidates on the ballot in the runoff but no later than the second Monday immediately prior to such runoff

and shall end on the Friday immediately prior to each primary, election, or runoff. Voting shall be conducted during normal business hours on weekdays during such period and shall be conducted on the second Saturday prior to a primary or election during the hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections in which there are no federal or state candidates on the ballot, no Saturday voting hours shall be required; and provided, further, that, if such second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday, or if such second Saturday immediately precedes a public and legal holiday occurring on the following Sunday or Monday, such advance voting shall not be held on such second Saturday but shall be held on the third Saturday prior to such primary or election. Except as otherwise provided in this paragraph, counties and municipalities may extend the hours for voting beyond regular business hours and may provide for additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the jurisdiction at their option.

(2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice to the electors of their jurisdiction of the availability of advance voting as well as the times, dates, and locations at which advance voting will be conducted. In addition, the registrars or absentee ballot clerk shall notify the Secretary of State in the manner prescribed by the Secretary of State of the times, dates, and locations at which advance voting will be conducted.

Credits

Laws 1924, p. 186, § 4; Laws 1953, Jan.-Feb. Sess., p. 579, § 1; Laws 1955, p. 204, § 3; Laws 1955, p. 732, § 3; Laws 1956, p. 682, §§ 3, 4; Laws 1964, Ex. Sess., p. 26, § 1; Laws 1965, p. 119, § 1; Laws 1968, p. 871, § 16; Laws 1969, p. 329, § 22; Laws 1974, p. 71, §§ 6-8; Laws 1977, p. 683, § 1; Laws 1980, p. 1256, § 4; Laws 1981, p. 1718, § 8; Laws 1983, p. 140, § 1;

Laws 1985, p. 496, § 14; Laws 1986, p. 32, § 1; Laws 1986, p. 932, § 6; Laws 1988, p. 641, § 2; Laws 1989, p. 1742, § 2; Laws 1990, p. 143, § 5; Laws 1992, p. 2510, § 3; Laws 1998, p. 295, § 1; Laws 2003, Act 209, § 39, eff. July 1, 2003; Laws 2006, Act 874, § 4, eff. Jan. 1, 2007; Laws 2007, Act 259, § 2, eff. July 1, 2007; Laws 2010, Act 632, § 21, eff. July 1, 2010; Laws 2011, Act 241, § 3, eff. July 1, 2011; Laws 2014, Act 343, § 6, eff. Jan. 21, 2014; Laws 2016, Act 347, § 4, eff. April 26, 2016; Laws 2017, Act 250, § 18, eff. July 1, 2017; Laws 2019, Act 24, § 31, eff. April 2, 2019.

Formerly Code 1933, § 34-3303; Code 1933, § 34-1406.

Ga. Code Ann., § 21-2-385, GA ST § 21-2-385

The statutes and Constitution are current through legislation passed at the 2022 Regular Session of the Georgia General Assembly. Some sections may be more current, see credits for details. The statutes are subject to changes by the Georgia Code Commission.

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Showing differences between versions effective April 2, 2019 to June 30, 2021 and July 1, 2021 [current]

Key: ~~deleted text~~ **added text**

16 deletions · 23 additions

Ga. Code Ann., § 21-2-385

§ 21-2-385. Voting by absentee electors; penalties

~~<Text of section effective until July 1, 2021. See, also, text of section 21-2-385 effective July 1, 2021.>~~

(a) At any time after receiving an official absentee ballot, but before the day of the primary or election, except electors who are confined to a hospital on the day of the primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and enclose and securely seal the same in the envelope on which is printed "Official Absentee Ballot." This envelope shall then be placed in the second one, on which is printed the form of the oath of the elector; the name and oath of the person assisting, if any; and other required identifying information. The elector shall then fill out, subscribe, and swear to the oath printed on such envelope. **In order to verify that the absentee ballot was voted by the elector who requested the ballot, the elector shall print the number of his or her Georgia driver's license number or identification card issued pursuant to Article 5 of Chapter 5 of Title 40 in the space provided on the outer oath envelope. The elector shall also print his or her date of birth in the space provided in the outer oath envelope. If the elector does not have a Georgia driver's license or state identification card issued pursuant to Article 5 of Chapter 5 of Title 40, the elector shall so affirm in the space provided on the outer oath envelope and print the last four digits of his or her social security number in the space provided on the outer oath envelope. If the elector does not have a Georgia driver's license, identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or a social security number, the elector shall so affirm in the space provided on the outer oath envelope and place a copy of one of the forms of identification set forth in subsection (c) of Code Section 21-2-417 in the outer envelope.** Such envelope shall then be securely sealed and the elector shall then personally mail or personally deliver same to the board of registrars or absentee ballot clerk, provided that mailing or delivery may be made by the elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or an individual residing in the household of such elector. The absentee ballot of a disabled elector may be mailed or delivered by the caregiver of such disabled elector, regardless of whether such caregiver resides in such disabled elector's household. The absentee ballot of an elector who is in custody in a jail or other detention facility may be mailed or delivered by any employee of such jail or facility having custody of such elector. An elector who is confined to a hospital on a primary or election day to whom an absentee ballot is delivered by the registrar or absentee ballot clerk shall then and there vote the ballot, seal it properly, and return it to the registrar or absentee ballot clerk. If the elector registered to vote for the first time in this state by mail and has not previously provided the identification required by Code Section 21-2-220 and votes for the first time by absentee ballot and fails to provide the identification required by Code Section 21-2-220 with such absentee ballot, such absentee ballot shall be treated as a provisional ballot and shall be counted only if the registrars are able to verify the identification and registration of the elector during the time provided pursuant to Code Section 21-2-419.

(b) A physically disabled or illiterate elector may receive assistance in preparing his or her ballot from any person of the elector's choice other than such elector's employer or the agent of such employer or an officer or agent of such elector's union; provided, however, that no person whose name appears on the ballot as a candidate at a particular primary, election, or runoff nor the mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law of such candidate shall offer assistance during such primary, election, or runoff under the provisions of this Code section to any elector who is not related to such candidate. For the purposes of this subsection, the term "related to such candidate" shall mean such candidate's mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-

in-law, brother-in-law, or sister-in-law. The person rendering assistance to the elector in preparing the ballot shall sign the oath printed on the same envelope as the oath to be signed by the elector. Any person who willfully violates this subsection shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00, or both, for each such violation.

(c) When an elector applies in person for an absentee ballot, after the absentee ballots have been printed, the absentee ballot may be issued to the elector at the time of the application therefor within the confines of the registrar's or absentee ballot clerk's office if such application is made during the advance voting period as provided in subsection (d) of this Code section or may be mailed to the elector, depending upon the elector's request. If the ballot is issued to the elector at the time of application, the elector shall then and there within the confines of the registrar's or absentee ballot clerk's office vote and return the absentee ballot as provided in subsections (a) and (b) of this Code section. In the case of persons voting in accordance with subsection (d) of this Code section, the board of registrars or absentee ballot clerk shall furnish accommodations to the elector to ensure the privacy of the elector while voting his or her absentee ballot.

