#### UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

INTERNATIONAL ALLIANCE OF THEATER STAGE EMPLOYEES LOCAL 927,

Plaintiff,

v.

CATHY WOOLARD, AARON V. JOHNSON, MICHAEL HEEKIN, and TERESA K. CRAWFORD in their official capacities as members of the Fulton County Registration and Elections Board,

Defendants.

Case No. 1:23-cv-04929-JPB

REPLY IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

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#### INTRODUCTION<sup>1</sup>

Section 202 of the Voting Rights Act ("VRA") requires states to allow certain voters to submit absentee ballot applications until seven days before a presidential election. Because Georgia law does not comply with the VRA, IATSE has moved for a preliminary injunction to enforce the seven-day deadline. Members of the Georgia State Elections Board ("SEB") and Republican political committees ("Intervenors") opposed this relief, but barely defend the Georgia law on its merits. Instead, they attack the Voting Rights Act itself and IATSE's ability to obtain relief. But their arguments are foreclosed by settled precedent, and they provide no persuasive reason why relief cannot be implemented before the upcoming presidential election. The motion for preliminary injunction should be granted.

#### **ARGUMENT**

I. IATSE is likely to succeed on the merits of its claim that Georgia's elevenday absentee ballot application deadline violates the Voting Rights Act.

Under Section 202 of the VRA, voters who "may be absent" from their district on the day of a presidential election are entitled to request an absentee ballot as late as seven days preceding that election. 52 U.S.C. § 10502(d) (emphasis added). Georgia requires those same voters to apply 11 days before the election—without

<sup>&</sup>lt;sup>1</sup> Ms. Patrice Perkins-Hooker, previously the chair of the Fulton County Registration and Elections Board, has resigned and been replaced in her role by Ms. Cathy Woolard. *See* Fed. R. Civ. P. 25(d).

regard for Section 202's protections. While SEB attempted to justify Georgia's eleven-day deadline, they are no longer parties to this case after this Court dismissed IATSE's claim against them on standing grounds. *See* ECF No. 97.<sup>2</sup>

None of the points raised by SEB call into question the merits of IATSE's VRA claim: recent Supreme Court precedent confirms that IATSE has a private right of action for its claim, and Georgia's decision to provide advance in-person voting does not free it of the obligation to allow eligible voters to apply for absentee ballots at least seven days in advance of an election for President or Vice President.

#### A. IATSE has multiple bases to pursue a private right of action.

To determine whether private plaintiffs may sue to enforce federal law, courts must answer two questions. *First*, does federal law create an individual federal right? *Second*, does federal law provide a private right of action as a remedy for violations of that individual federal right? As IATSE explained in response to SEB's motion to dismiss, the text of Section 202(d) bears all the hallmarks of Congressional intent to create an individual federal right because it: (1) "is clearly intended to benefit individuals," (2) has requirements that are "specific rather than amorphous," and (3)

<sup>&</sup>lt;sup>2</sup> None of the current parties to the lawsuit meaningfully contest that Georgia's application deadline violates the VRA. County Defendants did not oppose IATSE's preliminary injunction motion. Intervenors' opposition merely incorporates the constitutional argument in their motion to dismiss, *see* Intervenors' Resp. in Opp'n to Pl's Motion for Prelim. Injun. at 3, ECF No. 96 ("RNC Opp'n") (citing ECF No. 66). Plaintiff likewise incorporates the arguments made in its Opposition to Intervenors' Motion to Dismiss, ECF No. 92.

uses language that is "clearly mandatory." *Schwier v. Cox*, 340 F.3d 1284, 1292 (11th Cir. 2003); *see also* ECF No. 69 at 18–19. Further, federal law provides two independent remedies that provide a private right of action to vindicate that right: the presumptive right of action under § 1983 and an implied right of action under Section 202 itself. *Id.* at 19–25; *see also* Am. Compl., ECF No. 62 at 12.

SEB argued that Section 202 imposes restrictions on states and therefore creates no private right. ECF No. 95 ("SEB Opp'n") at 23. But the Supreme Court recently rejected that argument: that the provision "establish[es] who it is that must respect and honor these statutory rights" does not detract from Congress's intent to establish an individual federal right. *Health & Hosp. Corp. of Marion Cnty. v. Talevski*, 599 U.S. 166, 185 (2023). This is especially true when paired with Congress' explicit singling out of "duly qualified residents . . . who may be absent," 52 U.S.C. § 10502(d)—the "class for whose especial benefit the statute was enacted," *Shotz v. City of Plantation*, 344 F.3d 1161, 1167 n.7 (11th Cir. 2003).

Next, because Section 202(d) establishes a federal right, it is "presumptively enforceable" unless Congress created a "comprehensive enforcement scheme that is incompatible with private enforcement." *Talevski*, 599 U.S. at 186 (citation omitted). This is a high bar that defendants must clear. *See Fitzgerald v. Barnstable Sch. Comm.*, 555 U.S. 246, 256 (2009) (explaining courts "should not lightly conclude that Congress intended to preclude reliance on § 1983") (cleaned up). But SEB did

not even attempt to overcome the presumption that relief is available under § 1983.<sup>3</sup> *Id.* Instead, SEB argued only that Section 202 does not itself imply a private right of action. SEB Opp'n at 24–27. Because SEB did not dispute that § 1983 independently provides a private right of action, the Court's analysis can end there.

SEB largely ignored the text of Section 202 and the applicable test for whether a plaintiff has a private right of action to enforce a federal statute. Instead, it focused on irrelevant case law concerning unrelated provisions of the VRA. SEB Opp'n at 24–25. SEB's distorted view of the applicable doctrine was shaped by citations to concurrences, dissents, and cases concerning implied *constitutional* rights of action—none of which bear on the governing standard for finding private rights of action under federal *statutes*. SEB Opp'n at 25–26 (citing *Brnovich v. Democratic Nat'l Comm.*, 594 U.S. 647, 690 (2021) (Gorsuch, J., concurring) (noting that the question whether Section 2 of the VRA furnishes an implied private right of action was not raised); *Allen v. Milligan*, 599 U.S. 1, 90 n.22 (2023) (Thomas, J., dissenting) (same); *Egbert v. Boule*, 596 U.S. 482, 491 (2022) (addressing implied constitutional rights of action under *Bivens*)).

In any event, the text and structure of both Section 202 and the other provisions of the VRA also establish that a private right of action was intended by

<sup>&</sup>lt;sup>3</sup> Nor could SEB meet this burden, because there is no "incompatibility between enforcement under § 1983 and the [other] enforcement scheme that Congress has enacted." *Talevski*, 599 U.S. at 187.

Congress. Section 3 of the VRA expressly contemplates "proceeding[s] instituted by the Attorney General *or* an aggrieved person under any statute to enforce the voting guarantees of the fourteenth or fifteenth amendment," 52 U.S.C. § 10302(b) (emphasis added), a point that SEB did not address. SEB also ignored the introductory sections of Section 202, which explain that the purpose of the statute was "to enable citizens to better obtain the enjoyment of such rights." *Id.* Given this robust textual evidence of Congress's intent to create a private right of action under the VRA, it should be unsurprising that several courts evaluating private enforcement of Section 202 have "assumed" that a private right of action was available, as SEB acknowledged. SEB Opp'n at 24.

## B. In-person advance voting does not achieve compliance with Section 202(d) of the VRA.

SEB did not dispute that an eleven-day deadline for requesting a mail absentee ballot would violate Section 202(d). SEB Opp'n at 27. Instead, its sole defense on the merits was that Georgia has achieved compliance through an alternate offering: in-person voting in advance of election day. *Id.* (citing O.C.G.A. §§ 21-2-381(a)(1)(A), 21-2-385(c)–(d)). But Georgia's decision to label in-person advance voting as "absentee" voting—despite the voter's necessary physical presence—does not comply with federal protections for absent voters. For one, Congress's express purpose in enacting Section 202 was to "establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections." 52

U.S.C. § 10502(b). These standards protect "the inherent constitutional right of citizens to enjoy their free movement across State lines." *Id.* § 10502(a)(2). Further, in establishing the right to "absentee balloting," Congress defined it as the ability to vote in presidential elections when not "physically present." 52 U.S.C. § 10502(c). In Section 202(d) itself, Congress expressly protects voters "who may be *absent* from their election district." *Id.* § 10502(d) (emphasis added). Georgia's in-person advance voting provisions—which require that a voter appear in person to utilize them—cannot suffice under the statute's plain language.

Reading the term "absentee" to include early, in-person procedures would also create nonsensical results in other portions of Section 202. For example, Section 202(f)'s protections for "absentee registration" would be rendered a nullity if states could comply by merely offering in-person registration in advance of the registration deadline. 52 U.S.C. § 10502(f). Instead, the clear purpose of Section 202(f) is to provide the ability to register from *without* the voters' home jurisdiction. Similarly, Section 202(e) creates an express distinction between "in-person" and "absentee ballot" voting—two separate options which must both be made available to voters who change their residency within 30 days before an election. *Id.* § 10502(e). If Congress included advance in-person voting as part of absentee voting, Section 202(e)'s separate options would make no sense. The plain terms of Section 202(d) simply do not permit a denial of absentee voting for physically absent voters. *See*,

e.g., Prigmore v. Renfro, 356 F. Supp. 427 (N.D. Ala. 1972), aff'd, 410 U.S. 919 (1973) (finding that plaintiffs who had departed on a year-long overseas absence were entitled to an absentee ballot under Section 202(d)).

## II. The threatened harm to IATSE's members is both irreparable and sufficient to establish standing.

As IATSE explained, "an injury is irreparable if it cannot be undone through monetary remedies," and there is "[n]o compensation a court can offer that can undo the difficulties IATSE members will face as a result of Georgia's deadline." Mem. of Law in Supp. of Pl's. Mot. for Prelim. Injun. at 13-14, ECF No. 83-1 ("Br.") (quoting *Jones v. Governor of Fla.*, 950 F.3d 795, 828 (11th Cir. 2020)). Because of Georgia's deadline, IATSE members who are eligible to vote absentee under the VRA will have less time to submit applications than they are guaranteed under federal law. *See* 52 U.S.C. § 10502(d). A court cannot meaningfully compensate IATSE members for the loss of time in which to act, so the injury is irreparable for purposes of the preliminary injunction analysis. *See Jones*, 950 F.3d at 828.

In *United States v. Georgia*, 892 F.Supp.2d 1367 (N.D. Ga. 2012), another court in this district confronted a similar issue and had little trouble concluding that depriving absent voters of time in which to act caused irreparable harm. At issue in that case was the Uniformed and Overseas Citizens Absentee Voting Act of 1986 ("UOCAVA"), which guarantees covered voters the right to vote absentee in federal elections and requires states to send voters their absentee ballots "not later than 45

days before the election." 52 U.S.C. § 20302(a)(8)(A). In 2012, Georgia scheduled federal primary elections for July 31 and runoff elections for August 21, twenty-one days later. *Georgia*, 892 F.Supp.2d at 1371. These election dates made it impossible for Georgia to comply with UOCAVA's 45-day requirement for runoff elections. The United States moved for a preliminary injunction to protect the rights of UOCAVA voters with respect to potential runoff elections. *Id.* at 1369. In granting the requested relief, the district court found that at least one runoff election was "substantially likely to occur" and held that "irreparable harm occurs when a UOCAVA voter is denied the right to receive a sufficient absentee ballot at least forty-five days before the primary runoff election." *Id.* at 1375. Although the right to vote was implicated, the relevant injury was that "UOCAVA voters will be denied their statutory rights," not that they would ultimately be disenfranchised. *Id.* 

So too here. Like the UOCAVA requirements, the deadline for submitting absentee ballot applications established by the VRA "protects the franchise of United States citizens," and "the failure to comply with that deadline is an irreparable harm." *Id.* IATSE need not show that a member will be unable to vote; it is sufficient to show that it is substantially likely that at least one member will have less time to apply for an absentee ballot than they are entitled to under federal law. IATSE has made the requisite showing. *See* Decl. of Allan Herman ¶¶ 9–22, ECF No. 83-3; *see also* Decl. of Kelsey Bailey ¶¶ 5–6, ECF No. 83-4; Decl. of Justin

Michel ¶¶ 4–5, ECF No. 83-5; Decl. of Justin Gamerl ¶¶ 4–6, ECF No. 83-6.4

SEB's arguments to the contrary are unavailing. It suggested that only disenfranchised members can be harmed, but failed to cite any controlling precedent for this novel interpretation. See SEB Opp'n at 18; but see In re Ga. Senate Bill 202, No. 1:21-CV-01259-JPB, 2023 WL 5334582, at \*11 (N.D. Ga. Aug. 18, 2023) (recognizing that even "potential infringement on the right to vote is sufficient to establish irreparable injury" (emphasis added)). Section 202's protections are not limited to members "who would be unable to request an absentee ballot by SB 202's deadline (October 29), but who could request one by Plaintiff's preferred deadline (October 25)." SEB Opp'n at 18.5 Instead, the relevant question is whether IATSE has established that at least one member "may be absent" from their voting district on election day and is therefore entitled under federal law to receive an absentee ballot if their application is submitted up to seven days before the election. See 52 U.S.C. § 10502(d) (emphasis added). Because the declarations show that IATSE's

<sup>&</sup>lt;sup>4</sup> SEB noted that Bailey's declaration does not state that she voted absentee in 2016, but the voting records submitted with SEB's opposition show that Bailey applied to vote absentee during the 2016 presidential primary. ECF No. 95-2 at 20. The records also show that Gamerl voted absentee by mail in the presidential primary and general elections in 2020, but it appears he was mistaken that he also voted absentee in 2018. *See id.* at 24-25. SEB did not dispute that either voter frequently was away from their district, including during elections.

<sup>&</sup>lt;sup>5</sup> SEB appears to have transposed the dates: Georgia's deadline is October 25, while the VRA requires states to accept applications from covered voters until October 29.

members may be required to travel on or near election day, IATSE has sufficiently demonstrated that an injunction is necessary to avoid irreparable harm.

Finally, for these same reasons, SEB's arguments against IATSE's standing similarly fail. IATSE need not wait until its members are disenfranchised to demonstrate standing. *See Fla. State Conf. of N.A.A.C.P. v. Browning*, 522 F.3d 1153, 1164 (11th Cir. 2008); *see also Corbett v. Transp. Sec. Admin.*, 930 F.3d 1225, 1232 (11th Cir. 2019). Nor is it relevant whether "all voters have a right to vote absentee," SEB Opp'n at 9. Despite SEB's attempt to inject extraneous issues, IATSE's claim is narrow and straightforward: it seeks to enforce a federal law that explicitly confers a right to vote absentee for President or Vice President to "all duly qualified residents" of Georgia "who may be absent from their election district or unit" on election day. 52 U.S.C. § 10502(d).

#### III. IATSE's requested relief can be implemented for the 2024 election.

Fulton County Board of Elections Members—the officials who accept or reject absentee ballot applications—have represented through counsel that a ruling by August 1, 2024 "would be ideal" in order to provide sufficient time to "train staff and prepare for any change in procedure." Pl.'s Mot. For Prelim. Inj. Ex. 5, ECF No. 83-7. SEB complained about having to create presidential-only ballots to comply with Section 202(d), but ignored the fact that Georgia has been required to provide presidential-only voting for decades—because it is mandated by state law, O.C.G.A.