(d)(1) There shall be a period of advance voting that shall commence:

(A) On the fourth Monday immediately prior to each primary or election; **and**

~~(B) On the fourth Monday immediately prior to a runoff from a general primary;~~

~~(C) On the fourth Monday immediately prior to a runoff from a general election in which there are candidates for a federal office on the ballot in the runoff; and~~

~~(D)~~ **(B)** As soon as possible prior to a runoff from any ~~other~~ general election in which there are only state or county candidates on the ballot in the runoff **primary or election** but no later than the second Monday immediately prior to such runoff

and shall end on the Friday immediately prior to each primary, election, or runoff. Voting shall be conducted ~~during normal business hours~~ **beginning at 9:00 A.M. and ending at 5:00 P.M.** on weekdays, ~~other than observed state holidays,~~ during such period and shall be conducted on the second ~~Saturday prior to a primary or election~~ **and third Saturdays** during the hours of 9:00 A.M. through ~~5:00 P.M.; provided, however~~ **and, if the registrar or absentee ballot clerk so chooses**, ~~that in primaries and elections in which there are no federal~~ **the second Sunday, the third Sunday, or both the second and third Sundays prior to a primary** or ~~state candidates on~~ **election during hours determined by** the **registrar or absentee ballot clerk**, ~~but no Saturday voting hours shall be required~~ **longer than 7:00 A.M. through 7:00 P.M.**; ~~and~~ provided, ~~further~~ **however**, that, if such second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday, or if such second Saturday immediately precedes a public and legal holiday occurring on the following Sunday or Monday, such advance voting shall not be held on such second Saturday but shall be held on the third Saturday prior to such primary or election **beginning at 9:00 A.M. and ending at 5:00 P.M.** Except as otherwise provided in this paragraph, ~~counties and municipalities~~ **the registrars** may extend the hours for voting ~~beyond regular business hours~~ **to permit advance voting from 7:00 A.M. until 7:00 P.M.** and may provide for additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the jurisdiction at their option; **provided, however, that voting shall occur only on the days specified in this paragraph and counties and municipalities shall not be authorized to conduct advance voting on any other days.**

(2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice to the electors of their jurisdiction of the availability of advance voting as well as the times, dates, and locations at which advance voting will be conducted. In addition, the registrars or absentee ballot clerk shall notify the Secretary of State in the manner prescribed by the Secretary of State of the times, dates, and locations at which advance voting will be conducted.

(3) The board of registrars shall publish the dates, times, and locations of the availability of advance voting in its jurisdiction on the homepage of the county's publicly accessible website associated with elections or registrations, or if the county does not have such a website, in a newspaper of general circulation, and by posting in a prominent location in the county, no later than 14 days prior to the beginning of the advance voting period for a general primary, special primary, general election, or special election and no later than seven days prior to the beginning of the advance voting period for any run-off election. Any new advance voting locations added after that deadline shall be published in the same manner as soon as possible. The board of registrars shall not remove any advance voting location after the notice of such location is published, except in the case of an emergency or unavoidable event that renders a location unavailable for use. Any changes that are made due to an emergency or unavoidable event after a notice of a location has been published shall be published as soon as possible in the same manner set forth in this paragraph.

(e) On each day of an absentee voting period, each county board of registrars or municipal absentee ballot clerk shall report for the county or municipality to the Secretary of State and post on the county or municipal website, or if the county or municipality does not maintain such a website, a place of public prominence in the county or municipality, not later than 10:00 A.M. on each business day the number of persons to whom absentee ballots have been issued, the number of persons who have returned absentee ballots, and the number of absentee ballots that have been rejected. Additionally, on each day of an advance voting period, each county board of registrars or municipal absentee ballot clerk shall report to the Secretary of State and post on the county or municipal website, or if the county or municipality does not maintain such a website, a place of public prominence in the county or municipality, not later than 10:00 A.M. on each business day the number of persons who have voted at the advance voting sites in the county or municipality. During the absentee voting period and for a period of three days following a primary, election, or runoff, each county board of registrars or municipal absentee ballot clerk shall report to the Secretary of State and post on the county or municipal website, or if the county or municipality does not maintain such a website, a place of public prominence in the county or municipality, not later than 10:00 A.M. on each business day the number of persons who have voted provisional ballots, the number of provisional ballots that have verified or cured and accepted for counting, and the number of provisional ballots that have been rejected.

Credits

Laws 1924, p. 186, § 4; Laws 1953, Jan.-Feb. Sess., p. 579, § 1; Laws 1955, p. 204, § 3; Laws 1955, p. 732, § 3; Laws 1956, p. 682, §§ 3, 4; Laws 1964, Ex. Sess., p. 26, § 1; Laws 1965, p. 119, § 1; Laws 1968, p. 871, § 16; Laws 1969, p. 329, § 22; Laws 1974, p. 71, §§ 6-8; Laws 1977, p. 683, § 1; Laws 1980, p. 1256, § 4; Laws 1981, p. 1718, § 8; Laws 1983, p. 140, § 1; Laws 1985, p. 496, § 14; Laws 1986, p. 32, § 1; Laws 1986, p. 932, § 6; Laws 1988, p. 641, § 2; Laws 1989, p. 1742, § 2; Laws 1990, p. 143, § 5; Laws 1992, p. 2510, § 3; Laws 1998, p. 295, § 1; Laws 2003, Act 209, § 39, eff. July 1, 2003; Laws 2006, Act 874, § 4, eff. Jan. 1, 2007; Laws 2007, Act 259, § 2, eff. July 1, 2007; Laws 2010, Act 632, § 21, eff. July 1, 2010; Laws 2011, Act 241, § 3, eff. July 1, 2011; Laws 2014, Act 343, § 6, eff. Jan. 21, 2014; Laws 2016, Act 347, § 4, eff. April 26, 2016; Laws 2017, Act 250, § 18, eff. July 1, 2017; Laws 2019, Act 24, § 31, eff. April 2, 2019 ; **Laws 2021, Act 9, § 28, eff. July 1, 2021** .

Formerly Code 1933, § 34-3303; Code 1933, § 34-1406.

Ga. Code Ann., § 21-2-385, GA ST § 21-2-385

Exhibit E

Superior Court Order,
dated November 18, 2022

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

DEMOCRATIC PARTY OF GEORGIA,)
INC., DSCC, and WARNOCK FOR)
GEORGIA)

PLAINTIFFS,)

VS.)

STATE OF GEORGIA)

RESPONDENTS.)

CIVIL ACTION FILE NO.
2022CV372734

ORDER GRANTING DECLARATORY
AND INJUNCTIVE RELIEF

Before the Court is the Plaintiffs' Petition For Declaratory and Injunctive Relief, filed November 14, 2022. On that same day, the Plaintiffs' filed an Emergency Motion for Expedited Hearing (hereinafter "motion"). The Court held a hearing on November 18, 2022, during which all parties were represented by counsel.

Having considered the moving papers, arguments of counsel, and references to legal authority, the Court hereby **GRANTS** the Petition For Declaratory and Injunctive Relief and issues an injunction declaring that O.C.G.A. §21-2-385(d)(1) does not specifically prohibit counties from conducting advanced voting on Saturday, November 26, 2022, for a runoff election.

Based on the Court's ruling, counties may provide advance voting on Saturday, November 26, 2022. Further, Defendant is hereby enjoined from interfering in efforts by counties to provide for advance voting on Saturday, November 26, 2022, due to any failure by the board of registrars to comply with the requirement in O.C.G.A. §21-2-385(d)(3) to publish the date, time, and

locations of the availability of advanced voting in those jurisdictions at least seven (7) days before November 26, 2022.