21-2-216(e) (providing in-person or absentee presidential-only voting for any voter who moves from Georgia within 30 days before the election), and a separate provision of the VRA, 52 U.S.C. § 10502(e) (requiring that anyone qualified to vote who has moved to a new state within 30 days before an election be allowed to cast a presidential-only vote in-person or by absentee ballot in the state from which they moved). These laws protect the right to vote in the races for president and vice president specifically and require the same opportunity that IATSE now seeks for its members. And because Defendants could satisfy the requested injunction by allowing voters protected by Section 202(d) to vote in the same manner as recently moved voters, any burden on Defendants caused by establishing a new system other than that already in place would be self-inflicted. Perma-Liner Indus., LLC v. D'Hulster, No. 8:21-CV-715-CEH-TGW, 2022 WL 1620234, at \*10 (M.D. Fla. Feb. 3, 2022), report and recommendation adopted, No. 8:21-CV-715-CEH-TGW, 2022 WL 3138995 (M.D. Fla. Mar. 14, 2022) (finding that future "self-inflicted" hardships did not tip the balance of equities in a defendant's favor). Were the Court to hold differently, any defendant could shift the balance of equities in their favor simply by opting for the most burdensome of the available options.

<sup>&</sup>lt;sup>6</sup> A number of other states have created just the sort of president-only ticket SEB claims is "untenable." *E.g.*, Tex. Elec. Code. Ann. §§ 113.001–003; Kan. Stat. Ann. § 25-1805; Mich. Comp. Laws § 168.758a; Va. Code Ann. § 24.2-614; Wis. Stat. § 6.15, 6.18.

Alternately, as is evidenced by decades of actual practice, creating a new system of presidential-only voting is not the only option: an obvious alternative would be to accept all absentee applications received by the seven-day deadline, which still provides more breathing room than the four-day deadline that was in place for years. SEB Opp'n at 2. Indeed, SEB submitted expert testimony to that exact effect in another case before this court. Lynn Bailey, a former Richmond County elections director who submitted an expert report on behalf of SEB, explained in her declaration that a deadline of "7-8 days prior to the date of the election" would in fact be "a better and more user-friendly timeframe" than the eleven-day deadline. Ex. A, Expert Report and Declaration of Lynn Bailey ¶ 45, *In re SB* 202, No. 1:21-mi-55555-JPB (N.D. Ga. June 9, 2023), ECF No. 574-31.

These remedies, moreover, impose no constitutional issue. Citing *Bush v. Gore*, 531 U.S. 98, 109 (2000), SEB argued that granting relief only in Fulton County would "create unequal treatment" in other counties. SEB Opp'n at 29. But accepting that theory would mean that no county in a state with a decentralized election system can be ordered to follow federal laws unless plaintiffs sue *every* county—an argument this Court has previously rejected. As the Court recognized in *In re Georgia Senate Bill 202, Bush* did not demand that all election procedures must be uniform, but instead relied on the "Supreme Court's one-vote jurisprudence" to hold that "a state may not arbitrarily treat the ballots of voters in one county

differently from those of voters in another county." 688 F. Supp. 3d 1300, 1317 n.17 (N.D. Ga. 2023). Here, there is no concern that ballots will be treated differently. Furthermore, the issue before the Supreme Court was not whether local entities could have "different systems for implementing elections," but instead how to address a situation in which "a state court with the power to assure uniformity . . . orders a statewide remedy" that lacks procedural safeguards. 531 U.S. at 109. SEB successfully argued that this Court cannot order a statewide remedy because the absentee ballot process in Georgia is overseen by local officials. ECF No. 97. *Bush v. Gore* therefore has no bearing here.

#### IV. Purcell does not bar relief.

SEB claimed that *Purcell* bars relief based on the extensive procedures that it purported would be necessary to comply with federal law, but precedent makes clear that *Purcell* does not apply. SEB Opp'n at 32.

First, the Supreme Court has recognized that when, as here, a defendant has indicated that there is adequate time for relief, courts must not apply *Purcell. Rose v. Raffensperger*, 143 S. Ct. 58, 59 (2022). In *Rose*, the Court refused to analyze an injunction under *Purcell* standards "in light of [a defendant's] previous representations to the district court that the schedule . . . was sufficient to enable effectual relief." *Id.* Fulton County represented that it would be "ideal" to receive a ruling by August 1 "to train staff and prepare for any change in procedure," ECF

No. 83-7. And SEB disclaimed any role in implementing absentee voting, State Defs.' Mot. to Dismiss at 11–12, ECF No. 68-1. *Purcell* therefore does not bar relief.

Furthermore, courts must consider the potential impact of the relief in the context of the specific election in question. In *League of Women Voters of Florida v. Florida Secretary of State*, the Eleventh Circuit noted that the injunction sought "implicate[d] voter registration" which was underway at the time the injunction was considered. 32 F.4th 1363, 1371 (11th Cir. 2022). In contrast, not only have Georgians not begun requesting absentee applications for the November election, they cannot do so until August 19. Deadline-related relief has been ordered in similar circumstances when cases were filed much closer to an election. Most notably, in *United States v. Georgia*, the United States successfully moved for a preliminary injunction less than two months before the election at issue (and approximately two weeks before the relevant deadline). 892 F.Supp.2d at 1369.

Third, *Purcell* is no bar to relief when "(i) the underlying merits are entirely clearcut in favor of the plaintiff[s]; (ii) the plaintiff[s] would suffer irreparable harm absent the injunction; (iii) the plaintiff[s] have not unduly delayed bringing the complaint to court; and (iv) the changes in question are at least feasible before the election without significant cost, confusion, or hardship." *Grace, Inc. v. City of Miami*, No. 23-12472, 2023 WL 5286232, at \*2 (11th Cir. Aug. 4, 2023). As to the first element, the merits in this case are entirely clear cut in Plaintiff's favor. *See* 

supra Section I. Section 202 protects voters whose applications are received by the seventh day prior to the election; Georgia imposes a stricter eleven-day deadline. *Id.* The second element is equally plain, as the loss of statutory voting protections is an irreparable harm. *See supra* Section II. Plaintiff also has not unduly delayed in bringing this complaint to the Court: IATSE filed this action in October of 2023, more than a year in advance of the election. Compl., ECF No. 1. And Plaintiff sought an injunction more than six months before the election, when its members' injuries were imminent and the prospects of a final resolution before November became less certain. Plaintiff IATSE's Mot. for Prelim. Inj., ECF No. 83. Finally, Defendants confirmed that a decision by August would allow sufficient time to implement relief.

In sum, the VRA unambiguously requires States to accept certain absentee ballot applications until seven days before the election; Georgia does not do so. Plaintiff is therefore likely to succeed on the merits, and the equities support granting preliminary relief before the November presidential election.

#### **CONCLUSION**

For the foregoing reasons, this Court should issue a preliminary injunction requiring Defendants to comply with the statutory deadline established under Section 202(d) of the Voting Rights Act for eligible applicants in the upcoming presidential election.

Dated: June 21, 2024

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#### **CERTIFICATE OF COMPLIANCE**

I hereby certify that this document complies with Local Rule 5.1(C) because it is prepared in Times New Roman font at size 14.

Dated: June 21, 2024 /s/ Uzoma N. Nkwonta
Counsel for Plaintiff

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Exhibit Achin Lenocrace Too Charles The Land Company of the Compan

# Exhibit 29

PRELIBITION DE LA CALOR DE LA



#### IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

IN	RE	GEORGIA	SENATE	BILL	202

Master Case No. 1:21-MI-55555-JPB

#### EXPERT REPORT OF LYNN BAILEY

I, Lynn Bailey, am an adult of sound mind and make this statement voluntarily, based on my own personal knowledge, education, and experience.

#### I. PURPOSE AND SCOPE OF REPORT

- 1. I have been asked to prepare a report assessing certain sections of Senate Bill 202 (SB 202) passed by the Georgia General Assembly on March 25, 2021 and enacted by Georgia Governor Brian Kemp on March 25, 2021. The scope of this report includes the following:
  - A. Measuring Voter Wait Time
  - B. Allocation of Voting Equipment
  - C. Changes in the Absentee Ballot Application Calendar andVoters Confined to a Hospital, Jail, or Detention Center
  - D. Absentee Ballot Application Calendar
  - E. Absentee Ballot Drop Boxes

- F. Advance Voting Dates
- G. Return of Voted Absentee Ballot
- H. Voter Buffer Zones
- I. Out of Precinct Provisional Ballots
- 2. To prepare this report, I have relied on my testimony regarding certain sections of Version LC 28 0215 of House Bill 531 (predecessor bill to SB 202) provided to the Special Committee on Election Integrity on February 19, 2021; my reading of SB 202; Title 21, Chapter 2 of the Annotated Code of Georgia; Chapter 183-1 of the Rules and Regulations of the State Election Board; and applying all of that information with my experience in local election administration. 1,2
- 3. The majority of my experience in election administration is derived from a culmination of my years serving as Executive Director of the Board of Elections in Richmond County, Georgia. Therefore, much of the data and points of view contained in this report are based on voting and voter registration processes on the local level. In Georgia, counties are the entities charged with carrying out the administration of elections. State Election

<sup>&</sup>lt;sup>1</sup> HB 531 (2021).

<sup>&</sup>lt;sup>2</sup> The transcript of the February 19, 2021 testimony before the Special Committee on Election Integrity is attached and marked as Exhibit A.

Officials assist county election officials in the administration of their duties and often have views that may differ from those of a local election official.

4. I served as an expert during the consolidated preliminary-injunction hearing in February 2022 in *Alpha Phi Alpha v. Raffensperger*, No. 1:21-cv-05337-SCJ (N.D. Ga.), *Grant v. Raffensperger*, No. 1:22-cv-00122-SCJ (N.D. Ga.), and *Pendergrass v. Raffensperger*, No. 1:21-cv-05339-SCJ (N.D. Ga.).

#### II. SUMMARY OF CONCLUSIONS

- 5. As set forth below, I conclude that each of the provisions addressed herein promotes a more efficient electoral process, increases voter participation, and allows election officials to focus their efforts on the providing a smooth electoral process.
- 6. For instance, by requiring that election officials measure wait times several times throughout Election Day, and then altering the voting process for future elections if the lines exceeded one hour, SB 202 implemented important standards that will help counties and the State continue their efforts to reduce line length.
- 7. By allowing county election officials to use their expertise and judgment in allocating voting equipment, SB 202 ensures that the individuals

with the most direct understanding of a voting location make the decision on where to allocate equipment.

- 8. The changes to the absentee ballot application deadlines reduce voter confusion, as many voters who submitted applications early forget that they did so, and nonetheless arrive at a polling location to vote. These changes also provide election officials time to review applications received before Election Day.
- 9. By statutorily requiring drop boxes for the first time, SB 202 again increases the opportunities in all jurisdictions for voters to cast ballots, and to do so in an efficient manner.
- 10. Additionally, recognizing the importance of a voter being able to cast a ballot without undue pressure, SB 202 creates a restricted zone around a polling place, which will help ensure a more efficient and secure voting process.
- 11. Similarly, by reducing the number of provisional ballots, and encouraging voters to vote at their proper location, SB 202 again promotes a more efficient electoral process.

#### III. QUALIFICATIONS AND BACKGROUND

12. I began my career in elections in 1978 as a seasonal election employee in the Richmond County Board of Elections Office and worked under

the tutelage of esteemed Director of Elections Linda Beazley for 15 years. Mrs. Beazley was a respected leader in the elections and voter registration community and served as a mentor to many. I was one of those fortunate people. Mrs. Beazley served as Executive Director for the Richmond County Board of Elections for twenty years, followed by four years as County Administrator and ten years as Director of Elections for the State of Georgia. In 1993, upon Mrs. Beazley resignation of her position as Executive Director, I was unanimously appointed by the Board of Elections as Executive Director of the Richmond County Board of Elections. I served as Executive Director from 1993 until my retirement on June 30, 2021.

- 13. The Board of Elections (the Board) is responsible for appointing the Executive Director by the local act creating the office in 1973. The composition of the Board is two appointees of the local Democratic Party, two appointees of the local Republican Party, and a chairperson appointed by the Augusta Commission from a list of three individuals submitted by the local legislative delegation. The position of Executive Director is nonpartisan in nature.
- 14. During my tenure as Executive Director, I oversaw administrative procedures related to election and voter registration duties and worked to fulfill the policies and directives of the Board. Richmond County at the time

of the November 8, 2022 General Election had 124,221 Active registered voters, 43 Election Day polling sites, 4 Advance Voting sites and a county-wide population of 205,673 according to the 2020 decennial census. The county seat is Augusta.

- 15. In the mid 1990's I was appointed by then Secretary of State Lewis Massey to a working group tasked with the development of Georgia's first state-wide voter registration system, Go Net. The working group members included other local election officials and staff from the Georgia Secretary of State Office and the Georgia Department of Administrative Services. With the implementation of Go Net, counties were able for the first time to perform their work on a system that was integrated with all other jurisdictions across Georgia making the transfer of voters and comparison of data from county to county possible. The Go Net system was used in Georgia until the implementation of the ElectioNet system in 2013.
- 16. In 2001, I was appointed by then Secretary of State Cathy Cox to serve as a member of the 21<sup>st</sup> Century Vote Commission (The Commission). The Commission was established in 2001 by the enactment of Senate Bill 213.<sup>3</sup> The Commission was charged with overseeing a pilot project to test direct

<sup>&</sup>lt;sup>3</sup> SB 213 (2001).

record electronic (DRE) voting equipment, to advise the Secretary of State on the choice of voting equipment to be used statewide in all counties in Georgia, and to report its findings to the Governor and the General Assembly. The Commission's findings culminated in the implementation of the first statewide voting system in the State of Georgia and counties migrated from a hodge podge of voting systems used across the state to a uniform system. The transition to a state-wide voting system transformed election administration. Counties were now able to share training, borrow equipment and supplies, if needed, and share best practices regarding the administration and use of the voting system.

17. Following the enactment of the Help America Act in 2002, in 2003 I was appointed by then Secretary of State Cathy Cox as Georgia's local appointee to the Standards Board of the Election Assistance Commission. The Standards Board consists of 55 state officials selected by their respective chief state election official, and 55 local election officials selected through a process supervised by the chief state election official.<sup>5</sup> In this capacity, I assisted with the development of standards used by the Technical Guidelines Development

 $<sup>^4</sup>$  21st Century Voting Comm'n, Report (Dec. 2001), https://tinyurl.com/2p9c4u pe.

<sup>&</sup>lt;sup>5</sup> U.S. Election Assistance Comm'n, https://tinyurl.com/2p8bhzfu.

Committee of the Election Assistance Commission which was responsible for writing the guidelines used in the development of the 2005 Voluntary Voting System Guidelines (VVSG), the VVSG 1.1 in 2015, and the VVSG 2.0 in 2019.<sup>6</sup> At the beginning of 2019, I resigned my position as a member of the Standards Board in order to focus all attention on the implementation of a new voting system and the 2020 Presidential Election.

- 18. I served as an officer of the Georgia Election Officials Association (now the Georgia Association of Voter Registration and Election Officials) beginning with my appointment as 2<sup>nd</sup> Vice President in 2000 and ending with my term as President from 2003–2004. In this capacity, I had an opportunity to work with local election officials from across Georgia serving together to organize annual training conferences and inform our membership of potential legislative changes.
- 19. In 2012, I was certified by the Elections Center as a Certified Elections and Registration Administrator. Certification requires the completion of the Professional Education Program specializing in voter registration and elections administration. The courses and special workshops

<sup>&</sup>lt;sup>6</sup> U.S. Election Assistance Comm'n, *Voluntary Voting System Guidelines*, https://tinyurl.com/2nujcup4.

are hosted around the country and provide training in a classroom and conference environment. Participation in these programs exposed me to election best practices presented by leading election officials from across the country.<sup>7</sup>

- 20. Beginning in 2016 until the present time, I have worked with the Council of State Governments (CSG) on the Overseas Voting Initiative. CSG, working in conjunction with the U.S. Department of Defense's overseas voting assistance office, the Federal Voting Assistance Program (FVAP), convened several working groups to assist with developing supplemental instructions for Sections A and B of the Election Administration and Voting Survey, a survey administered biennially by the Election Assistance Commission, and on developing a common data format for states to use when submitting their biennial survey.<sup>8</sup>
- 21. In 2018, I was appointed by then Secretary of State Brian Kemp as a member of Georgia's Secure, Accessible and Fair Elections Commission (SAFE Commission) to study different options for Georgia's next voting system.

<sup>&</sup>lt;sup>7</sup> Election Ctr., *Professional Education Program*, Nat'l Ass'n of Election Offs., https://tinyurl.com/2szznehu.

<sup>&</sup>lt;sup>8</sup> Overseas Voting Initiative, *What we do*, Council of State Gov't, https://ovi.csg.org/.

The mission of the SAFE Commission was to thoroughly study and discuss all options for Georgia's next voting system, with a focus on security, transparency, voter experience, accessibility and inclusion, voters' ability to adjust to a new system, and the ability of election officials to quickly adapt to a new system. The result of the SAFE Commission's work was the replacement of the DRE voting system implemented state-wide in Georgia in 2002 with a new uniform state system that provided a verifiable paper vote record for each vote cast. The new system was piloted in several counties in 2019 and used state-wide for the first time in Georgia during the March 24, 2020 Presidential Preference Primary.9

22. I am the sole employee of Bailey Election Consulting Services and in that capacity in addition to this case, I served as a fact witness and expert in election law and county processes in preliminary injunction proceedings in Alpha Phi Alpha Fraternity v. Brad Raffensperger No. 1:21-CV-5337-SCJ and in Sixth District of the African Methodist Episcopal Church, et al. v. Brian Kemp, No. 1:21-CV-01284-JPB.

<sup>&</sup>lt;sup>9</sup> Secure, Accessible & Fair Elections Comm'n, *Report* (Jan. 10, 2019), https://tinyurl.com/h5tp3hpx.

- 23. I am currently working with the Georgia Secretary of State's Office as a part time consultant with an emphasis on developing and presenting training for local county officials and system implementation, focusing on implementation of the State's new voter registration system, GaRVIS.
- 24. I am being compensated for my work on this case at a rate of \$250 per hour.

#### IV. GENERAL BACKGROUND ON GEORGIA ELECTIONS

- 25. Like the majority of states in the country, Georgia uses a voter registration system that functions in a top-down manner, meaning that the state has a single application that collects and stores voter information from local jurisdictions. This type of voter registration system gives election officials access to state-wide data that permits them to carry out their duties efficiently and effectively. It also permits voters to easily transfer their voter registration from one jurisdiction to another.
- 26. Georgia's voting system (i.e., ballot marking devices, scanners, poll pads, etc.) utilizes uniform equipment across the state, providing continuity in the voting system for voters moving from jurisdiction to jurisdiction and commonalities in ballot design and voting processes within the State.

<sup>&</sup>lt;sup>10</sup> U.S. Election Assistance Comm'n, 2020 Policy Survey Results, https://www.eac.gov/research-and-data/datasets-codebooks-and-surveys.

- 27. Georgia implemented the requirement of the production of photo identification prior to voting in person in 2005 with the enactment of HB 244. In 2006, the State enacted SB 84, which provided that any voter who did not have a Georgia driver's license or state issued identification card qualified for a free Voter Identification Card (VIC) issued by the election official's office of the county of the person's residence. The VIC is an acceptable form of identification for absentee voting in person or by mail 11.12
- 28. The Department of Driver Services in Georgia (DDS) will issue a free state identification card to individuals who need photo identification to vote. The photo identification issued by DDS may be used by voters voting in person or by mail. Voters using the identification card issued by DDS may use that number on an absentee ballot application and absentee ballot or produce it for in person voting in the same manner as a Georgia Driver's license is used for voting purposes. 13
- 29. Georgia has robust processes in place for curing deficiencies in absentee ballot applications and voted absentee ballots. In both cases, election officials are required to promptly notify voters using multiple forms of

<sup>11</sup> HB 244 (2005).

<sup>&</sup>lt;sup>12</sup> SB 84 (2006).

<sup>&</sup>lt;sup>13</sup> Georgia Dep't of Driver Servs., Voter ID, https://dds.georgia.gov/voter.

communication, including mail, email, and telephone, of their deficiency and how to correct the deficiency. Voters responding to a request from county officials to cure their absentee ballot application or ballot may submit the needed documentation either in person, by mail, email, or fax.

- 30. Georgia, along with 26 other states and Washington, DC offer no excuse absentee voting by mail or in person during Advance Voting. 14 These provisions have struck a balance of giving voters the opportunity to conveniently cast their ballot using the method of their choosing while providing poll officers a secure way to verify the voter's identity prior to the ballot being cast and tabulated.
- 31. Georgia is like 22 states and Washington DC in the use of Automatic Voter Registration when a citizen has an interaction with DDS. 15 The model used in Georgia beginning in 2016 is a front-end opt out approach. The means that eligible voters are asked at the time of the transaction whether they would like to register to vote, and, unless they decline, the eligible voter's information is automatically transferred to the state-wide voter registration

<sup>&</sup>lt;sup>14</sup> Nat'l Conf. of State Legislatures, *Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options* (Jul. 12, 2022), https://tinyurl.com/ypetmstr.

<sup>&</sup>lt;sup>15</sup> Nat'l Conf. of State Legislatures, *Automatic Voter Registration* (Feb. 7, 2023), https://tinyurl.com/2p93tvsb.

system for verification and processing by the local election official. Outside groups who have studied Automatic Voter Registration have noted that Georgia's system is one of the most successful in the nation. <sup>16</sup>

#### V. ANALYSIS OF SB 202

## A. Measuring Voter Wait Time

32. In Georgia, the election code has for many years required county election officials to take certain action when there was a wait time of more than one hour at the close of the polls. But there was no consistent way for election officials to track such wait times. In response, SB 202 amended the existing code to require county election officials to measure voter wait times three times a day on Election Day—in the morning (between 7:00 AM and 11:00 AM), <sup>17</sup> midday (between 11:00 AM and 3:00 PM), and prior to the close of the polls (between 3:00 PM and 7:00 PM). The law specifies that if any recorded wait time shows that a voter in any precinct containing more than 2,000 voters has to wait in line for more than one hour before checking in to vote, the superintendent shall either reduce the size of such precinct so that it shall

<sup>&</sup>lt;sup>16</sup> Kevin Morris & Peter Dunphy, AVR Impact on State Voter Registration, Brennan Ctr. for Justice (Apr. 11, 2019), https://tinyurl.com/3z6ny6vs.

<sup>&</sup>lt;sup>17</sup> These specific time periods are provided by a State Election Board Rule issued after SB 202's enactment.

contain not more than 2,000 voters, provide additional voting equipment or poll workers, or both, before the next general election. <sup>18</sup> The recorded wait times are also required to be reported electronically throughout Election Day to the Secretary of State's Office, which allows the Secretary of State's Office to track wait time throughout the State on Election Day. <sup>19</sup>

- 33. This change from SB 202 is important to line management on Election Day. Measuring voter wait time to help determine where problems exist and setting out the corrective measures for counties to take in the event that voter wait time exceeds one hour helps to ensure that voters have a pleasant experience at their polling location and do not incur an unnecessarily long wait time.
- 34. Beyond SB 202's provisions, the State has undertaken additional efforts to address line length and reduce voter wait time. Georgia recently piloted a cellular version of its Poll Pads in many counties during the November 8, 2022 General Election and the December 4, 2022 General Election Runoff. During Advance Voting, the cellular poll pads streamline the check-in process by permitting voters to sign an oath on an iPad eliminating

<sup>&</sup>lt;sup>18</sup> O.C.G.A. § 21-2-263.

<sup>&</sup>lt;sup>19</sup> State Election Board Rule 183-1-12-.11.

the need for voters to complete a paper application and by combining the verification station with the card encoding station making for a very efficient voter check-in. For both Advance Voting and Election Day voting, the cellular poll pads allow election officials to monitor voter check in times and the battery capacity/operational status of all units. The ability to monitor the devices puts election officials in a position to quickly respond to issues. Voter wait time during the project is contained in Chart A of this report.

35. During Advance Voting, the counties using the cellular devices reported a reduction in check in time from approximately three minutes to less than one minute. This time savings does not account for the time saved by voters by now completing the required paperwork on the Poll Pad instead of by hand. The estimated time for the completion of the paperwork by hand is five minutes. According to an article in the Atlanta Journal Constitution published on January 20, 2023:

Cellular poll pads would streamline the check-in process by combining several steps into one, eliminating the need for voters to fill out paper forms and verifying their information at the same time that they receive activation cards for voting touchscreens.<sup>20</sup>

<sup>&</sup>lt;sup>20</sup> Mark Niesse, Check-in upgrades and ballot tracking money sought in Georgia budget, The Atl. J.-Const. (Jan. 20, 2023), https://tinyurl.com/mrx7de7p.

- 36. I find this assessment to be correct and borne out by the data. During the pilot, 77 of 159 counties representing about 45% of the state's registered voters, utilized cellular Poll Pads on Election Day and 18 of 159 counties, representing about 21% of the state's voters, utilized cellular Poll Pads for Advance Voting during the 2022 General and General Election Runoff. Average check in time for those counties using cellular Poll Pads is contained in Chart A. The data was provided by the vendor Know Ink. <sup>21</sup> The Georgia Secretary of State's Office is in the process of replacing all check in devices with the cellular devices. This project is anticipated to be completed in 2023 in time for the 2024 election cycle.
- 37. Accordingly, I conclude that SB 202 implemented important standards for measuring line length at polling that will help counties and the State continue their efforts to reduce line length.

<sup>&</sup>lt;sup>21</sup> The KnowInk data is attached as Exhibit B.

Chart A - Voter Check-in Time Using a Cellular Poll Pad

Counties using cellular devices	Average Advance Voting Check In Time	Average Election Day Check In Time
11/8/2022	59 seconds	48 seconds
12/6/2022	49 seconds	44 seconds
Counties not using cellular devices	Average Advance Voting Check In Time	Average Election Day Check In Time
11/8/2022	8 minutes	48 seconds
12/6/2022	8 minutes	44 seconds

# B. Allocation of Voting Equipment

38. This section pertains to the installation of voting systems and the requirement as to the number of voting units required at each Election Day polling site.<sup>22</sup> In 2019, a provision of HB 316 mandated that for all elections in the state the ratio of voting units deployed to each polling site must equal one unit for each 250 voters assigned to the election day polling location.<sup>23</sup> The change in HB 316 in 2019 put a strain on election officials and voting

<sup>&</sup>lt;sup>22</sup> O.C.G.A. § 21-2-367.

<sup>&</sup>lt;sup>23</sup> HB 316 (2019).

equipment and was a large and unnecessary cost burden to counties. Prior to this change, election officials were relied upon to use their discretion on the allocation of voting equipment based on voting history and Advance Voting turnout.

- 39. Based on election officials' input, changes were made to this code section in SB 202. The change requires that after thorough consideration of the type of election, expected turnout, the number of electors who have already voted by Advance Voting or absentee ballot, and other relevant factors that inform the appropriate amount of equipment needed, election officials then make a decision on the appropriate amount of voting equipment to deploy in elections other than general elections. For general elections, the one voting enclosure for every 250 registered voters reporting to a precinct remains in place.
- 40. The updated provisions of this code section acknowledge the differences between voting in a general election and a smaller, lower turnout election. This provision for equipment allocation works in tandem with the provisions of measuring wait time and the size of precincts to ensure that voter wait time is kept to a minimum, while not over-burdening county election staff, voting equipment, and budgets. Here again, I conclude that this provision will assist the counties and the State in conducting efficient elections.

# C. Changes in the Absentee Ballot Application Calendar and Voters Confined to a Hospital, Jail, or Detention Center

#### 1. Calendar Changes

- 41. SB 202 made changes to the time frame during which voters may apply for an absentee ballot, moving the start date for accepting absentee ballot applications from 180 days to 78 days prior to the date of the election. <sup>24</sup> In my experience, absentee ballot applications begin to arrive in earnest approximately a month prior to the date of the election. This change does not apply to military and overseas citizens who are eligible to request a ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act.
- 42. In 2020, with so many voters opting to vote by mail, some Richmond County voters applying for an absentee ballot so far ahead of Election Day sometimes forgot they had applied for a ballot. These same voters would then appear at a location for in-person voting, not remembering that they had applied for an absentee ballot earlier in the year, and would be caught off guard by the fact that their record showed that had requested an absentee ballot. This caused confusion, placed additional burdens on poll workers and county election officials to determine the cause of the issue, and led to allegations of fraud by voters who believed someone else had applied for an

<sup>&</sup>lt;sup>24</sup> O.C.G.A. § 21-2-381.

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absentee ballot in their name. Moving from 180 days to 78 days moves the date from which an individual can apply for an absentee ballot to the start of early voting closer together, helping to reduce the instances of voter confusion.

absentee ballot from 4 days prior to Election Day to 11 days prior to Election Day. The reason for this change stated by the General Assembly in the findings in SB 202 was "ensuring that opportunities to vote are not diminished, especially when many absentee ballots issued in the last few days before the election were not successfully voted or were returned late." In my experience, voters requesting an absentee ballot very close to the election would sometimes not receive their absentee ballot in time and then show up to vote in person. When that occurred, poll workers had to spend time and resources contacting the local election official's office to confirm that the absentee ballot had not been voted prior to permitting the voter to vote in person. This takes much more time at the polling place to process and check in the voter. The revised timeline helps to ensure that voters will timely receive and return their ballot.

44. These changes are particularly important because verifying absentee ballot applications and fulfilling the requests is a time-consuming

<sup>&</sup>lt;sup>25</sup> SB 202, § 2(9).

process that involves verification of voter's eligibility to vote, packaging the ballot, the voter returning the voted ballot back in time, and verification of the information contained on the voter's voted absentee ballot. The deadline change for requesting absentee ballots allows local election officials to finish verifying applications, packaging and mailing ballots, the voter returning the voted ballot back in time, and verification of the information contained on the voter's oath. Changing the absentee ballot application deadline allows election officials to generally be finished with the issuance of ballots 10 days prior to the date of the election allowing them to turn their focus to other duties such as the deployment of equipment, recruiting and training poll workers appointed to fill vacancies that occur, processing absentee ballots for tabulation and packing supplies to name a few. Considering the number of tasks that county election officials handle, these changes will increase the efficiency of their work, thereby allowing the elections to run more efficiently.

45. In my testimony before the Special Committee on Election Integrity on February 19, 2021, I stated that a better and more user-friendly timeframe for a deadline for absentee ballot applications would be 7-8 days prior to the date of the election. The reason I suggested this timeframe is because it would give election officials an extra weekend prior to the election during which absentee applications could be received, validated, and packaged

for mailing. Also, in my testimony before the Special Committee on Election Integrity, I stated my opinion that an exception should be built in during the week prior to the election for voters in need of an absentee ballot by mail for emergency reasons, such as, being called away unexpectedly, or becoming ill, but not hospitalized, or a family member becoming ill and the voter being the primary care giver. I further stated that consideration should be given to public safety officers and healthcare professionals who may be called to duty at the last minute. I am still of this opinion. However, I believed then and continue to believe that the deadline for applying for a ballot on the 4th day prior to the date of the election was too short and SB 202 improved election administration by changing that deadline. Accordingly, I conclude that these time-line changes will help ensure a smoother and more efficient election with less voter confusion.