I. Background

The specific and contested language of the statute listed is as follows:

(d)(1) There shall be a period of advance voting that shall commence:

(A) On the fourth Monday immediately prior to each primary or election; and

(B) As soon as possible prior to a runoff from any general primary or election but no later than the second Monday immediately prior to such runoff

and shall end on the Friday immediately prior to each primary, election, or runoff. Voting shall be conducted beginning at 9:00 A.M. and ending at 5:00 P.M. on weekdays, other than observed state holidays, during such period and shall be conducted on the second and third Saturdays during the hours of 9:00 A.M. through 5:00 P.M. and, if the registrar or absentee ballot clerk so chooses, the second Sunday, the third Sunday, or both the second and third Sundays prior to a primary or election during hours determined by the registrar or absentee ballot clerk, but no longer than 7:00 A.M. through 7:00 P.M.; **provided, however, that, if such second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday, or if such second Saturday immediately precedes a public and legal holiday occurring on the following Sunday or Monday, such advance voting shall not be held on such second Saturday but shall be held on the third Saturday prior to such primary or election beginning at 9:00 A.M. and ending at 5:00 P.M.** Except as otherwise provided in this paragraph, the registrars may extend the hours for voting to permit advance voting from 7:00 A.M. until 7:00 P.M. and may provide for additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the jurisdiction at their option; provided, however, that voting shall occur only on the days specified

in this paragraph and counties and municipalities shall not be authorized to conduct advance voting on any other days.

O.C.G.A. §21-2-385(d)(1) [Emphasis Added].

This is an issue of apparent first impression for Georgia courts. Specifically, the issue centers around whether O.C.G.A. §21-2-385(d)(1) prohibits counties from conducting in-person advance voting for a runoff election on Saturday, November 26, 2022, based upon an interpretation of this statute that the bar to Saturday advance voting occurring immediately after a state or legal holiday applies to runoff elections.

The other interpretation of the same statute advances a position that Georgia law mandates that advance voting shall commence as soon as possible prior to a runoff from any general primary or election. The proponents of advance voting for Saturday, November 26, 2022, argue that O.C.G.A. §21-2-385(d)(1)'s exception for advance voting on Saturdays falling on or after a holiday applies only to primary and general elections, not runoffs. The proponents of this position further advance their argument by contending that O.C.G.A. §21-2-385(d)(1) creates distinct rules for different categories of elections and refers to them expressly when doing so. They conclude that O.C.G.A. §21-2-385(d)(1)'s absence of a reference to runoff elections is the prevailing interpretation. The Court agrees in this instance.

O.C.G.A. §21-2-385(d)(1) was adopted in 2011 and has a limited statutory history. When the Legislature¹ first added the provision regarding advance voting on Saturday after a holiday, it named all three (3) categories of elections, specifically primary elections, (general) elections, and

¹ In this order, "Legislature" refers to the General Assembly comprised of the State House of Representatives and Senate.

runoff elections. See, 2016 Ga. Laws Act 347 §4.² The Legislature updated this provision one year later and deleted the words “or runoff,” while leaving only “primary or election.” See, 2017 Ga. Laws Act 250 §18.³

Within the context of these two very different interpretations of the same statutory language, the Court recognizes that there is an absence of settled law on this specific issue. The Court also acknowledges that the initial interpretation by certain state actors contemplated the potential for voting on the Saturday following Thanksgiving⁴. Although these statements predate the litigation, they lend insight for purposes of the creation of a public expectation regarding the right to vote on the Saturday after Thanksgiving and may implicate legal estoppel issues.

II. Analysis

The Court finds that Plaintiffs meet the injunctive relief factors, which further support the need for emergency relief. Grossi Consulting, LLC v. Sterling Currency Grp., LLC, 290 Ga. 386, 388, 722 S.E.2d 44, 46 (2012) (explaining that, in ruling on a motion for temporary restraining

² “and provided, further, that, if such second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday, or if such second Saturday immediately precedes a public and legal holiday occurring on the following Sunday or Monday, such advance voting shall not be held on such second Saturday but shall be held on the third Saturday prior to such primary, election, or runoff.”

³ and provided, further, that, if such second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday, or if such second Saturday immediately precedes a public and legal holiday occurring on the following Sunday or Monday, such advance voting shall not be held on such second Saturday but shall be held on the third Saturday prior to such primary, or election.

⁴ Ga. Sec’y of the State News Conf. On Election Results, CSPAN at 5:08-5:25 (November 9, 2022),<https://www.c-span.org/video/?524156-1/Georgia-secretary-state-brad-raffensperger-update-senate-runoff-election>.

Tr.: Control of Congress Still Uncertain, Key Races Too Close to Call, CNN (November 9, 2022,1:00 PM),<https://transcripts.cnn.com/show/se/date/2022-11-09/segment/15>.

order, courts consider whether: “(1) there is a substantial threat that the moving party will suffer irreparable injury if the injunction is not granted; (2) the threatened injury to the moving party outweighs the threatened harm that the injunction may do to the party being enjoined; (3) there is a substantial likelihood that the moving party will prevail on the merits of her claims at trial; and (4) granting the interlocutory injunction will not disserve the public interest”) (internal quotations omitted). Based upon the pronouncement that Georgia counties will be barred from providing advance voting on Saturday, November 26, 2022. The Court finds that the absence of the Saturday vote will irreparably harm the Plaintiffs, their members, and constituents, and their preferred runoff candidate.

Georgia law specifically requires counties to commence a period of advance voting for runoff elections as soon as possible after a general or primary election. Georgia law equally mandates a period of advance voting. The issue in this case, revolves around the interpretation of O.C.G.A. §21-2-385(d)(1) and whether the prohibitions on Saturday early voting applies to runoff elections.

The rules of statutory construction are established guidelines that assist the Court in breaking down the intent of the Legislature to analyze a law put under scrutiny. An almost perfect recitation of the general rules of statutory construction can be found in Johnson v. State, 308 Ga. 141 (2020):

As we have explained before, “[w]hen we consider the meaning of a statute, we must presume that the General Assembly meant what it said and said what it meant.” Deal v. Coleman, 294 Ga. 170, 172 (1) (a), 751 S.E.2d 337 (2013) (citation and punctuation omitted). “To that end, we must afford the statutory text its plain and ordinary meaning, we must view the statutory text in the context in which it appears, and we must read the statutory text in its most natural and reasonable way, as an ordinary speaker of the English language

would.” Id. at 172-173 (1) (a), 751 S.E.2d 337 (citations and punctuation omitted). “The common and customary usages of the words are important, but so is their context.” *Zaldivar v. Prickett*, 297 Ga. 589, 591 (1), 774 S.E.2d 688 (2015) (citation and punctuation omitted). “For context, we may look to other provisions of the same statute, the structure and history of the whole statute, and the other law—constitutional, statutory, and common law alike—that forms the legal background *145 of the statutory provision in question.” *May v. State*, 295 Ga. 388, 391-392, 761 S.E.2d 38 (2014) (citations omitted).

It is under this lens that the Court must examine this statute. First, immediately after O.C.G.A. §21-2-385(d)(1)(B) the code states, “and shall end on the Friday immediately prior to each primary, election, or runoff.” The use of “primary, election, or runoff” creates a list of items for consideration to be informed by O.C.G.A. §21-2-385(d)(1)(A) and (B). Looking at this provision, the Court views this as a list of three (3) different terms with separate definitions and meanings. This further shows that it was within the contemplation of the Legislature to include the term “runoff” in this statute as a unique event.

Next the Court must look at the specific portion of O.C.G.A. §21-2-385(d)(1) that is under review:

provided, however, that, if such second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday, or if such second Saturday immediately precedes a public and legal holiday occurring on the following Sunday or Monday, such advance voting shall not be held on such second Saturday but shall be held on the third Saturday prior to such primary or election beginning at 9:00 A.M. and ending at 5:00 P.M.