- 46. Additionally, these interests are further by the related changes to Georgia's procedures for assisting voters whose absentee ballot application is deemed to be incomplete by offering the applicant good opportunity to cure the deficiency.
  - If an absentee ballot application is received by the election official more than 78 days before the date of the election, the voter is contacted and advised of the deadline for applying for a ballot and encouraged to re-apply.

- If an absentee ballot application is deemed deficient and it is between the 78<sup>th</sup> and 30<sup>th</sup> day prior to the election, the voter is contacted and provided with information they may use in order to cure their deficiency.
- If an absentee ballot application is deemed deficient and it is between the 29th and 11th day prior to the date of the election, the voter is contacted and provided with information for curing their deficiency and a provisional absentee ballot is immediately sent to the voter.
- 47. In sum, I conclude that these processes are crucial in helping to ensure that the voter is able to successfully cast their ballot.

#### 2. Voters confined to hospital, jail or detention center

- 48. SB 202 made changes to provide a method for voters confined to a hospital, jail or detention center to apply for an absentee ballot.<sup>26</sup> The "hospital" rule permits election efficials to deliver a ballot to persons confined to a hospital within 10 days of the date of the election, which will aid voters who are hospitalized during that time, which I conclude will increase voter participation.
- 49. For voters incarcerated in a jail or detention center, but who remain eligible to vote, the change mandates that the voter have access to necessary personal effects for the purpose of applying for an absentee ballot.

<sup>&</sup>lt;sup>26</sup> O.C.G.A. § 21-2-381.

The change permitting access to personal effects is imperative for an incarcerated voter to successfully cast their ballot.

# D. Absentee Ballot Drop Boxes

50. In my testimony before the Special Committee on Election Integrity on February 19, 2021, I stated my appreciation for the authority of our county to deploy absentee drop boxes for the return of absentee ballots during the pandemic. With the volume of ballots issued during the public health crisis, it was a needed and necessary tool to assist voters in returning their absentee ballots and to keep our staff healthy. I stated that the boxes were a convenience, were secure, and worked well for us under the circumstances. Drop boxes were not mandatory at that time, but were an option that counties could use, if they chose to do so. In fact, SB 202 is the first time that drop boxes are statutorily required in Georgia.

51. SB 202 made changes relating to the number, placement, and hours of operation for absentee drop boxes.<sup>27</sup> The new code section requires that all counties have at least one absentee ballot drop box and that the location of the drop box be either in the office of the election official or an Advance Voting site. The location of the drop box must now be inside of the

<sup>&</sup>lt;sup>27</sup> O.C.G.A. § 21-2-382.

building and available during the hours of operation of the office or voting site. My recommendation to the House Committee during my testimony on February 19, 2021 was to permit the location of the drop boxes to a location outside of either the election official's office or the Advance Voting site. But whether inside or outside, I conclude that the requirement for permitting drop boxes will increase voter participation.

52. However, I also conclude that efficient usage of drop boxes requires rules and standards. Under SB 202, drop boxes now close on the Friday before the election. In 2020, all drop boxes closed at 7:00 PM on Election Day. In Richmond County, permitting the boxes to be open until the close of the polls interjected into the Election Night work flow an influx of last-minute ballots to With the exception of a few ballots coming in over the office counter, the verification and processing of voted absentee ballots would have been near complete in advance of Election Night. In 2020, even though we did our best to ensure the prompt retrieval of absentee ballots dropped in drop boxes at the last-minute by positioning staff at each drop box at the close of the polls, the last-minute ballots from drop boxes were still received very late into the process. Once received into our facility, last-minute absentee ballots are first inventoried to ensure that the proper number of ballots were received and the voter's data verified. Once the data verification has been completed, the

information is entered into the State-wide system and the ballots are prepped for counting. Vote review panels and duplication panels must be on hand in the event there is a question regarding voter intent on a ballot.

- an emergency rule permitting local election officials to begin the process of opening and processing absentee ballots early. Prior to the rule, county election officials were permitted to begin the process at 7:00 AM on Election Day. The rule was codified into law in SB 202 and Georgia now provides a three-week period of time during which absentee ballots may be prepped and scanned, but not tabulated. Election officials take advantage of this time to ensure that at the close of the polis, they may immediately begin the tabulation of ballots so that results may be provided to the public as soon as possible. During the early processing of absentee ballots, public access, including poll watchers, is permitted and a vote review panel and duplication panel are required to be on hand in the event there is a question regarding voter intent.
- 54. During 2020, the influx of last-minute ballots caused speculation by some voters that election officials were illegally accepting voted absentee ballots beyond the statutory deadline of 7:00 PM on Election night and delayed the tabulation of ballots. Having the drop boxes closed down before Election

Day is very important to the efficiency of ballot tabulation and for public perception that voted ballots are not illegally being accepted after the deadline.

55. Thus, in my opinion, the combination of distinct closure times for drop boxes and early scanning provide the best opportunity to improve voter confidence by providing quicker reporting of election results.

### E. Advance Voting Dates

- 56. SB 202 added additional time and days to the time permitted for Advance Voting. <sup>28</sup> The State of Georgia currently provides 17 mandatory days for Advance Voting from the hours of 9:00 AM until 5:00 PM daily with options to extend hours to 7:00 AM to 7:00 PM and allow Advance Voting on Sundays as determined by the election superintendent. According to a survey by the National Conference of State Legislatures, forty-five other states offer early inperson voting. The number of days from state to state varies from as few as 10 to as many as 45. <sup>29</sup>
- 57. Advance Voting in Georgia was conducted for the first time in 2003. At that time, Advance Voting was offered for one week only (the week immediately preceding the election) and permitted voters voting during that

<sup>&</sup>lt;sup>28</sup> O.C.G.A. § 21-2-385.

<sup>&</sup>lt;sup>29</sup> Nat'l Conf. of State Legislatures, *Early In-Person Voting* (Aug. 30, 2022), https://www.ncsl.org/elections-and-campaigns/early-in-person-voting.

week to vote an absentee ballot in person without having to provide a reason for casting an absentee ballot. In 2006, no excuse absentee voting by mail was implemented and in 2008, Advance Voting followed by expanding no excuse, in person absentee voting to the entire 45-day period prior to the election. In 2012, the days for Advance Voting were decreased from a 45-day period to a 22-day period preceding the date of the election with a mandatory Saturday voting date included. This change was impactful because it still provided voters ample time to vote in person ahead of Election Day without having to provide a reason and positioned election administrators to better manage other important election tasks such as preparing voting equipment, mailing out absentee ballots, and training poll officers. 2014 was the first time that Sunday voting was conducted in any county in Georgia.

58. SB 202 expanded Advance Voting by mandating that each county in Georgia have daily voting hours from at least 9:00 AM until 5:00 PM daily.<sup>30</sup> Prior to this change, the mandated daily hours for Advance Voting were "during normal hours." This change is important because some counties in Georgia maintain a part time Board of Registrars that have abbreviated office hours when opened, particularly at lunchtime. SB 202 also increased the

<sup>&</sup>lt;sup>30</sup> O.C.G.A. § 21-2-382.

opportunity to vote during Advance Voting by increasing from one day to two days the number of Saturdays that Advance Voting must be conducted and expanding the required Saturday hours from 9:00 AM to 4:00 PM to 9:00 PM until 5:00 PM.

- 59. The new provisions also codified that counties could be open for Advance Voting from 7:00 AM until 7:00 PM on any day of Advance Voting and that Sunday voting was an option. This change enables election officials to tailor voting hours before and after the standard of 9:00 AM to 5:00 PM to conditions that best suit their constituents' needs. In the previous version of this law, Sunday voting was not mentioned. SB 202 clarified that Sunday Voting was an allowable option at the election superintendent's discretion.
- 60. Here again, these changes will increase voters' opportunity to use Advance Voting, which will increase voter participation. But SB 202 also implements important rules governing such voting to assist election officials conduct an efficient and secure election.

#### F. Return of Voted Absentee Ballot

- 61. SB 202 altered the processes for the validation of a voter's identity when returning an absentee ballot.<sup>31</sup> The primary change is that instead of using signature matching to verify the voter, the new requirement utilizes driver's license/state identification card number (or if a voter has neither a driver's license nor state identification card, the last four digits of the voter's social security number) and date of birth. The voter's signature on the oath is still a required element.
- 62. In my experience as a local election official, verification of a voter's signature was a time-consuming process requiring accessing the voter's signature and making a visual inspection of that signature compared to the one provided by the voter on the absentee ballot envelope. Voter signatures change over time and the verification of data rather than a voter signature should result in the more efficient and accurate validation of absentee ballots. During their observation of the 2022 election in Fulton County, the Carter Center in their December 15, 2022 report 2022 General Election Observation: Fulton County, Georgia reports that in Fulton County:

Election law changes in SB202, requiring that both absentee applications and completed ballots include a driver's license/state ID number or other acceptable photo ID as proof of identity, have

<sup>&</sup>lt;sup>31</sup> O.C.G.A. § 21-2-386.

eliminated the need for election officials to match signatures. This has streamlined the process and made it easier for election officials since they can simply check that all the necessary information is present and correct.<sup>32</sup>

- 63. I agree with this assessment. Further, protection of the voter's personal information now required to be included in the Oath of Elector on the absentee ballot envelope is of the utmost importance. The oath envelope has been redesigned and now contains a privacy flap for the purpose of protecting the voter's personal information while the absentee ballot is in transit either by the voter or an individual authorized under law to personally deliver a voter's voted ballot or through the mail system.
- 64. The absentee ballot cure provisions that went into effect in Georgia with the passage of HB 316 in 2019 have served Georgia voters well. In the event the identifying information entered on the absentee ballot envelope does not match the same information appearing in the voter's information on file in the election official's office or is missing, the registrar must then promptly notify the voter of the discrepancy, provide information on how to cure it, and the timeframe for curing.

<sup>&</sup>lt;sup>32</sup> The Carter Ctr., 2022 General Election Observation: Fulton County, Georgia 16 (2022).

65. Georgia SEB Rule 183-1-14-.13 clarifies the word "promptly" as:

By mailing of written notice, and attempt to notify the elector by telephone and email, if a telephone number or email is on the elector's voter registration record or absentee ballot application, no later than the close of business on the third business day after receiving the absentee ballot.<sup>33</sup>

66. The same Rule further informs registrars of a tightening deadline as Election Day draws nearer by requiring:

However, for any timely submitted absentee ballot that is rejected within eleven days of Election Day, the heard of registrars or absentee ballot clerk shall send the elector notice of such rejection and opportunity to cure by mailing written notice, and attempt to notify the elector by telephone and email, if a telephone number or email is on the elector's voter registration record or absentee ballot application, no later than the close of business on the next business day.

- 67. The Rules have given clear indication to local election officials the importance of promptly notifying voters of a deficiency with their ballot. The deadline for voters to cure their absentee provisional ballot deficiency is by the close of business on the third day following the date of the election. This is the same deadline for provisional ballots cast by in person voters.
- 68. Through these provisions, SB 202 and the Rules assist voters and election officials in ensuring a smooth and secure absentee-voting process.

<sup>&</sup>lt;sup>33</sup> State Election Bd. Rule 183-1-14-.13.

### G. 150' No Campaigning Buffer Zone

69. SB 202 prohibits handing out food or beverages within 150 feet of the outer edge of any building within which a polling place is established.<sup>34</sup> The 150-foot no campaigning buffer zone (buffer zone) is established to provide a space for voters in line to prepare for voting in an atmosphere free from solicitation, campaigning or any other activity that may cause confusion or lead to confrontation. Outside of the buffer zone, members of the public are free to communicate with voters, which may or may not include the offer or giving of food or drink to voters approaching the polling location (as long as nothing of value is offered in exchange for a vote).

70. In 2020, Georgia saw a huge increase in the number of people outside of polling locations offering services to voters. Examples seen in Richmond County included food/food trucks, beverages, musicians, jugglers, and school bands. Food trucks were permitted to be at polling locations as long as they remained outside of the buffer zone and had proper licensing from the local licensing office.

71. Election officials or other voters in line have no way of knowing whether an individual approaching a voter within the buffer zone is attempting

<sup>&</sup>lt;sup>34</sup> O.C.G.A. § 21-2-414.

to provide a service to the voter, campaigning, or potentially there for nefarious purposes. Monitoring for such activity would be near impossible for poll officers. The provisions of the 150' buffer zone and the supplemental zone if the line extends beyond 150' protects voters and removes burdens of monitoring interactions from poll officers.

- 72. Between the 2020 General Election and Runoff, I received many threatening and vile emails and phone calls. Threats against election officials and their operations is on the rise and is well documented.<sup>35</sup> Permitting access to the buffer zone for unknown reasons could invite unnecessary chaos, cause confusion, and perhaps even confrontation or dangerous situations to occur in an area meant to serve as a safe space for voters to prepare for voting.
- 73. This provision of SB 202 addressed an important aspect of the voting process—ensuring that voters are free of threats and improper influence during the voting process.

<sup>&</sup>lt;sup>35</sup> Chelsey Cox, 'We're going to hang you': DOJ cracks down on threats to election workers ahead of high-stakes midterms, CNBC (Oct. 27, 2022), https://tinyurl.com/2rtrjtpj.

#### H. Out of Precinct Provisional Ballots

74. SB 202 changed the time period on election day during which voters could cast a provisional ballot out of precinct.<sup>36</sup> Some jurisdictions in the country use a vote center concept for Election Day voting. This means that any voter can go to any voting location and cast their ballot, similar to what happens in Georgia during Advance Voting. On Election Day though, Georgia requires voters to report to their assigned voting location to cast their ballot. However, sometimes voters on Election Day appear at a polling location within their county but other than their assigned location to cast their ballot. This may happen inadvertently. In this case, the voter is re-directed to their correct polling location by poll officers. Sometimes though, voters appearing at an incorrect polling location may not be able or have the time to get to their polling location to vote. This may happen because their work hours are such that they do not have time or they do not have transportation to get to their assigned location to cast their ballot, or, maybe they just do not want to go to a different place. These circumstances may or may not occur between the hours of 5:00 PM and 7:00 PM on Election Day.

<sup>&</sup>lt;sup>36</sup> O.C.G.A. § 21-2-418.

- officer accesses the voter's record and informs the voter that they are not at their assigned voting location and directs the voter to their proper location. The voter has the right to vote a provisional ballot in this polling place or they can go to their assigned polling place, if it is practicable for them to do so. It is up to the voter to make this determination. The voter is also advised that their ballot cast out of precinct will only be counted if it is between the hours of 5:00 PM and 7:00 PM and that their votes will only count in the contests for which they are eligible to vote, in effect, potentially disenfranchising them from their down ballot district level races. If the voter opts to vote at the incorrect polling location, the voter is directed to the provisional ballot work station.
- 76. At the provisional ballot work station, the voter completes additional paperwork, and, in the case of an out of precinct provisional voter, also a Provisional Ballot Affidavit (the Affidavit) swearing or affirming their knowledge that out of precinct provisional ballots will only be counted if cast between the hours of 5:00 PM and 7:00 PM, that they are unable to vote at their correct polling place prior to the closing of the polls and giving the reason why. The voter is then issued a ballot, provided with ballot envelopes, given instructions, and directed to a voting booth. While the voter is casting their

provisional ballot, the poll worker completes the paperwork required for tracking and accounting for provisional ballots.

- 77. After the election, election officials gather the provisional paperwork and ballots and proceed to research each ballot in an effort to validate the voter's ballot. Once validated, a duplication team is convened to duplicate the voter's choices onto a ballot containing only the contests for which the voter is entitled to vote. Many times, a voter voting a provisional ballot out of precinct foregoes casting a vote in district level offices, because the ballot available at the incorrect polling location differs from the ballot available at their assigned polling location.
- 78. Beginning with the 2018 election cycle and continuing through the 2020 election cycle, Richmond County saw a sharp increase in the number of out of precinct provisional ballots cast. This was caused in part by activists at polling locations intercepting voters attempting to leave the incorrect polling location to report to the correct polling location. Those activists would encourage the voters to go back into the polling location to vote instead of going to their assigned voting location.
- 79. The time-consuming process of issuing and voting a provisional ballot attributed to longer voter wait times at polling locations. The increased number of provisional ballots also taxed election official's resources needed to

validate and duplicate the ballot cast out of precinct. By taking steps to reduce the number of provisional ballots cast, SB 202 increases the efficiency and security of the voting process.

#### VI. Conclusions

- 80. SB 202 changed many aspects of voting in Georgia. Many are good changes that help make local election officials more accountable, the conduct of elections more professional, and the processes more transparent to the public by requiring regular reporting, post-election reconciliation audits to account for all ballots cast, and the measurement of voter wait time.
- 81. Georgia is ahead of many states by providing automatic voter registration with any transaction occurring with the Department of Driver Services, a new and updated voter registration system, a new and updated voting system, a robust process for curing absentee ballots, and no excuse absentee balloting by mail or in person. These provisions have enhanced voter participation and have been very effective in increasing the number of registered voters, reducing voter wait time, and making voting accessible in the State.
- 82. To this point, on January 24, 2023, the Albany Herald reported that most Georgia voters expressed confidence in the voting process following

the November 8, 2022 General Election.<sup>37</sup> The article refers to the recently released report conducted by the MIT Election Data and Science Lab, in conjunction with the School of Public and International Affairs at the University of Georgia, which surveyed registered voters on various aspects of the voting process in Georgia in the November 2022 Post-Election Voter Satisfaction Survey and showed positive results for Georgia voters.<sup>38</sup> The report findings were validated once again in an article in the Atlanta Journal Constitution on January 30, 2023 which found in another poll that 99% of voters reported no problems when voting in the general election.<sup>39</sup>

<sup>&</sup>lt;sup>37</sup> The Albany Herald, GA, Georgia voters express confidence in process, Yahoo!sports (Jan. 24, 2023), https://tinyurl.com/bdcsjm9n.

<sup>&</sup>lt;sup>38</sup> M.V. Hood, III, 2022 Georgia Post-Election Survey, SPIA Surv. Rsch. Ctr. (Jan. 17, 2023), https://tinyurl.com/5ffwex65.

<sup>&</sup>lt;sup>39</sup> Mark Niesse, Faith in Georgia elections rises as fraud frenzy fades, AJC poll shows, The Atl. J. -Const. (Jan. 30, 2023), https://tinyurl.com/4atkdks2.

I reserve the right to supplement this report in light of additional facts or testimony that may be revealed at a later date.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

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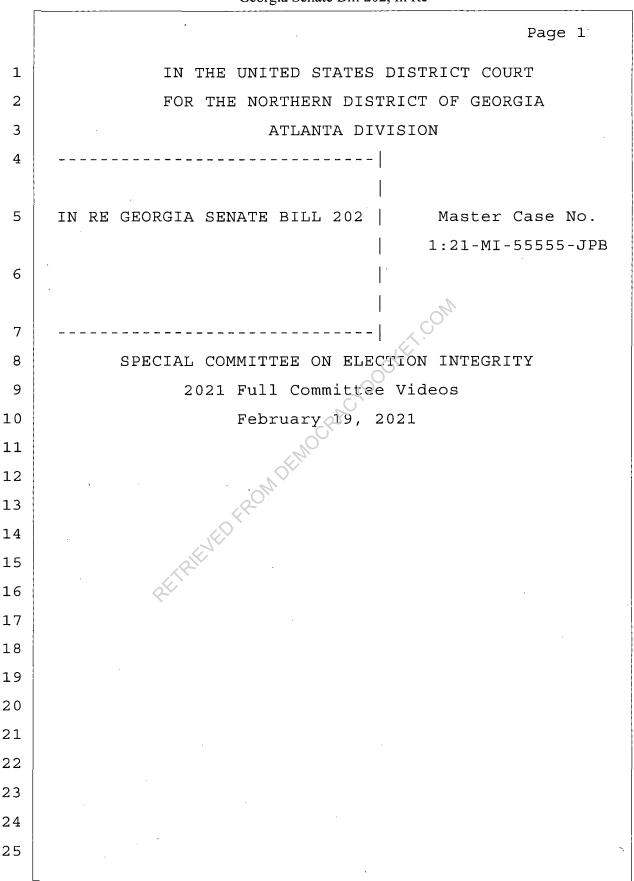
Executed this 14th day of <u>Jehnan</u> 2023.

Lynn Bailey

Lynn Bailey

# EXHIBIT A

Full Committee 2/19/2021 Georgia Senate Bill 202, In Re March 3, 2022



REP. BARRY FLEMING: Good morning.

Appreciate y'all coming today. We'll go ahead and get this meeting of the Special Committee on Election Integrity started. We will be reviewing House Bill 531 again today as we discussed it yesterday. As we always do, let's begin our meeting with a word of prayer, and I'm gonna ask Representative Burnough if she would lead us this morning. Press your button there. Go ahead.

REP. RHONDA BURNOUGH: Thank you, Mr. Chairman. Will we all bow our heads?

Dear Heavenly father, thank You for bringing us here today safely. And as we go through this day, a pray that we will do Your work and Your will we be done and that at the end of the day, that all of our people will -- needs will be done also. We also ask that you pray for those people that have been struck by COVID or have not received their unemployment checks, that they will be able to find a way that they will be able to make it each day. We also pray for the State of Georgia, that the State of Georgia will become a state that leads in voting and in other ways. Thank You. Amen.

REP. BARRY FLEMING: Amen. Thank you,

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All right, just kind of a preview of the ma'am. day, Representative Smyre and I, the ranking member of the committee, have had some It is the Chair's inclination that discussions. we follow of schedule of today. We'll hear some witnesses this morning, we'll take a break for Tunch when the time seems appropriate, and then we'll hear some witnesses this afternoon. Chairman Smyre did request yesterday that we also That is the Chair's have hearings on Monday. inclination to honor that request, and that is Of course, with all the plan right now. legislative matters, as we know, because we have such a short session, plans do change sometimes, but that is the Chair's inclination at this moment.

as you know, with any large bill that we are working on, as the committee process works, there are changes that we'll make. We will be taking testimony today and quite often, even whether we agree or disagree with portions of legislation, there are what I refer to as technical changes --commas here, wrong citing of code in different places. I wanna mention to you some of those

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that we have already identified.

The Chair would anticipate that today, legislative counsel will be working on a committee substitute that I would hope to get to the committee later, hopefully by around 5:00, the close of business. We will send that to all the committee members electronically, so you'll have time to look at that as well. Here are some that I wanna go ahead and tell you about then so you can expect them.

We have received a request from the Georgia Municipal Association that I intend to add into the bill through a committee substitute. We're all aware that we're in a census year. The census will report this year. We are all also aware that the census numbers are coming later than normal this year. Well, we also know that this is an odd-number year, so our cities have municipal elections coming up.

There is Georgia law, which requires, understandably, that when you have elections, you use the latest census numbers. I'll say that GMA has brought to our attention that giving the now, at this point, anticipated timing, they could be called what I'll call a no-man's land.

The numbers could come out after or near the time that they have to have qualifying but not allowing enough time for new districts to be redrawn, so they have asked for basically a one-year grace period during this year that if they get caught in that situation and need to have people qualifying for elections, they can indeed run from the districts that they currently have.

I think that's a commonsense request from the Georgia Municipal Association, but I wanted to go ahead and bring that to your attention so you can be thinking about it, and I anticipate that language being in a committee substitute. There are other states I have heard that are having this problem, too. Ohio, I know, is trying to make adjustments to their law to accommodate for a later-than-normal reporting census period.

There is a bill which Chairwoman Rich has held subcommittee hearings on by Representative Eddie Lumsden that is dealing with House Bill 136. That deals with a situation that he ran into regarding the COVID virus. He represents a county that has a probate judge that

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runs elections. We still have 30 or more counties in Georgia that instead of having a board of elections and an elections superintendent, they actually have a probate judge that still runs elections.

He had a situation last year where his probate judge caught the COVID virus and was pretty much out of commission during the November election period. Well, as all of you know, whether it be the board of elections or whether it be the probate judge, those election results have to be certified for those county's votes to count. They ran into a situation where it didn't look like the probate judge was going to be able to do that, and the bill that he brought would simply allow a Superior Court judge to appoint another person to certify the elections if there were basically an emergency situation and that couldn't be done otherwise.

Chairwoman Rich, did I describe that pretty well from the bill? I did? Okay, good.

Thank you, ma'am. By the way, that mask that you have on with a "G" for Georgia looks great.

REP. BONNIE RICH: Yeah, because of my attire, I did not want to (inaudible) so I

intentionally wore it.

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REP. BARRY FLEMING: Red and black, understood. She gets a star by her name today for her attire.

Also, there was another house bill that the subcommittee of this committee has also heard, House Bill 64, by a representative, Houston Gaines out of Athens, and I'll refer to that as the "dead men can't win" bill. They actually had a situation over in Athens where a dead person was elected county commissioner.

Now, you may ask, "How can that happen?" Well, the poor soul passed away before the election, and the people still voted him in.

Now, that's an odd situation. I'm not sure I would wanna be the challenger in that situation, but that's what happened, and under Georgia law, the person who lost got to take office. It is my understanding that we have the minority rule on that in Georgia.

The majority of states do not follow that. The majority of states, if a person who had won had passed away, they actually would have another election to fill that seat. We have provisions in Georgia that address that but not

in a nonpartisan consolidated government situation. So, this is Representative Houston's bill, House Bill 64, that would address that.

There was another house bill, House Bill 250, by Representative Ginny Ehrhart. House Bill 250 addresses a situation that occurred in Cobb County. Apparently, for many years in Cobb County, they had had an early voting location that had been used and the community was very familiar with that. There was a decision made just days before early voting began not to have that facility there.

Just like we have rules against closing or changing precincts within so many days of the election to allow people to know where their precincts are and have ample time to learn the new location, her bill basically begins to apply one of those same guidelines to early voting precincts.

Of course, if you have an emergency situation where a building is damaged, whether it be by tornado or fire, you can certainly move it, but other than that, you need to set where those locations are gonna be within a reasonable period of time and not change them what I would call

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late in the game or the last minute. That is House Bill 250.

There, of course, as I mentioned before, there are some cites to code sections that need to be corrected, what I call technical changes. There'll be some of those in there, and we'll, of course, point those out, but other ones that I would call are a little more substantive. Right now in Georgia law, we require governments, whether they be school boards, cities, or counties, to cooperate with the board of elections to allow government buildings, if needed, to be used as precincts.

It's not a complete mandate in that there is no choice, but as long as using the facility for a voting precinct will not interfere with the normal operations of the building -- let's say it's a school. If it won't work to hold school and use part of the building, well, then you can't be required to do it, but beyond that, we do require, because voting is so important, local governments to allow that.

We don't have that same rule applying to early voting locations, and as you know, early voting is becoming a much larger part of the

voting process in Georgia, so there has been a request from the election superintendents for us to consider that, and that is one addition that I would like for us to consider in substitute.

Those are the matters that I wanted to bring to your attention. As I mentioned, committee members, we'll be getting that to you as leg counsel gets it ready. Any questions from any of the committee members, though, about what I just mentioned? I'd be happy to try to clarify. Chair sees no questions, okay.

All right, we have some people who have signed up to testify regarding the bill. At this point, I would ask Cindy Battles if you would please come forward to the podium. Ms. Battles, welcome. Good to have you today. When the Speaker allows us when we're addressing, if we wanna take our mask off, you can. That'll be your choice. So, good to have you, and we'd be happy to hear from you. Tell us your name, where you're from, and who you're with.

CINDY BATTLES: Thank you, Chairman.

My name is Cindy Battles, and I appreciate all of y'all being here this morning at what was kind of a hastily called meeting. I got to watch my son

Page 11 get married from my Lyft via FaceTime this morning to be here. My name is Cindy Battles, and I am the Policy and Engagement Director for Georgia Coalition for the People's Agenda. have submitted a written copy --REP. BARRY FLEMING: Cindy, I'll just tell you that if you had told us, we would've let you testify this afternoon. CINDY BATTLES: Well, yes, I know, but... REP. BARRY FLEMING: All right, go ahead. Voting is a sacred CINDY BATTLES: privilege, and we do what we can to protect it, My name is Cindy Battles. I am the Policy sir. and Engagement Director for Georgia Coalition for

sir. My name is Cindy Battles. I am the Policy and Engagement Director for Georgia Coalition for the People's Agenda. Georgia Coalition for the People's Agenda was convened by Dr. Joseph Lowry who, as many of you know, is a dean of the civil rights movement. Our executive director Helen Butler cannot be here in person today because she is 65 and has only received one dose of her immunization, so I will be reading a statement prepared by her this morning. My name -
REP. BARRY FLEMING: I'm sorry, tell us

one more time who you're reading the statement

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CINDY BATTLES: Helen Butler. She's the executive director for People's Agenda.

REP. BARRY FLEMING: Helen Butler.

Thank you.

CINDY BATTLES: "In 2019, organizations like ours urged you to slow down your consideration of HB 316. While the omnibus bill seemed to do a lot of good, we were concerned at the speed with which the bill was being rushed through the general assembly. Our pleas went unheeded, and while HB 316 did do good things, it also had unintended consequences, including physical cost to counties that they had not prepared for nor budgeted.

"In 2020, SB 463 would be described as a fix for HB 316. Perhaps then what we have learned is it is better to take the time to make sure something is right rather than rushing it to pass it and then try to fix it later. Measure twice, cut once, as the saying goes.

"Yesterday, HB 531 was filed and given a hearing on the same day. It was not even available on the Georgia Assembly website before it was on the agenda for the Special Committee

for Election Integrity meeting. This is incredibly alarming, not just because of what a rushed, nontransparent process does to impact the confidence of voters, but with little less than two hours, there is no way legislators can properly prepare for a hearing on this bill.

"And despite requests that this hearing be rescheduled for Monday, the Chair chose to continue hearings less than 24 hours after the legislation was sent to committee members. This does not inspire confidence in our elections process, which is the purpose of this committee, according to Speaker Ralston.

"This is my first concern, and I would urge the chair to pause these proceedings and allow proper time for the public, members of this committee, and legislators to fully grasp the implications of HB 531. This should include an idea of what it will cost counties, since, as the Chair has noted, they bear much of that responsibility and they are already dealing with the consequences of a 2020 election. And given that you want to prevent counties from seeking grants, it is important that we consider what they are going to have to pay.

"Furthermore, aspects of this legislation concern me. Yesterday, the Chair mentioned the issues we saw in 2018, but the issues we saw in 2018 and the issues we saw in 2020 were quite different. And from what I have seen, so far, HB 531 exacerbates the issues we saw in 2018 without solving the issues we saw in 2020, with the possible exception of making sure observers know how to behave.