Here the Court clearly sees the restriction on voting that could potentially preclude Saturday, November 26, 2022, from being a valid day for voting. It is clearly the second Saturday preceding

the runoff election to be held on December 6, 2022. Further, it is immediately preceded by a legal holiday on Thursday (Thanksgiving). The only factor remaining to determine is if this restriction applies to runoff elections and this Court finds that it does not. The reason for this conclusion can be found in the last two lines of the sentence above, “but shall be held on the third Saturday prior to such primary or election.” It was previously established that it was within the contemplation of the Legislature that primary, election, and runoff were distinct terms representing separate ideas, and yet here, the Legislature chooses to only use the words primary or election, thus excluding runoff from its inclusion.

Had the Legislature been so inclined, they could have easily included runoff to continue this pattern of a three-category list but they chose not to. In this instance it is obvious that they **chose** not to because it was previously included in the text of the statute but was later removed. 2016 Ga. Laws Act 347 §4 has the pertinent section of O.C.G.A. §21-2-385(d)(1) drafted to read, “such advance voting shall not be held on such second Saturday but shall be held on the third Saturday prior to such primary, election, or runoff” which is identical in form of language to the preceding list a few lines above.

A year later, however, the code section was amended via 2017 Ga. Laws Act 250 §18, which specifically eliminated “or runoff” from within the text of that restrictive provision and it has remained removed from all future revisions. “Where a statute is amended to delete a word, it is presumed that the Legislature made the change to effect some purpose, and desired to make a change in the existing law.” Fredrick v. State, 181 Ga. App. 600 (1987). This Court interprets the change the Legislature intended to effect by the removal of “or runoff” as it not be affected by the second Saturday restrictive voting language contained within O.C.G.A. §21-2-385(d)(1).

In their moving papers and during oral argument the State put forward the idea that “runoff” being excluded from within O.C.G.A. §21-2-385(d)(1) simply refers to a continuation of either a primary, or (general) election and was therefore superfluous language and was removed for this reason. The Court disagrees with this position for two distinct reasons. First, as stated above, the Court is required to give meaning to the plain language of the statute. In this instance, there must be a reason that the Legislature used “primary, election, or runoff” previously and then changed it. This is further supported by the inclusion of “primary, election, or runoff” twice in O.C.G.A. §21-2-385(b), once in O.C.G.A. §21-2-385(d)(1), and once in O.C.G.A. §21-2-385(e). Had the inclusion of “runoff” simply been superfluous language, as suggested by the State, it would have been removed from all appearances in O.C.G.A. §21-2-385 and not just that one part in O.C.G.A. §21-2-385(d)(1).

The second reason that the Court disagrees with this position is because a runoff election is not merely a continuation of a primary or (general) election but is in fact it’s own distinct event. In order to even have a runoff take place, a primary or (general) election results must be ratified, bringing to conclusion that vote. Then, should no party reach the Constitutionally required 50% plus one, a runoff election must be held. This shows that there are distinct elements required to initiate a runoff election.

Finally, the State asserts that the reading and interpretation of the Plaintiff would actually preclude any Saturday voting due to the final line of O.C.G.A. §21-2-385(d)(1):

Except as otherwise provided in this paragraph, the registrars may extend the hours for voting to permit advance voting from 7:00 A.M. until 7:00 P.M. and may provide for additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the jurisdiction at their option; **provided, however, that voting shall occur only on the days specified in this paragraph and**

counties and municipalities shall not be authorized to conduct advance voting on any other days.

O.C.G.A. §21-2-385(d)(1) [Emphasis Added].

This Court, however, disagrees with this interpretation due to the language of O.C.G.A. §21-2-385(d)(2) requiring that “As soon as possible prior to a runoff from any general primary or election but no later than the second Monday immediately prior to such runoff.” The length of time that a runoff election actually takes place is shortened compared to a primary or (general) election by its very nature. The runoff election cannot be called or scheduled before the previous election results are ratified and there must be a final date for the election prior to the date the candidate must take office. This necessitates a short window for a runoff election to take place. For the advance voting to take place “as soon as possible” Saturday voting should be considered an essential component.

III. Conclusion

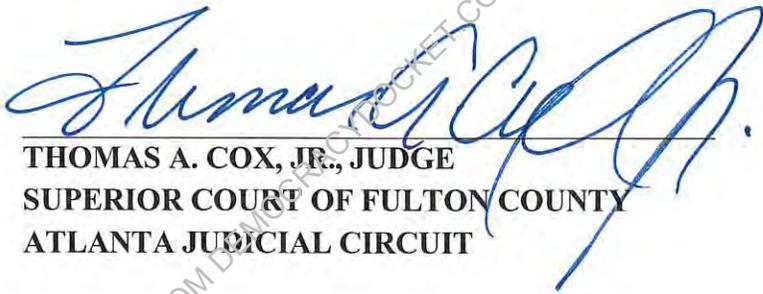
Based upon the foregoing, the Court finds that Plaintiffs and their members and constituents will suffer immediate and irreparable harm absent Declaratory and/or Injunctive relief, based upon the pronouncement that Georgia counties will be barred from providing advanced voting on Saturday, November 26, 2022. The Court finds that the absence of the Saturday vote will irreparably harm the Plaintiffs, their members, and constituents, and their preferred runoff candidate.

The Court hereby **GRANTS** the Petition For Declaratory and Injunctive Relief and issues an injunction declaring that O.C.G.A. §21-2-385(d)(1) does not explicitly prohibit counties from conducting advance voting on Saturday, November 26, 2022, and further enjoins Defendant and

its agents from interfering in counties' efforts to do so or preventing any votes cast on that day from being counted or included in the certified election results.

Defendant and its agents are further enjoined from interfering in any effort by Georgia counties to provide advance voting on Saturday, November 26, 2022, due to any failure by the board of registrars to comply with the requirement in O.C.G.A. §21-2-385(d)(3) to publish the date, time, and locations of the availability of advanced voting in their jurisdiction at least 7 days prior to November 26, 2022.

SO ORDERED this 18th day of November 2022.



THOMAS A. COX, JR., JUDGE
SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT

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Exhibit F

State's Opposition to TRO

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**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

DEMOCRATIC PARTY OF)
GEORGIA, INC., DSCC, and)
WARNOCK FOR GEORGIA)
) CIVIL ACTION FILE NO.
Plaintiffs,) 2022CV372734
)
v.)
)
THE STATE OF GEORGIA,)
)
Defendant.)

**THE STATE OF GEORGIA'S OPPOSITION TO PLAINTIFFS'
EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND/OR INTERLOCUTORY INJUNCTION**

The State of Georgia opposes Plaintiffs' Emergency Motion for Temporary Restraining Order and/or Interlocutory Injunction for the reasons set forth below.

Introduction

The sole issue in this case is whether Georgia law permits counties to hold advance in-person voting on Saturday, November 26, 2022, for the general run-off election for U.S. Senate. It plainly does not, and Plaintiffs' motion for interlocutory injunctive relief should be denied.

Advance voting is governed by Section 21-2-385(d) of Georgia's elections code. It provides for a period of advance voting for primaries and elections, including "runoff[s] from any general primary or election," and sets forth the

duration, days, and times for advance voting, so that Georgia counties conduct advance voting in a uniform manner. *Id.* The statute provides for advance voting on Saturdays, except when the Saturday “follows a public and legal holiday occurring on the Thursday or Friday immediately preceding.” *Id.* After receiving requests for guidance from counties regarding the dates for advance voting for the Senate run-off election, the Secretary of State issued an Official Election Bulletin advising that voting on Saturday, November 26 was not permitted under Section 21-2-385(d)(1) because the day follows the state Thanksgiving holiday on Thursday, November 24, as well as an observed state holiday on Friday, November 25.