"Reducing early voting hours, reducing the time frame to request absentee ballots, and making drop boxes largely unavailable make it harder for people to vote, especially working people, and will most likely contribute to long lines on election day, a problem that from what we saw on election day with a historic turnout have largely been solved.

"The prohibiting of early voting on Sundays, and therefore the elimination of the souls to the polls, feels like a direct attack on certain communities. An attempt to eliminate souls to the polls in North Carolina actually prompted a court to comment that the law was drafted to target African Americans with almost surgical precision. Further, Section 16 of the

bill is confusing and potentially a violation of HAVA, and much of the bill seems to incorporate SB 463 from the 2019 session, which did not manage to pass the Georgia Assembly.

"I cannot say that this legislation provides solutions for any of the issues we have seen in the past several elections. I would urge the Chair and this committee to slow down the consideration of this bill and come up with actual solutions that help voters and county election officials alike. Don't rush the process. That is how we restore trust in Georgia's elections."

REP. BARRY FLEMING: Questions for Ms. Battles from the committee? Okay. Thank you so much for being here today.

to try to pronounce this next name. I'm gonna spell the first name and then let me be educated. Okay, come on up. You knew who I'm talking about.

PICHAYA POY WINICHAKUL: Yes.

REP. BARRY FLEMING: Tell us who you

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PICHAYA POY WINICHAKUL: Thank you,

	Page 16
1	Chairman. I'm gonna take off my mask here.
2	REP. BARRY FLEMING: Yes, you may,
3	certainly.
4	PICHAYA POY WINICHAKUL: Thank you.
5	REP. BARRY FLEMING: Tell us your name?
6	PICHAYA POY WINICHAKUL: My name is
7	Pichaya Poy Winichakul, and
8	REP. BARRY FLEMING: Hold on.
9	Representative Smyre, I want you to say that
10	name. Okay, all right, now I feel better. No,
L1	actually, thank you for being here today, and I
L 2	do try to get names correct, and when I can't, I
L 3	ask for forgiveness. I apologize.
L 4	PICHAYA POY WINICHAKUL: That's okay.
L 5	REP. BARRY FLEMING: And I'm sorry,
L6.	tell us who you're with also.
L 7	PICHAYA POY WINICHAKUL: Absolutely.
L 8	I'm an attorney testifying on behalf of the NAACP
Ľ9	Legal Defense and Education Fund (LDF) as well as
2 0	SPLC Action Fund.
21	REP. BARRY FLEMING: Tell me who SPLC
22	Action Fund is.
23	PICHAYA POY WINICHAKUL: We're an
24	organization that works across five states in the
25	Southeast Florida, Georgia, Alabama,

Page 17 Mississippi, and Louisiana. And I am the Georgia 1 attorney dedicated to voting rights, and I'm part 2 of the voting rights legal practice group. 3 REP. BARRY FLEMING: So, you practice 4 5 here in Georgia? PICHAYA POY WINICHAKUL: I do. 6 7 REP. BARRY FLEMING: Okay, great. And SPLC, what's that acronym stand for? And you may 8 have said it, and I apologize. 9 PICHAYA POY WINICHAKUL: 10 It's just with SPLC Action Fund. 11 REP. BARRY FLEMING: The acronym means 12 13 nothing? PICHAYA POY WINICHAKUL: We have 14 another organization that we're affiliated with. 15 16 REF. BARRY FLEMING: What's that 17 called? PICHAYA POY WINICHAKUL: Southern 18 Poverty Law Center. 19 REP. BARRY FLEMING: Southern Poverty 20 Law Center, okay. I wondered if that's what it 21 22 was. 23 PICHAYA POY WINICHAKUL: Yeah. 24 REP. BARRY FLEMING: Okay, good to have 25 you today, counselor, and we'd be happy to hear

from you.

PICHAYA POY WINICHAKUL: Thank you for the opportunity to testify. LDF and SPLC oppose in the strongest possible terms HB 531. The bill was made only available to the public through social media only a few hours before yesterday's hearing and less than 24 hours before today's hearing. We are deeply concerned that the legislature is considering a bill poised to create unnecessary barriers and burdens on voters that disproportionate impact racial minorities, low-income, elderly, rural, disabled, and student voters.

Moreover, the legislature is considering HB 531 without affording the public the opportunity to meaningfully give input and contribute to the legislative process. Under these and other circumstances, HB 531 is likely to violate several federal laws, including the First, 14th, and 15th Amendments of the United States Constitution and the Voting Rights Act of 1965.

Although we have concerns about several provisions, we focus your attention on Section 8, which relates to the proposed photo

identification requirement for absentee voting. We urge you at the very minimum to remove the photo ID requirement in HB 531.

First, the purported justifications for photo ID for absentee voting are pretextual.

Forty-seven states hold elections with vote by mail procedures that do not include a photo ID requirement. Fraud rates are infinitesimally small; the same is true in Georgia. According to multiple statements by Governor Kemp and other statewide officials, there has been no evidence - none -- of widespread vote by mail fraud in Georgia, and there has never been. These statements and findings underscore why Georgia's vote by mail laws and procedures remain safe, secure, and reliable.

Equally telling, the motivations behind this bill are suspect because it was introduced immediately after Georgia voters generally, and especially Georgia voters of color, dramatically increased their use of absentee voting in the 2020 general election and January 2021 runoff elections. Simply put, the photo ID requirement is a solution in search of a problem.

Second, HB 531's photo ID requirement

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would impose restrictions on ballot access that would be outright barriers, if not burdensome, to many voters. Indeed, the enactment of HB 531 unduly burdens the fundamental right to vote of racial minority, low-income, elderly, rural, disabled, and student voters -- all populations who disproportionately face challenges accessing DMV offices, a photocopier and the ability to pay for photocopies, internet access, or a polling location to vote in person.

Third, LDF and SPLC have not been able to identify any analysis conducted by this committee or the Georgia General Assembly that a photo ID requirement will not disproportionately harm voters of color and other voter groups.

Before any additional hearing or committee vote, the Georgia General Assembly must study, analyze, and publicly identify the negative human and fiscal impact of HB 531.

Fourth, the legislative environment in which HB 531 has been offered calls for the rejection of this bill, as it is neither transparent or open. This committee's meeting today also does not appear to be providing any opportunities for public comment or testimony

through remote means, including through a call-in or video conference option. It is imperative that you hear from and listen to all community members who desire to provide public testimony, either oral or written, during your committee hearing.

For these reasons, we also request that the committee does not vote on HB 531 until at least Monday. Equally important, this committee must post clear guidelines for providing and receiving public input while in advance of any hearing.

requirement may violate federal law. The facts recited above include the sequence of events, procedural departures from ordinary legislative process, the lack of any neutral justification for proposals, and the timing of the effort to impose this restriction on absentee voting and the disparate impact on black and other voters of color suggest the photo ID requirement embodied in HB 531 may violate the 14th and 15th

Amendments of the United States Constitution as well as the Voting Rights Act of 1965. The photo ID requirements burdening the right to vote

without any legitimate state interest may also violate the First and 14th Amendments of the United States Constitution.

We agree that elections must be safe and secure, but HB 531's photo ID requirement does nothing to enhance election security.

Instead, it is a calculated attempt to minimize the participation of voters of color and other voters in the political process following the historical turnout in recent elections. Its enactment would create unnecessary barriers, burdens, and disproportionately impact the voting rights of people of color, the elderly, people with disabilities, low-income people, rural residents, and students.

Thank you for your consideration, and I'm happy to answer questions from the committee.

REP. BARRY FLEMING: We do have some questions for you, counselor, so if you would hang on a second. You made several comments in your statement about the requirements for identification in the bill. What is your understanding of what those requirements for identification in the bill are?

PICHAYA POY WINICHAKUL: My

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understanding is that in Section 8 -- in particular, we're looking at Section 8 here -- that to apply for an absentee ballot, you'd have to submit your Georgia driver's license number or your state ID number. If a voter did not have a state driver's license or a state ID number, then they'd have to submit a copy, either through electronic delivery or a hard copy, of one of the other forms of ID that are provided in Section 21-2-417C.

REP. BARRY FLEMING: Do you have any thought or knowledge of how many people in Georgia that are registered to vote do have one of those things that you mentioned, that being a driver's license number or a state-issued ID number?

PICHAYA POY WINICHAKUL: So, I think
the issue here is that in addition to this extra
burden that voters have to submit an ID number or
a copy of ID, the issue here is there is no
actual basis for needing to require such
identification. So, of the burdens that the
people who don't have any forms of these
identification face, that is a heavy burden.

There have also been studies that show

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that if we're examining and looking at those folks who do not have that ID, their turnout levels, unsurprisingly, are much lower. So, it does suppress that vote because of this heavy burden that those voters who do not have those forms of ID face, and that's the critical issue here.

REP. BARRY FLEMING: And counselor, my question was do you have any idea of how many people in Georgia, percentage wise, have a driver's license number or a state-issued ID number associated with their voting information?

PICHAYA POY WINICHAKUL: I do not have those statistics at this time, but I'd be happy to provide them to the committee.

REP BARRY FLEMING: I would suggest to you that that number is about 97 percent, overwhelmingly, amount of Georgians who have that number we're discussing associated with their voter registration.

PICHAYA POY WINICHAKUL: I am happy to provide you that information once I have it. I just want to stress again for this committee that even though it's 97 percent, what we're really looking at here is if we're truly wanting

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everyone to be able to vote, we want people to be engaged in the democratic process in Georgia, that we want to include everyone, even those three percent, whatever percent it is, who then face an extraordinary burden if they do not have these forms of ID.

REP. BARRY FLEMING: So, you're familiar with the Help America Vote Act, referred to as HAVA, correct?

PICHAYA POY WINICHAKUL: Correct.

REP. BARRY FLEMING: And you realize that the bill requires HAVA ID if you don't have that 97 percent, if you're in that small minority of people who don't have that, you realize that we're simply asking for what is already approved and required for in federal law to show your ID to vote? Do you recognize that?

pICHAYA POY WINICHAKUL: I recognize what you're saying, Chairman, and respectfully, that is part of federal law that there are certain portions of ID requirements, but I think the issue here and your proposing this bill is that you're proposing these requirements when it's not necessary. There is no evidence of voter fraud. There's no evidence of widespread

voter fraud. For instance, let's just take this example, if you'll indulge me a little bit.

REP. BARRY FLEMING: Sure.

PICHAYA POY WINICHAKUL: We don't require everyone to hide in a storm shelter every single time it rains. Why don't we do that?

Because we're not afraid that everyone's gonna get struck by lightning. Lightning strikes killing people, not a problem. And in fact, voter fraud, you're actually more likely to get struck by lightning than find incidents of voter fraud. Voter fraud is even less of a problem than getting struck by lightning. So, if you don't have that problem, there's not really a legitimate basis to require increasing burdens on people in order to access their fundamental right to vote.

REP. BARRY FLEMING: What are the odds of getting struck by lightning?

PICHAYA POY WINICHAKUL: I'm happy to send that to you as well. I'm not a total numbers person, which is why I went to law school and not math school. But --

REP. BARRY FLEMING: Well, it sounds like you are admitting that there is fraud in

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Page 27 1 elections. You're just saying it's a small 2 amount, is that correct? 3 PICHAYA POY WINICHAKUL: I am saying there is no evidence of widespread systematic 4 5 voter fraud. REP. BARRY FLEMING: So, the answer 6 7 would be yes? PICHAYA POY WINICHAKUL: The answer to 8 9 your question of an infinitesimally small number 10 of voter fraud incidents is yes. 11 REP. BARRY FLEMING: Thank you, 12 counselor. Chairman Powell? 13 REP. ALAN POWELL: Thank you. listened with a lot of interest and I kind of got 14 15 lost at the first of it because you continually 16 mentioned about photo ID, but there was nothing 17 in here in this bill about photo ID. It's about 18 using the numbers off of secured pieces of 19 documentation so that in the process of an 20 election, for the integrity of that election, to 21 show that people aren't voting twice or other 22 types of illegal voters. 2.3 Now, I'm not getting into (inaudible) 24 about the widespread voter fraud. You're 25 correct. It wasn't found. It's just in a lot of

people's mind that there was. As a member that's been up here for years, I've always said in my career that if you wanna find fraud in any election, you'll come close to finding it in the absentee process because people don't have to show up to vote to show an ID to tell who they are.

But that was the first concern I had as I continued to hear you keep repetitiously talking about a photo ID, but there's nothing in this bill about a photo ID. Do you agree to that, that we're talking about an identifying number, something that we can identify who that person is to be sure that they're only voting once?

PICHAYA POY WINICHAKUL: Sure. And I understand that the words "photo ID" do not appear in the language of the bill as it is in its current form, but I just wanted to stress that a driver's license, if you have it, whether or not you need to record it onto a piece of paper when applying for an absentee ballot is a photo ID.

REP. ALAN POWELL: But it doesn't appear in here, and you continuously use that

term, which is sending a wrong message at people. Second question, you're concerned that we're not allowing anyone to speak, but if I'm not sure, we're on Zoom. Anybody who wants to testify can Zoom in if they're not here. I see the lady shaking her head no, but is that not correct? Aren't they --

REP. BARRY FLEMING: Mr. Chairman, what we're doing is that we do intend to allow witnesses by Zoom, and as I told the members of the committee, if you have a witness you want to appear by Zoom and you let the Chairman know, we will make accommodations for that. And so, also, we told people that if they wanna turn in written comments to the committee, we would take them and give them all to the committee. And obviously, we're allowing anybody that wants to come to sign up to testify as well. So, we're working with all three of those methods.

And I'll say it again, one of the first things I did even before I started talking to the Republicans on the committee, I asked all the Democrats on the committee to meet with me in my office, and three did, and I had discussion with the other the next day. And I would say to them

Page 30 1 again the same thing I told them at that time, if 2 they have witnesses they want to appear, the 3 Chair will work with them to accommodate that, as well I will with all members of the committee. 4 5 REP. ALAN POWELL: So, in fact, that 6 anyone who wishes to be heard on this matter can 7 be heard and will be heard --REP. BARRY FLEMING: 8 There are limitations --9 10 REP. ALAN POWELL: during the 11 process of hearings? 12 REP. BARRY FLEMING: There are 13 limitations with our Zoom, and we have to be --14 there's something called Zoom bombing that I am 15 told happens, and you have to be careful with whom you give the Zoom information out to, but 16 we're working within those restraints to try to 17 18 let anybody that wants to come testify, or turn 19 in written comments to the committee, or come in 2.0 public. 21 REP. ALAN POWELL: Last question, going 22 back to your comments on the photo ID or numerical, do you have any suggestions about how 23 24 in the absentee process that we could do an

identifier for factual? I mean, I was glad to

hear you say that y'all support safe and secure elections like the rest of us do, so could you tell me any ideas that you might have for our benefit of how if you don't use a number of sort as an identifier, how could this be achieved so that we know who these people are so there's not duplicate voting and such?

PICHAYA POY WINICHAKUL: Sure. So, briefly, I just wanted to comment on the ability to testify remotely, because I understand that you had a previous question about that, and I understand now that the Chairman has clarified the procedures for voting -- er, sorry, procedures for testifying on today's bill remotely, and I just wanna stress that I would encourage the committee to make those guidelines clear and publicly available as soon as possible since the next hearing, I understand, will be on Monday.

As to your question about possible amendments is what I hear, possible amendments or ideas about how to ensure that absentee ballots are more secure, your premise of the question, I understand, is that to ensure that elections and voting by absentee requires some form of ID, some

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form of identification. I just want to, again, emphasize that there is no widespread evidence of voter fraud, which I think we both agree on, and therefore, absentee ballot voting is currently safe and secure and reliable.