Plaintiffs acknowledge that Section 21-2-385(d)(1) prohibits advance voting on a Saturday following a holiday, but argue that this provision only applies to a “primary” or an “election,” and not a “runoff.” (Plaintiffs’ Brief at 2, 7.) But Plaintiffs’ argument fundamentally misses the mark because the Senate run-off election *is* an “election” as that term is defined and used in the elections code. An “election” is any general election that is not a primary, O.C.G.A. § 21-2-2(5), including a “run-off election,” which is a “continuation of” a general election in which no candidate receives a majority of votes in a particular race. Ga. Const., art. I, § II, par. II; O.C.G.A. § 21-2-501(a). A “runoff” is not a separate and independent category of election as Plaintiffs contend—it is merely a continuation of a “primary” or “election” that fails to result in a

majority winner, as defined in the elections code and the Georgia Constitution. The rules that govern voting in primaries and elections apply equally to any runoff from those same primaries and elections, including Section 21-2385(d)(1)'s prohibition on holding advanced voting on a Saturday following a Thursday or Friday holiday. Plaintiffs' argument that counties are free to hold advance voting whenever they want subject to no restrictions because a "runoff" is not an "election" is not a credible or serious interpretation of the statute.

Because Plaintiffs' claims lack merit, their motion must be denied. But as a threshold matter, sovereign immunity bars the Court from entering a temporary restraining order or interlocutory injunction against the State. The limited waiver of sovereign immunity in Georgia Constitution Article I, Section II, Paragraph V(b) on which Plaintiffs rely does not give the Court jurisdiction to enter an injunction against the State on an *interlocutory* basis. Rather, it is only *after* awarding declaratory relief in a final judgment on the merits that the Court may enter an injunction necessary to enforce its judgment. The Court's lack of jurisdiction to order Plaintiffs' requested relief is reason alone to deny their motion.

Equitable considerations also warrant the denial of Plaintiffs' requested injunctive relief. The intent of the legislature's prohibition against voting on holiday weekends is not to disadvantage voters—the law provides for at least

5 days of advance voting, in addition to the available options of voting in person on Election Day or by mail-in absentee ballot. There are plenty of options available to voters. Having the polls closed on a holiday weekend is to allow poll workers needed time off on holiday breaks during an extremely busy election cycle, as well as provide uniformity for advance voting across Georgia's 159 counties, particularly among those that lack the resources of the more populous counties. A last-minute court order changing the rules that normally apply to elections will disrupt the ability of county elections workers to timely meet the notice requirements for advance voting and find poll workers to staff polling locations over a holiday weekend. In order to avoid disruption to the orderly administration of the election by the counties, the Court should deny Plaintiffs' motion.

Relevant Background

The statewide general election in Georgia was held on November 8, 2022. In the general election for the office of U.S. Senate, no candidate received a majority of votes.¹ For this reason, a runoff election between the candidates receiving the two highest number of votes is required by Georgia law to take

¹ The unofficial election results, which have not yet been certified by the Secretary of State, are available at <https://results.enr.clarityelections.com/GA/115465/web.307039/#/detail/10100>.

place 28 days after Election Day, on December 6, 2022. O.C.G.A. § 21-2-501(a)(1).

In 2021, the General Assembly amended Section 21-2-501(a)(1) to set a 28-day run-off period for primaries and elections for federal offices (previously, only state and county general elections had a 28-day run-off period). Ga. L. 2021 p. 14 § 42. Along with amending the time for run-off elections, the General Assembly amended the provisions for advance voting in Section 21-2-385(d)(1), to account for this change. *Id.* § 28.

On November 12, 2022, the Secretary of State's office issued guidance to county elections officials in the form of an Official Elections Bulletin regarding certification of the general election results and preparation for the Senate runoff election. (Complaint, Ex. 1.) The guidance advised that, “[p]ursuant to O.C.G.A. § 21-2-385(d)(1)(B), advance voting for the December 6th general election runoff must begin as soon as possible prior to the runoff and no later than Monday, November 28th.” (*Id.*) At a minimum, advance voting must take place between November 28 and December 2. Counties have the option of holding advance voting on Sunday November 27, and even prior to Thanksgiving if they are able to complete the required preparations and notifications by then. The guidance further advised that advance voting “cannot occur on Thursday, November 24th (Thanksgiving Day), Friday, November 25th (Observance of State Holiday 1), or Saturday, November 26th.”

The reason that advance voting may not occur on Saturday, November 26 is because it “is prohibited by O.C.G.A. 21-2-385(d)(1), which states that if the second Saturday before the runoff follows a Thursday or Friday that is a state holiday, voting on that Saturday is not allowed.” (*Id.*)

Two days after this guidance issued, Plaintiffs filed this lawsuit, asking the Court to declare as a matter of law that counties may hold advance voting on November 26, 2022, despite the clear prohibition in Section 21-2-385(d)(1).

Argument

I. Standard of Review

In deciding whether to issue a TRO or interlocutory injunction, a court should consider whether:

(1) there is a substantial threat that the moving party will suffer irreparable injury if the injunction is not granted; (2) the threatened injury to the moving party outweighs the threatened harm that the injunction may do to the party being enjoined; (3) there is a substantial likelihood that the moving party will prevail on the merits of her claims at trial; and (4) granting the interlocutory injunction will not disserve the public interest.

SRB Inv. Services, LLLP v. Branch Banking & Tr. Co., 289 Ga. 1, 5 (2011) (quoting *Bishop v. Patton*, 288 Ga. 600, 607 (2011)). Although a party seeking interlocutory injunctive relief need not always “prove all four of these factors,” the Court must keep in mind that “an interlocutory injunction is an extraordinary remedy, and the power to grant it must be prudently and cautiously exercised.” *Jansen-Nichols v. Colonial Pipeline Co.*, 295 Ga. 786, 787

(2014) (quoting *SRB Inv. Services*, 289 Ga. at 5 (citation and punctuation omitted)).

Plaintiffs cannot satisfy the requirements for interlocutory injunctive relief because they are not likely to succeed on the merits of their claim and the balance of threatened injuries disfavors an injunction here. But as a threshold matter, the State's sovereign immunity under the Georgia Constitution prohibits the Court from entering interlocutory injunctive relief against the State. These reasons require the Court to deny Plaintiffs' motion.

II. The State's sovereign immunity bars Plaintiffs' request for interlocutory injunctive relief.

"The sweep of sovereign immunity under the Georgia Constitution is broad." *Lathrop v. Deal*, 301 Ga. 408, 424 (2017) (quoting *Olvera v. Univ. Sys. of Georgia's Bd. of Regents*, 298 Ga. 425, 426 (2016)). Suits against the state, its agencies, or state officials are permitted only where there is an explicit waiver of sovereign immunity by the legislature or within the Georgia Constitution. Ga. Const. art. I, § II, par. IX(e). Sovereign immunity applies to actions seeking either injunctive or declaratory relief. *Georgia Dep't of Nat. Res. v. Ctr. for a Sustainable Coast, Inc.*, 294 Ga. 593, 603 (2014) (sovereign immunity bars claims for injunctive relief); *Olvera*, 298 Ga. at 427 (sovereign immunity bars actions for declaratory judgment).

In their complaint, Plaintiffs allege that this suit is brought under to Article I, Section II, Paragraph V(b) of the Georgia Constitution. (Complaint ¶ 11.) This constitutional provision provides a limited waiver of sovereign immunity for certain actions in superior court seeking “declaratory relief from acts of the state. . . or . . . officer or employee thereof . . . outside the scope of lawful authority or in violation of the laws or the Constitution of this state,” and requires that the action be filed exclusively against the State. Ga. Const. art. I, § II, par. V(b).

However, this limited waiver of sovereign immunity does not give the Court jurisdiction to enter an injunction against the State on an *interlocutory* basis. Rather, it is “only *after* awarding declaratory relief” in a final judgment on the merits that the Court “may enjoin such acts to enforce its judgment.” *Id.* (emphasis added). Therefore, Plaintiffs cannot obtain a TRO or interlocutory injunction in this case because sovereign immunity bars injunctive relief unless and until this Court awards declaratory relief—which it is unlikely to do because Plaintiffs cannot succeed on the merits of their claim.

III. Plaintiffs fail to satisfy the requirements for an interlocutory injunction.

A. Plaintiffs are not likely to succeed on the merits.

The sole issue in this case is one of statutory interpretation: whether Section 21-2-385(d)(1) permits counties to hold advance voting on a November 26, 2022, the Saturday following state holidays on Thursday and Friday, for the Senate run-off election. The Plaintiffs contend that the provisions regarding Saturday voting do not apply because the election at issue is a “runoff” and not an “election.” But this is a distinction without a difference. Applying the established rules of statutory interpretation, the only proper conclusion the Court can reach is that the counties are prohibited from holding advance voting on this date, and the Secretary’s guidance is a correct interpretation of Georgia law.

Statutory interpretation starts with the text. When a court considers the meaning of a statute, it must afford the text its “plain and ordinary meaning,” and read it in the “most natural and ordinary way, as an ordinary speaker of the English language would.” *Deal v. Coleman*, 294 Ga. 170, 172-73 (2013). A statute should not be read in isolation, but rather “in the context of the other statutory provisions of which it is a part.” *Hendry v. Hendry*, 292 Ga. 1, 3 (2012)). “[A]ll statutes relating to the same subject matter are to be construed together, and harmonized wherever possible.” *Id.*

Applying these principles, the Court should first look at the text and structure of Section 21-2-385(d)(1), which is one paragraph consisting of three sentences. The first sentence states that “there shall be a period of advance voting,” and tells us when that period of advance voting starts and ends:

- (A) On the fourth Monday immediately prior to each primary or election; and
- (B) As soon as possible prior to a runoff from any general primary or election but no later than the second Monday immediately prior to such runoff
and shall end on the Friday immediately prior to each primary, election, or runoff.

O.C.G.A. § 21-2-385(d)(1). Applying this sentence to the Senate run-off election, the period for advance voting must start no later than November 28 (*i.e.*, the second Monday prior to election day on December 6, 2022), and must end by Friday, December 2.

Whereas the first sentence tells us the *period* during which advance voting may place, the second sentence states the *days* and *times* voting may occur during the advance voting period. In short, when the polls may be open. This sentence provides that voting “shall be conducted beginning at 9:00 A.M. and ending at 5:00 P.M. on weekdays, other than observed state holidays,” during the advance voting period. *Id.* It further provides for limited voting on weekends, including Saturdays, and permissive voting on Sundays, subject to the limitation that if the Saturday “follows a public and legal holiday occurring

on the Thursday or Friday immediately preceding” such second Saturday, advance voting shall not be held. *Id.*

The third and final sentence of Section 21-2-385(d)(1) states that counties may extend the hours for advance voting and establish additional voting locations, but also provides that “voting shall occur only on the days specified in this paragraph and counties shall not be authorized to conduct advance voting on any other days.” *Id.* In other words, counties do not have discretion to hold advance voting on days not expressly authorized in the statute.

Construing this statute as a whole, the legislature clearly intended that advance voting not be permitted on a Saturday following a Thursday or Friday holiday for all elections and primaries, including run-off elections and primaries. Plaintiffs’ argument, however, is that the prohibition applies “only to primary and general elections, not runoffs,” because the statute refers to a Saturday “prior to a primary or election.” (Plaintiffs’ Brief at 7) But this is an unsupportable interpretation because the phrase “prior to a primary or election” as used in that sentence is merely a reference point for how counties are to calculate the “second and third” Saturdays and Sundays on which they may have advance voting—it’s not a substantive limitation on the types of elections to which the prohibition applies.

But in any event, there is no reasonable interpretation of the phrase “primary or election” that excludes a “run-off election,” because those terms are not mutually exclusive as defined and used in the elections code. The terms “primary” and “election” are defined terms. A “primary” is held for the purpose of “nominating candidates for public offices to be voted for at an election.” O.C.G.A. § 21-2-2(29). An “election” is a “general or special election” in which candidates are elected. O.C.G.A. § 21-2-2(5). If no candidate receives the majority of votes needed to win nomination in a primary, a “run-off primary” is held to determine the winner. O.C.G.A. § 21-2-501(a)(1). If a general election fails to result in a candidate receiving a majority of votes, a “run-off election” is held to determine the winner. *Id.* Therefore, a “run-off” is either a “primary” or an “election,” and is not a separate category of election as Plaintiffs contend. Rather, a “run-off primary” or “run-off election” is “a continuation of the primary...[or] election...for the particular office concerned.” O.C.G.A. § 21-2-501(a)(5); *see also* Ga. Const., art. I, § II, par. II (stating that “[a] run-off election shall be a continuation of the general election”).

The legislature is presumed to know the meaning of these terms, and when it prohibited advance voting on a Saturday following a holiday, it clearly intended for the prohibition to apply to both an “election” as well as any necessary “run-off election” that may follow, even though the word “runoff” is not specifically used in that sentence. Generally, the provisions in the elections

code that govern the rules for voting refer only to “primaries and elections,” and not “run-offs,” yet these rules are equally applied to run-off primaries and elections because they are commonly understood to be the same thing.²

Georgia courts also consider the term “election” as inclusive of a “run-off election,” as shown in numerous decisions using the terms “election,” “run-off election,” and “runoff” interchangeably in reference to the same election. *See, e.g., Fuller v. Thomas*, 284 Ga. 397 (2008) (referring to a contested run-off election as an “election,” “runoff,” and “runoff election” throughout the decision); *Spalding County Bd. of Elections v. McCord*, 287 Ga. 835 (2010) (same); *Meade v. Williamson*, 293 Ga. 142 (2013) (same).

The use of these terms interchangeably by the legislature and the courts underscores that the ordinary meaning of “runoff” is considered to be an “election.” *See Hasty v. Castleberry*, 293 Ga. 727, 731 (2013) (a statute is “to be construed in connection and in harmony with the existing law, and as a part of a general and uniform system of jurisprudence,” “with reference to other statutes and the decisions of the courts”). In this proper context, it is clear that when the legislature prohibited advance voting on a second Saturday prior to

² *See, e.g.,* O.C.G.A. § 21-2-300(a) (requiring that the state’s electronic voting equipment be used in “general primaries and general elections”); O.C.G.A. § 21-2-403 (requiring that polls be open between 7:00 A.M. and 7:00 P.M. for “all primaries and elections”); O.C.G.A. § 21-2-385(a) (setting forth the procedures for voting by absentee ballot in a “primary or election”); O.C.G.A. § 21-2-522 (providing for the “result of a primary or election” to be contested in court).

an “election” where such Saturday follows a state holiday, it intended and understood that this prohibition would apply to advance voting in a run-off election.