There are already requirements for when you complete an absentee ballot request form or when you register to vote, and so there's already information that a voter must fill out when they're registering to vote, when they're applying for an absentee ballot, and so I don't think that there needs to be additional identification burdens on voters in order to be able to request and submit an absentee ballot.

REP. ALAN POWELL: So, you don't have any other idea of how we can identify the voters to be sure. You know, I understand what you're saying about the registration process, but it's almost like having a driver's license. Everybody in here that drives a car should have a driver's license, but if you don't have that driver's license on your person or you don't have a number that could be associated to you, well, when you're stopped for a highway infraction, if you tell the trooper or the law enforcement officer,

"I got a driver's license," well, there's gotta be some kind of identifier to actually show that that person is who they say they are and that they are legitimate in that role.

Since you're opposed to -- and we haven't got a picture ID in here, we have the identifying numbers of these documents, but is there any other way in your mind of how we can identify that person to show that the person who has applied and is in fact voting is who they say they are so there's no chances of duplication or fraudulent voting?

PICHAYA POY WINICHAKUL: Again, I would say that the best method is the one that currently works if it's not broken. If it ain't broke, don't fix it. Voting by absentee is safe, reliable, and secure, and so I don't think we need to add additional burdens to voters in order to further secure, super secure, super-super secure, especially the elections, especially when the right to vote is fundamental under law, under the Constitution of the United States.

And so, I think that when someone is applying for an absentee ballot and then

receiving an absentee ballot and voting on an absentee ballot, the chances of widespread fraud are and have been proven to basically be none.

So, I'm not sure -- I should rephrase, I do not think, I do not believe that there needs to be addition ID requirements.

REP. ALAN POWELL: So, then you think that the current system that's in place, the exact match signature match should be sufficient even though in this past election we saw numerous problems? The judicial order back in March because of the Motor Voter ID, that people that vote or have registered to vote by DDS when they get a driver's license, that those signatures are digitalized so that a lot of the board of elections, they can't make out whether that's an exact ID or not. And under the law that provides for the exact ID, that's the reason we're looking for something a little bit more easier to work with so that these various boards of elections when they look at it, that they can actually see, instead of something that's a digitalized signature that doesn't match up, or in the case that we have seniors who have probably registered to vote possibly as much as decades before, that

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their signatures have changed. But this ID system is something that would be more specific to that person. So, I guess my question is are you saying that we should continue to use a questionable, flawed system of the exact signature in a new modern day that these signatures aren't matching at all times?

PICHAYA POY WINICHAKUL: So, I believe that in that question, you were referencing a court decision that did challenge the exact match and therefore had to change some of the provisions of exact match. And I'm not completely familiar with the case or have not basically read it in the last week, but I believe that case requires that a absentee ballot cannot be rejected for the signature not completely matching what is the signature on file. And so, if that is the current -- I agree that there were problems, but now there is a case that came in and said, "We're fixing these problems because there were problems." So, the current state is, again, we can always be improving the current ability to receive a ballot in the way that we're doing voting, but at least the amendment to this bill would require additional requirements for ID

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that would make it even harder and the burden would be even higher for voters who are voting by absentee. So, I'm not saying that the exact match or non-exact match signature system that we have in place is excellent. What I'm testifying here to is the absentee provision only that is part of this bill, and what I do know is that it would severely increase the burden on voters who are voting by absentee.

REP. ALAN POWELL: One last -- and I'm sorry if I'm --

REP. BARRY FLEMING: No, no, you ahead.

REP. ALAN POWELL: So, I hear what you're saying, and I'm glad that you agree with me that this exact match is kind of an antiquated system, but my concern is that people who have gone to vote and they've had problems with the exact match. To me, it shouldn't be that we should find a better system that they're matched up so that they're not having to vote a provisional or to be turned away. So, to me, going to an exact something, a little bit more exact about identifying these folks, that these people would not be disenfranchised or have to vote at a provisional ballot because of the

match. So, if they're more matched, something a little bit more accurate, then it should be more to the tune of people being not disenfranchised to vote.

PICHAYA POY WINICHAKUL: I'm -- oh, I'm sorry. Were you going --

REP. BARRY FLEMING: No, you go ahead.

PICHAYA POY WINICHAKUL: I'm heartened to hear that. It seems like we are very much on the same page of trying to make sure to expand the vote as much as possible to ensure that as many people are enfranchised and can access the ballot, I just think we have different ways of thinking about it particularly here with the absentee ID, photo ID requirement.

It appears to me that the burden would just be so signature on voters, especially voters of color who do not have access to ID or ways to submit copies of a non-Georgia driver's license or state ID, and that is not the solution, especially when there's not a legitimate basis for requiring elections to increase election security in the absentee voting space.

REP. BARRY FLEMING: Counselor, you are aware that democratic-sponsored groups sued the

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State of Georgia trying to make us get rid of our current system of signature verification? You are aware of that, correct?

PICHAYA POY WINICHAKUL: Yes.

REP. BARRY FLEMING: Thank you. Madam Speaker Pro Tem Jones.

REP. JAN JONES: Thank you, Mr.

Chairman, and thank you for testifying. Would you agree that the fact that widespread systematic fraud was not presented in a court of law does not necessarily mean there was no fraud in absentee balloting?

PICHAYA POY WINICHAKUL: Not necessarily. I --

REP. JAN JONES: So, you believe that if it wasn't shown and adjudicated in a court of law, then there was no fraud?

PICHAYA POY WINICHAKUL: My basis for understanding that there's no widespread evidence of voter fraud does not rely solely on what a court of law has determined. It's based on fact. So, it's based on the numerous counts, recounts, risk-limiting audits that Georgia has had to go through over the past year, in the last couple of election cycles. It is based on studies around

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the country that just like Georgia, there is no systematic widespread voter fraud. It is not solely based on whether or not a court of law has adjudicated that there has been factually no voter fraud, although a court of law has many times in Georgia -- I believe at least over 16 cases filed since the general election -- have also found that this is not a basis for any of the lawsuits that were filed here.

REP. JAN JONES: Thank you. And I'm referring to absentee balloting specifically, not risk auditing activities that confirm with machines, or with early voting in which a voter ID was presented, or in-person voting. I'm specifically referring to absentee balloting. Other than in a court of law in Georgia, what definitive evidence that there was none?

PICHAYA POY WINICHAKUL: I'm -- oh, I'm

REP. JAN JONES: None. I do mean none.

PICHAYA POY WINICHAKUL: And again, I'm talking about widespread systematic voter fraud, and I'm happy to send you multiple studies. I shared some longer written testimony with the committee -- I'm happy to send that again -- that

sorry.

Were you --

contains some of that information. I'm also happy to send numerous studies that have been peer-reviewed. I refer to you to basically the entirety of the Brennan Center for Justice's website, which not only provides statistics and information about how there is no widespread voter fraud and ever has been in the United States as well as their studies debunking other fraudulent studies about voter fraud.

REP. JAN JONES: So, in general, it's studies. It isn't activities related to, say, the 2020 or the 2018 elections that specifically proved that there was no fraud?

PICHAYA POY WINICHAKUL: So, you're correct. I'm not aware of any studies from the 2020 elections yet, although we have numerous statements from statewide officials -- Governor Kemp, Secretary of State Raffensperger, Elections Manager Gabe Sterling, Lieutenant Governor Duncan -- that there has been no evidence of widespread voter fraud.

REP. JAN JONES: And I specifically am referring to, and I believe I referred to, not systematic widespread but rather just the singular word of fraud.

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PICHAYA POY WINICHAKUL: A singular -REP. JAN JONES: And I don't mean a
singular instance, I just mean not systematic
widespread. That's a high threshold. There's a
lot underneath that.

PICHAYA POY WINICHAKUL: I think that, again, I kind of off-the-hand quipped earlier about lightning strikes, which I know that this is not a special committee on lightning strikes, so I don't wanna go too much into that, but incidents of voter fraud, again, are more rare than getting struck by lightning -- I think also shark attacks.

REP. JAN JONES: Well, I can appreciate your references to lightning strikes and shark attacks. It brings me as a mother of four to the analogy with stranger danger child abduction. We know that there's a very low chance of that --very, very low, but yet when a mother picks her child up and they know who she is, they know who the child is, they know the connection at a daycare center, she has to show a voter ID.

There are many activities in American life in which you show in general your driver's license and people don't think twice about it,

but it doesn't mean it's a common thing to happen. It just gives the parents a sense of confidence that their child's not being picked up by the wrong person, even though everyone at the daycare center knows who the mother is, who the child is, but there are certain things that sometimes one does simply to give people confidence.

But I would also ask, if the Chairman is correct that 97 percent of Georgians have a driver's license or a voter ID card, what is the burden on that 97 percent -- I'm not referring to the three percent -- the 97 percent to write a number down that they have in their back pocket or in their pocketbook?

PICHAYA POY WINICHAKUL: Absolutely.

So, I also understand your references to other important aspects of our civic life -- our families, our children -- where we wanna ensure that they are safe. I will also just add the fundamental right to vote is also sacred, and so burdening that vote cuts the other way. And so, we wanna make sure that we preserve that fundamental right to vote and feel secure as someone who may not have all of the paperwork --

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a ton of paperwork or access to paperwork -- to be able to vote.

Your question is about the 97 percent, and as a lawyer and under the case law, I am here -- and as a civil rights lawyer -- I'm here to talk about those small percentages of people, which I understand not everyone will want to pay attention to, but I'm here to talk about and testify to support those people who do not have those forms of identification.

The latest statistic, and I have one statistic -- not a math person -- from the Brennan Center is that 16.6 percent of Georgia voters who do not have a Georgia license or state ID live at least 10 miles away from a DMV, a motor vehicle office, and so to get that type of ID would be increasingly burdensome, especially for rural voters.

I'm talking about and I'm here to testify to support and advocate for those people who do not have that ID because we want them to participate in our elections, in our democracy, and that's how we ensure that we have a representative and robust democracy in Georgia.

REP. JAN JONES: So, just to conclude,

	Georgia Senate Bill 202, In Re
	Page 44
1	whether it's 84 percent or 97 percent, you're not
2	concerned about whether that's a burden. So,
3	when we keep talking about the burden on
4	everyone, it's really you're concerned about
5	those who don't have a state ID or a driver's
6	license, is that accurate?
7	PICHAYA POY WINICHAKUL: Yes. And they
. 8	are the people who are disproportionately voters
9	of color and other historically disenfranchised
10	groups.
11	REP. JAN JONES: And then we could
12	debate later whether it is an undue burden on
13	them, but I just wanted to clarify, it's not a
14	burden on the rest of the voters? So, I guess it
1.5	remains to be determined is it a burden on the
16	remaining ones who do not have those forms of ID?
17	PICHAYA POY WINICHAKUL: I am here just
18	testifying on the undue burden of those people
19	who are disproportionately impacted by the voter
20	ID law.
21	REP. JAN JONES: Thank you.
22	REP. BARRY FLEMING: Representative
23	Alexander.
24	REP. KIMBERLY ALEXANDER: Thank you,

Mr. Chair. Are you aware about the situation

Page 45 1 that happened in Cobb County with the 15,000 ballots where there was only two that came back 2 3 as an error? PICHAYA POY WINICHAKUL: I am not 4 5 intimately familiar with that, but I have read about it in our great news sources. 6 7 REP. KIMBERLY ALEXANDER: Yeah, that is what occurred. Further questions, Mr. Chair? 8 9 REP. BARRY FLEMING: Yes, ma'am. REP. KIMBERLY ALEXANDER: So, I know 10 11 we're talking about IDs, and I know within this bill on Page 20, 498 through 511, they're asking 12 13 for four digits to be placed on the envelope, of 14 the outside of the envelope of the absentee 15 So, that's what we're talking about, ballot. 16 with the request of the four digits. And I guess 17 my question would be for the authors of the bill. 18 What is the purpose of placing this on this bill? 19 Since we're talking about fraud, do we know or 20 can you share what those fraud numbers are to why 21 there is a purpose for putting your four digits 22 now on the envelope? 23 REP. BARRY FLEMING: I would point out to the representative that if you look on Line 24 25 508, it says, "The elector's date of birth shall

be hidden from view in the envelope that's correctly sealed, or the last four digits of the Social Security number, or the driver's license." So, there is language in here to redesign that envelope so that it is protected when it's sent back into the board of elections. That's the first thing I would note for you.

What I would also note for you, the purpose of that driver's license identification number or the other identification that is referenced there is because we are moving away from the signature verification process that we have in place now, which your party sued us to try to get rid of. We're moving away from that to something that is probably a much better identifier, hence has been discussed previously in this hearing.

REP. KIMBERLY ALEXANDER: But Mr. Chairman -- further question?

REP. BARRY FLEMING: Please.

REP. KIMBERLY ALEXANDER: I'm still asking you not what the party -- what they sued you for or whatever, this is the bill that's in front of us now, and I'm still asking the question, do you know of any instances where

fraud has occurred to where this is an extra measure?

REP. BARRY FLEMING: Do I know of any instances where fraud has occurred to this is an extra measure? I'm trying to understand your question, but I'm not sure I do.

REP. KIMBERLY ALEXANDER: Mr. Chairman, I'm asking you, you're throwing out that there is a purpose for us to have people to add an extra layer for identification, so I'm asking you in what instance is the purpose of this? Is it because of the lawsuit or is it because there's fraud that have occurred?

REP. BARRY FLEMING: The purpose of all our laws dealing with voting is that we try as best we can to make sure that our voting is secure and that someone's vote cannot be stolen. We do have instances that I have been told of claims where people went to vote, and they said, "You've already voted." We do have lawsuits which have occurred in this state in the past where people have been found guilty of manipulation of absentee ballots. We do have instances we have heard of -- vote harvesting, for example, in the area of absentee balloting.

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But what I would say to you, it is our due diligence in this legislature to constantly update our laws to try to protect the sanctity of the vote. The reason people don't rob banks every day is because banks put in place provisions to keep that from happening. The reasons we will not have people steal votes in the State of Georgia is because we pass bills to try to keep that from happening, and that is the purpose of the language that you're referring to now in this bill.

REP. KIMBERLY ALEXANDER: Thank you.

REP. BARRY FLEMING: Yes, ma'am.

Representative Burnough?

REP. RHONDA BURNOUGH: Thank you, Mr. Chairman. And following up on Representative Alexander, there has not been found the widespread fraud that everyone keeps talking about, but what about the unintended consequence of the fact of identity fraud when people start putting their numbers there, and we know that Georgia has had problems in the past of keeping things secure? So, while we are asking for this, we also put at risk our Georgians, for their information to be stolen because we're not as

clear about what's gonna be done with all that paper that's there with their ID numbers and other information.

absolutely a concern, and I thank you for raising that point. We are part of a coalition of many election groups and voting rights groups in Georgia, many of whom I'm sure you have heard from, and there are a number of groups especially representing immigrant communities in which identity theft is a huge concern because it's so pervasive amongst those immigrant communities, and we do worry that the additional ID requirements will impact these communities in terms of their willingness to provide such information.

REP. BARRY FLEMING: Chairwoman Rich?

REP. BONNIE RICH: Thank you, Mr.