For the Court to adopt Plaintiffs’ interpretation, it must conclude, as Plaintiffs do, that the legislature intended to exclude run-off elections from all of the provisions for advance voting in the second sentence of Section 385(d)(1). But this would lead to the absurd result that the counties would be required to have at least 5 days of advance voting for a run-off election, but given no instructions regarding what days of the week on which voting may occur, the hours during which the polls may be open, or whether the polls are required to be open on holidays. That cannot possibly be the legislative intent, and the Court is not required “to reach an unreasonable result unintended by the legislature.” *Haugen v. Henry County*, 277 Ga. 743, 745 (2004); *see also Spalding County*, 287 Ga. at 840 (stating that statutes should not be construed to produce absurd results).

But if Plaintiffs are correct, then the Court must necessarily conclude that *no* voting on Saturdays or Sundays is even *permissible* for a run-off election. If the weekend voting provisions do not apply to run-off elections, then counties are limited to holding advance voting on weekdays. As the statute makes clear, “voting shall occur only on the days specified in this paragraph and counties *shall not be authorized* to conduct advance voting *on any other*

days.” O.C.G.A. § 21-2-385(d)(1) (emphasis added). Plaintiffs conveniently ignore this last sentence of the subsection, but it completely undermines their position that counties have the discretion to allow advance voting on the days they choose (*see* Plaintiffs’ Brief at 6). Rather, the statute is clear that if weekend voting is not expressly *permitted* in a run-off election in the statute, then it is expressly *prohibited*. Plaintiffs cannot have it both ways.

In sum, the Secretary’s guidance that counties may not hold advance voting on Saturday, November 26 for the Senate run-off election is a correct interpretation of Georgia law, and Plaintiffs are not likely to succeed on the merits of their claim. Moreover, the Secretary’s guidance is the only interpretation consistent with the text and legislative intent of the statute, while also maximizing the number of days counties may hold advance voting.

B. The balance of harms and the public interest weigh strongly in favor of denying injunctive relief.

Plaintiffs also fail to show the likelihood of irreparable harm necessary to support a request for injunctive relief. Plaintiffs argue their members and constituents will be “irreparably harmed” by the “Secretary’s attempt to restrict Georgians’ ability to participate in advance voting.” (Plaintiffs’ Brief at 10.) But Plaintiffs fail to show how the Secretary’s guidance, which is consistent with Georgia law, restricts the ability of Georgians to vote all. There are at least 5 days available for counties to hold advance voting pursuant to

the Secretary's guidance, including a possible 6th day on Sunday, November 27. Voters may also vote absentee-by-mail or in person on December 6, 2022. Plaintiffs' argument that the Court must order that 7 days of advance voting be available because providing only 6 days of advance voting is a violation of voters' fundamental constitutional rights is not a serious argument, especially when viewed in the context of all options available to Georgia voters. *See New Ga. Project v. Raffensperger*, 976 F.3d 1278, 1281 (11th Cir. 2020) (holding that Georgia's absentee ballot receipt deadline was not burdensome on voters because of the "numerous avenues to mitigate chances that voters will be unable to cast their ballots").

While there is no likelihood that Plaintiffs will be irreparably harmed absent injunctive relief, the State has a "strong interest in [its] ability to enforce state election law requirements." *Hunter v. Hamilton Cty. Bd. of Elections*, 635 F.3d 219, 244 (6th Cir. 2011). For this reason, the Supreme Court has repeatedly emphasized that courts "should ordinarily not alter the election rules on the eve of an election." *Republican Nat'l Comm. v. Democratic Nat'l Comm.*, 140 S. Ct. 1205, 1207 (April 6, 2020) (per curiam) (citing *Purcell v. Gonzalez*, 549 U.S. 1 (2006)); *see also New Ga. Project*, 976 F.3d at 1283 (11th Cir. 2020).

There is also harm to the public that can result from last-minute court orders changing election rules.³ The deadline for counties to publish their advance voting locations and hours is fast approaching and many counties have already published their advance voting locations and hours for the run-off election. *See* O.C.G.A. § 21-2-385(d)(3) (requiring publication seven days prior to the beginning of the advance voting period). State Election Board regulations state that counties “shall endeavor not to remove or alter any advance voting locations after they are published, unless there are emergency or unforeseen circumstances that make such a change necessary.” Ga. Comp. R. & Regs. 183-1-14-.02(2). Changes to the schedule will only serve to disrupt the ability of county elections workers to timely meet the notice requirements for advance voting, staff polling locations, and do the necessary preparations for the election. Last-minute changes can also lead to voter confusion and incentivize voters to stay away from the polls. *Purcell*, 549 U.S. at 4-5.

³ Contrary to Plaintiffs’ assertion that this is a new position taken by the Secretary of State’s office, the current guidance is consistent with guidance previously given on the same question, which arose in run-off special elections in Summer 2021. The run-off special election was held on July 13, 2021, and the second Saturday prior to the election fell over the July 4th holiday weekend. When asked by the counties participating in that special election if Saturday voting over the July 4th weekend was allowed, the guidance was that it was not allowed. *See* Exhibit 1 (June 23, 2021 Email from Elections Director Blake Evans to County Liaisons).

Finally, a court order exempting the Senate run-off election from the statutory prohibition against voting on holiday weekends will undermine the legislature's intent to allow elections workers needed time off on holiday breaks during an extremely busy election cycle. It further undermines the legislature's intent that advance voting have some uniformity across Georgia's 159 counties, particularly among those that lack the resources of the more populous counties and are unable to staff polling locations on holiday weekends. In order to avoid disruption to the orderly administration of the election by the counties with last-minute changes, the Court should deny Plaintiffs' motion.

Respectfully submitted, this 17th day of November, 2022.

CHRISTOPHER CARR 112505

Attorney General

BRYAN K. WEBB 743580

Deputy Attorney General

RUSSELL D. WILLARD 760280

Senior Asst. Attorney General

/s/ Charlene S. McGowan

CHARLENE MCGOWAN 679316

Assistant Attorney General

Attorneys for the State of Georgia

Office of the Georgia Attorney General

40 Capitol Square

Atlanta, Georgia 30334

(404) 458-3658

cmcgowan@law.ga.gov

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing **STATE OF GEORGIA'S BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION FOR A TRO** with the Clerk of Court using the electronic filing system, which will send notification of such filing to counsel for the parties of record via electronic notification.

Dated: November 17, 2022.

/s/ Charlene S. McGowan
Charlene S. McGowan
Assistant Attorney General

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EXHIBIT 1

RETRIEVED FROM DEMOCRACYDOCKET.COM

From: [Evans, Blake <bevans@sos.ga.gov>](mailto:bevans@sos.ga.gov)
To: [Combs, Leigh <lcombs@sos.ga.gov>](mailto:lcombs@sos.ga.gov)
[Carr, Robin <rcarr@sos.ga.gov>](mailto:rcarr@sos.ga.gov)
[Carbone, Dennis <dcarbone@sos.ga.gov>](mailto:dcarbone@sos.ga.gov)
Date: 6/23/2021 12:36:51 PM
Subject: Saturday Voting for July 13 Runoff

Please send the text below to your 5 counties having state runoffs in July (Cobb, Montgomery, Toombs, Appling, and Jeff Davis):

For Saturday voting requirements, as provided in O.C.G.A. § 21-2-385(d)(1)(D) as currently in effect and O.C.G.A. § 21-2-385(d)(1)(B) as amended by SB202 and in effect on July 1, if such second Saturday immediately precedes a public and legal holiday pursuant to O.C.G.A. § 1-4-1 occurring on the following Monday, advanced voting shall not be held on the second Saturday but shall be held on the third Saturday prior to the election. The third Saturday prior to the election is this Saturday, June 26. Prior to conducting advanced voting, the county must give seven days public notice, meaning, if a county didn't give advanced voting notice last week, then they cannot conduct Saturday voting at all for this runoff. Saturday voting cannot occur on July 10 because advanced voting must end the Friday prior to the election, which is July 9.

Blake Evans
Deputy Elections Division Director
Georgia Secretary of State
Direct: 470-312-2745
Cell: 470-701-6901



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Exhibit G

Court of Appeals Order,
dated November 21, 2022

Court of Appeals of the State of Georgia

ATLANTA, November 21, 2022

The Court of Appeals hereby passes the following order:

A23E0013. GEORGIA REPUBLICAN PARTY, INC. et al. v. DEMOCRATIC PARTY OF GEORGIA, INC. et al.

The intervenors' emergency motion seeking a stay of the order of the Superior Court of Fulton County in the above-styled action is hereby **DENIED**.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 11/21/2022

I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Stephen E. Carlton

, Clerk.

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Exhibit H

Notice of Appeal to Georgia Court
of Appeals

**IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA**

DEMOCRATIC PARTY OF)	
GEORGIA,)	
INC., DSCC, and WARNOCK FOR)	
GEORGIA,)	
)	CASE NO.: _____
Plaintiffs-Appellees,)	
)	CIVIL ACTION NO.: 2022-CV-
v.)	372734
)	
THE STATE OF GEORGIA,)	
)	
Defendant-Appellant.)	

**NOTICE OF INTENTION TO APPLY FOR EMERGENCY PETITION
FOR WRIT OF CERTIORARI REQUESTING EMERGENCY ORDER
STAYING THE SUPERIOR COURT'S DECLARATORY INJUNCTION**

Intervenors Georgia Republican Party, Inc., National Republican Senatorial Committee (“NRSC”), and Republican National Committee (“RNC”) (collectively, “Intervenors”) hereby notify the Court of Appeals of their intent to apply to the Supreme Court of Georgia to grant a writ of certiorari reviewing the decision in this case.

Respectfully submitted this the 22nd day of November, 2022.

/s/ Mark D. Johnson

Mark D. Johnson

OF COUNSEL

R. Thomas Warburton
Georgia Bar No. 218175

Thomas L. Oliver III
Georgia Bar No. 745597
BRADLEY ARANT BOULT CUMMINGS LLP
1819 Fifth Avenue North
Birmingham, AL 35203-2119
Telephone: (205) 521-8000
Facsimile: (205) 521-8800
twarburton@bradley.com
toliver@bradley.com

OF COUNSEL

Judson H. Turner
Georgia Bar No. 719485
Mark D. Johnson
Georgia Bar No. 395041
Mark M. Middleton
Georgia Bar No. 504907
Robert L. Fortson
Georgia Bar No. 142684
Amber M. Carter
Georgia Bar No. 631649
GILBERT HARRELL SUMERFORD & MARTIN, P.C.
777 Gloucester St., Suite 200
Brunswick, GA 31520
Telephone: (912) 265-6700
Facsimile: (912) 264-0244
jturner@ghsmlaw.com
mjohnson@ghsmlaw.com
mmiddleton@ghsmlaw.com
rfortson@ghsmlaw.com
acarter@ghsmlaw.com

CERTIFICATE OF SERVICE

I, Mark D. Johnson, do hereby certify that on the 22nd day of November, 2022, a true and correct copy of the foregoing **Georgia Republican Party, Inc., National Republican Senatorial Committee and Republican National Committee’s Notice of Intention to Apply for Certiorari with the Georgia Supreme Court** was served via electronic mail addressed to:

Office of the Georgia Attorney General
Christopher Carr
Bryan K. Webb
Russell D. Willard
Charlene McGowan
40 Capitol Square
Atlanta, Georgia 30334
cmcgowan@law.ga.gov

Attorneys for Defendant

R. Thomas Warburton
Thomas L. Oliver III
BRADLEY ARANT BOULT CUMMINGS LLP
1819 Fifth Avenue North
Birmingham, AL 35203-2119
twarburton@bradley.com
toliver@bradley.com

Attorneys for Intervening Defendants

Joyce Gist Lewis
Adam M. Sparks
KREVOLIN & HORST, LLC
One Atlantic Center
1201 W. Peachtree St., NW
Ste. 3250
Atlanta, GA
P: (404) 888-9700
F: (404) 888-9577
jlewis@khlawfirm.com
sparks@khlawfirm.com

Uzoma N. Nkwonta
Christopher D. Dodge
Daniel C. Osbe
Graham White
Marcos Mocine-McQueen
ELIAS LAW GROUP LLP
10 G Street, NE
Suite 600
Washington, DC 20002
P: (202) 968-4490
F: (202) 968-4498
cdodge@elias.law
dosher@elias.law
gwhite@elias.law
mmcqueen@elias.law

Counsel for Plaintiffs

I certify that there is a prior agreement with Plaintiffs and the State to allow documents in a PDF format sent via email to suffice for service.

This 22nd day of November, 2022.

/s/ Mark D. Johnson

Mark D. Johnson

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Exhibit I

Notice of Appeal to Fulton County
Superior Court

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

DEMOCRATIC PARTY OF)	
GEORGIA, INC., DSCC, and)	
WARNOCK FOR GEORGIA)	
)	CIVIL ACTION FILE NO.
Plaintiffs,)	2022CV372734
)	
v.)	
)	
THE STATE OF GEORGIA,)	
)	
Defendant.)	

NOTICE OF APPEAL

Defendant State of Georgia hereby appeals to the Georgia Court of Appeals from this Court's order styled "Order Granting Declaratory and Injunctive Relief" entered on November 18, 2022 ("Order").

The clerk will please transmit the entire record of the case. Defendant also designates the transcript of the hearing on Plaintiffs' Emergency Motion for Temporary Restraining Order and/or Interlocutory Injunction held on November 18, 2022.

The Court's Order granting an injunction is immediately appealable under O.C.G.A. § 5-6-34(a)(4). Appellate jurisdiction lies in the Court of Appeals rather than the Supreme Court pursuant to O.C.G.A. § 15-3-3.1(a)(2) and Ga. Const. art. VI, § 5, ¶ III.

Respectfully submitted, this 20th day of November, 2022.

CHRISTOPHER CARR 112505

Attorney General

BRYAN K. WEBB 743580

Deputy Attorney General

RUSSELL D. WILLARD 760280

Senior Asst. Attorney General

/s/ Charlene S. McGowan

CHARLENE MCGOWAN 679316

Assistant Attorney General

Attorneys for the State of Georgia

Office of the Georgia Attorney General

40 Capitol Square

Atlanta, Georgia 30334

(404) 458-3658

cmcgowan@law.ga.gov

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing **NOTICE OF APPEAL** with through the Odyssey eFileGA system, which will automatically send email notification of such filing to all counsel of record, and that I have served a true and correct copy of the foregoing document upon all counsel of record via email.

Dated: November 20, 2022.

/s/ Charlene S. McGowan
Charlene S. McGowan
Assistant Attorney General

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