Chairman, and thank you so much for being here. I wrote it down because I heard you use the phrase a lot, and I think it's what the speaker pro tem was asking you about, no evidence of widespread vote-by-mail fraud. And I kept wondering what exactly does that mean? Do you

25 have a definition or do you have a particular

Page 50 quote or citation from which you lifted that 1 2 language? 3 PICHAYA POY WINICHAKUL: It is not a 4 term that I think is defined in the Webster 5 dictionary or any other court necessarily. I use it here just to demonstrate that on the flip 6 7 side, that if there are incidents of voter fraud, 8 they've been found to be very just minute, small, not impactful. I'm happy to elaborate and follow 9 that up with other studies as well, I'm just not 10 11 as --REP. BONNIE RICH: So, a certain amount 12 of fraud is acceptable then? 13 14 PICHAYA POY WINICHAKUL: I'm not --15 REP. BONNIE RICH: Is that my understanding of what you're saying? 16 17 PICHAYA POY WINICHAKUL: We wanna ensure that elections -- we agree with you that 18 elections should be safe and secure, and there's 19 20 just been no widespread voter fraud that would 21 threaten that security. 22 REP. BONNIE RICH: Okay, and that's what I guess I wanna focus on. 23 What does that 24 mean, "no widespread voter fraud"? Because if

there is a certain amount of voter fraud, that

means that someone who voted in the election who was not a legal voter, they basically disenfranchised me when they voted. Is that correct?

PICHAYA POY WINICHAKUL: I think what's correct here is that if you're looking at the basis of this law, there is no evidence of widespread voter fraud that would be a sufficient justification for the burdens that the photo ID requirement imposes on voters.

REP. BONNIE RICH: So, what is it -what system do we have in current Georgia law
that would allow us to identify your evidence of
widespread vote-by mail fraud?

PICHAYA POY WINICHAKUL: I think that's a question that you have to pose to the Secretary of State and other elections managers. I know that they are always actively engaged in trying to seek out voter fraud, and so I would ask that you pose that to them. I'm not a voter fraud prosecutor, so I don't know.

REP. BONNIE RICH: Well, that's what this committee is here to do is to craft legislation that ensures the integrity of our voting system, and you're saying that our current

system has shown that there has been no evidence of widespread vote-by-mail fraud, and I'm just wondering what in our current system would allow us to ever identify that?

PICHAYA POY WINICHAKUL: Again, I would ask that you pose that the Secretary of State and the election administrators of this state. I am here to testify and say that there has been found no evidence of this fraud, therefore, there's no legitimate justification for the burdens imposed by this law.

REP. BONNIE RICH: And would you agree that if our current signature match system is insufficient to identify the widespread evidence of fraud, that your statement basically has no meaning, that there very well could be widespread voter fraud, but our system is not set up to detect it?

PICHAYA POY WINICHAKUL: I think that there are a lot of conditionals in your question there, and there are a lot of prefaces that I think we would disagree with. I am solely here just to testify on the impact of this legislation on voters who are voting by absentee who may not have the identification requirements required in

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Page 53 the law. 1 2 REP. BONNIE RICH: Thank you. 3 REP. BARRY FLEMING: Representative 4 Williams? REP. RICK WILLIAMS: 5 Thank you, Mr. Madam, have you ever worked an 6 Chairman. 7 election or been involved in the process of elections? 8 PICHAYA POY WINICHAKUL: Are you asking 9 have I been involved as a poli worker or as an 10 11 election worker? REP. RICK WILLIAMS: 12 Mm-hmm, poll worker. 13 PICHAYA POY WINICHAKUL: 14 I have not. 15 My experience has been as an attorney working on election protection efforts, as a student working 16 on election protection efforts. I've registered 17 18 numbers of people to vote. I have worked in 19 numerous policy capacities doing research. So, I 20 am, I would like to say humbly, well-read on 21 election procedures, but I have not worked as a 22 poll worker. 23 REP. RICK WILLIAMS: Okay, thank you. And thank you for being here. Are you aware that 24 25 some elections are lost by one vote even here in

Page 54 the State of Georgia? 1 2 PICHAYA POY WINICHAKUL: I'm sorry, can you say that again? 3 REP. RICK WILLIAMS: Are you aware that 4 the sheriff of Wheeler County, Georgia lost his 5 election in 2012 by one vote? 6 PICHAYA POY WINICHAKUL: I was not 7 aware of that. Seems like a very close election. 8 Exciting. 9 REP. RICK WILLIAMS: And I saw 10 personally in Milledgeville a city council person 11 win by one vote. So, any fraud, any absentee 12 ballot fraud is too much. Even if it's one, it's 13 too much. We all want the same thing at the end 14 of the day, that the elections are fair, honest, 15 1.6 and that everyone votes their conscience, and no 17 one is manipulated, threatened, no votes are 18 bought with a five-dollar bill or a cigarette and a can of beer, and there's evidence, and I have 19 the evidence to show some of those things. 20 21 There's actually an election in 22 Meriwether County School Board was actually thrown out because of widespread voter fraud. 23 24 You know, in a perfect world, it wouldn't happen.

None of us want it to happen. It doesn't matter

if you're Republican or Democrat. You want it to be fair, open, and honest, and that's what we're after, too.

I appreciate you coming to testify in your knowledge, but I encourage you and others to get involved, to go work a poll, to be a poll worker, to be a volunteer to see the process. I know we have 159 counties, and we have about a hundred different ways elections are run in those counties. It's not all the same way, and that's what we're looking for is that everything is done the same, whatever county it is. And I do thank you again, but we're open-minded, and we're all wanting the same thing, and I thank you. Thank you.

REP. BARRY FLEMING: Chairman Smyre?

REP. CALVIN SMYRE: Thank you for your testimony. I really appreciate that, and I'm read some of your position papers, and they're very helpful. And I wanna tap on your experience. As I read the bill and try my best to -- because I think voting is very fundamental. I mean, just one of those issues that I always speak very highly of because I always encourage people to participate in democracy and the

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political process, but my really concern here a little is the early voting section as it relates to the bill.

I know that early voting, when you cut back on early voting, it disproportionately affects the voters of color who have the highest rate of weekend voting, and Section 12 of the bill, when you eliminate some form of Saturday and Sunday voting, it appears to me that once I read and looked at it and kind of added it up, it looks like you can almost cut 108 or 110 total available hours of early voting, and to me, that would have a disproportional effect on a segment of our community.

So, what experience, what do you have that could add to that discussion on early voting? Because in early voting and absentee voting is another tool extended to the public so that they could -- because we all have circumstances in life. We all are different in terms of how we work and how we go about our total business, so we've been trying to provide every avenue we possibly could to enhance voting, because when you lift the water, all boats rise. It gives everybody the same and equal

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opportunity.

And so, what's your thought on counties conducting early voters in Saturdays and Sunday, and if you eliminate Saturday and Sunday voting, how that would disproportionately harm voters of color and those who may have some other rationale and reason for not being able to go and may need that Saturday or Sunday voting, and how would that affect it?

If that was 110 or 100-and-so total available hours of early voting, how harmful would that be disproportionately to people that maybe have to work, have other circumstances, that require them to not be able to vote during the day? And so, could you address that for me, how this serves the voter?

thank you again for that question because it is another incidence, not only on its own of how this bill would disproportionately affect voters of color, low-income voters in particular, and other historically disenfranchised groups, but it's another provision that could exacerbate the photo ID requirement for absentee voting. A lot of these would -- you know, we're talking about a

system of voting, so these burdens interact with one another and exacerbate one another.

So, I didn't spend as much time on this portion of the bill as I did on the absentee photo ID requirement portion, but I believe that similarly, it would disproportionately impact those communities that I had mentioned before in my opening testimony. You reference voters who come from different circumstances, people who have to work on election day for instance, and so early voting is some of the only opportunities some people are able to access the ballot.

And so, I think that we see that people, disproportionately voters of color, do need additional voting options and flexibility, including those days of early voting. I also agree my reading of this bill is that it would extremely diminish the availability of early voting, and that is extremely problematic for us as well. Again, when we're looking at from a legal perspective the reduction of availability of voting options, we are looking at the populations that are disproportionately impacted and the portions of the populations who would need to otherwise early vote and to understand

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their particular burdens, and those would be great.

REP. CALVIN SMYRE: Okay, thank you for your advocacy. I appreciate your testimony.

PICHAYA POY WINICHAKUL: Thank you.

REP. CALVIN SMYRE: Thank you.

REP. BARRY FLEMING: Yes, sir,

Representative Burnough?

REP. RHONDA BURNOUGH: Thank you, Mr. Chairman. While I respect my colleague who said to you that you needed to go and possibly vote -- I mean, work an election, I disagree that you don't have to work in a voting poll or in some capacity to understand the importance of people having the right to vote.

And the other thing I wanted to say is that the word "widespread voter fraud" was a term that was used early on before the election had ever started, so the proof was in that after our Secretary of State of Georgia who oversees the election, after the three different counts that were required, they determined that there was no widespread voter fraud. So, that's where the proof came. It came from our Secretary of State's office.

	Georgia Schate Bill 202, ill ite
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1	REP. BARRY FLEMING: Thank you.
2	Representative Alexander?
3	REP. KIMBERLY ALEXANDER: Thank you,
4	Mr. Chairman. Would you agree that there are
5	checks and balances already with the application
6	process?
7	PICHAYA POY WINICHAKUL: Yes.
8	REP. KIMBERLY ALEXANDER: Thank you.
9	Would you also Mr. Chairman, another question.
L O	Would you also agree that an enormous amount of
L 1	the taxpayers' dollars was spent this previous
L 2	election to look for fraud only to be found that
L 3	there were not widespread fraud?
4	PICHAYA POY WINICHAKUL: I'm not
L 5	intimately familiar with all of the budgeting
- 6	processes, but I do understand that a lot of
- 7	resources went into such efforts.
. 8	REP. KIMBERLY ALEXANDER: Thank you.
9	REP. BARRY FLEMING: Counselor, we
20	appreciate you being here today. Thank you very
21	much.
22	PICHAYA POY WINICHAKUL: Thank you so
3	much for your questions and the opportunity to
4	speak.

BARRY FLEMING:

Kevin?

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Welcome.

Good to have you with us today. You can take your mask off if you'd like to when you address the committee. If you would, state your full name and tell us where you live and who you're with, and we'd be happy to hear from you.

KEVIN SHANKER SINHA: Sure. Thank you.

I'm gonna keep my mask on --

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REP. BARRY FLEMING: That's fine. No problem.

KEVIN SHANKER SINHA: Please let me know if I'm hard to hear or anything.

REP. BARRY FLEMING: I hear you pretty good.

KEVIN SHANKER SINHA: Okay, thank you.

So, my name is Kevin Shanker Sinha. I'm a

community organizer and voting rights advocate

and founder of CivicGeorgia. I am here --

REP. BARRY FLEMING: Tell us what CivicGeorgia is.

KEVIN SHANKER SINHA: CivicGeorgia is a collaborative of community organizers, so we serve our communities working on different issue areas that impact our communities as well as advocating for important issues such as voting rights.

REP. BARRY FLEMING: Where is it based?

KEVIN SHANKER SINHA: So, CivicGeorgia
is based in Atlanta. I am personally a resident
of Cobb County.

REP. BARRY FLEMING: Go ahead.

KEVIN SHANKER SINHA: Okay, thank you. So, I should add, especially since a couple of the representatives brought it up, that for the sake of transparency, I serve as a precinct manager in Cobb County. I'm not here in that capacity. If anybody has questions about that, I probably am not able to address that. I'm here as a community organizer. So, I just wanted to sort of -- and I apologize if I get a little emotional at any point. Just forgive me. But I just wanted to share --

REP. BARRY FLEMING: If you need to take a break, you just let us know.

KEVIN SHANKER SINHA: I'll be fine, thank you. This is a very large and comprehensive bill, and as my colleagues have already shared, I think we would appreciate more time to review it and incorporate public testimony, especially from community members who occasionally face issues that may be exacerbated

by some of what's proposed in these bills -- excuse me, in this bill.

At the same time, I am not an expert on exactly what all this committee is tasked with. I understand the general nature of it, but I would pose that elections integrity includes not just seeking out and trying to eliminate or prevent whatever fraud there might be but to ensure that voters have fair access and equitable access. And equity, as we all know, is not just about equality. It's about making sure that we all go the extra mile to provide resources, and availability, and in some cases support in being able to participate in the voting process.

To those of us who are situationally and systemically disenfranchised -- we all know the communities I'm referencing. My colleagues have shared about them. That includes communities of color, that includes the elderly, that includes people of differing abilities, that includes young people, that includes a lot of people who face challenges that we're not all aware of because we don't all face them ourselves.

And so, when we talk about things like

early voting, early voting is a beautiful thing. I have early voted. I have worked early voting as an elections personnel, team member if you will. It supports people who don't have necessarily the choice to go on election day. Certainly, you can make the case that, well, this isn't about cutting back all of early voting, it's about trimming here and there, and I would pose that that will impact some percentage of people who don't have the flexibility to early vote during weekdays.

I would pose that we should expand early voting. Why not make it more accessible? It works for people. Early voting is largely a people-managed process in that someone is attending in person, and I think our precincts have been proven to be safe, secure environments for voting, so we should expand early voting.

Absentee voting, voting by mail -there are a few other terms that it can be
referred to -- such a powerful, powerful thing.
We saw the power of it over the past year. It
came out of a necessity since we are facing this
horrible pandemic, but how many people got a
chance to participate when before they may not

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have been physically or otherwise able to go to the polls?

And we know that absentee balloting and voting by mail has been a part of Georgia's elections process for some time now, thankfully, but I don't know that it was embraced as much as in the past year, and I believe that, again, rather than being restrictive to something that works well and that shows such promises goes against what I would consider elections integrity. I believe we should expand absentee voting through whatever means.

For example, I believe there is a bill active right now that may change the age of people being able to automatically receive their absentee ballots. I'm not sure that's necessary. I'm not sure that's helpful to anybody. I think perhaps we should all be eligible to automatically receive our absentee ballots. Why not? Why not all of us have an easier chance of participating in the process?

I think that the mobile voting units that we saw in Fulton County, which I believe there's a reference to in this bill -- forgive me, I have not had as much of a chance to digest

it as I would've liked -- but that is a beautiful thing. I believe bringing precincts closer to people who may not be able to physically or based on a lack of transportation access go to their precinct but still prefer to vote in person because that's maybe a part of what their voting process is, their personal preference.

That's amazing. We should be doing that everywhere. We should be encouraging counties. We should be supporting them fiscally in adopting similar programs. I'm sure there are ways to learn more about how that works, perhaps encourage a pilot program. You can create studies that see how that works for us across the state. There are other states, such as Colorado I believe, that have more expansive programs around this.

I think that we can become a leader as a state in expanding voting access and voting rights, and I think we should. We have an opportunity to. We have some of these tools at our disposal, and really choosing to understand them and embrace them for what they give back to us as opposed to creating solutions for problems that don't exist, as my colleague earlier

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referenced, I think that is part of elections integrity.

representatives -- forgive me -- mentioned this already, but as a poll worker, as a poll manager, as someone who has done that, absolutely encourage everybody to try that, to experience that. It is a beautiful thing to work in the process. It's an important thing. I would say that that is far from the only way to be involved. I think someone choosing to pursue a career as a civil rights attorney has very much gotten involved, as have we all -- organizers, representatives, community members. We're all part of this, we're all involved.

referenced the audit in Cobb County for absentee ballots. I think the numbers were on the order of out of 150,000 absentee ballots, the Secretary of State's office, through whatever means they do, audited about 15,118, approximately. They found two cases of problematic scenarios. Let me confirm for you what those were, because I'm not sure that they were necessarily fraud.

In one case, the ballot was mistakenly

signed by the elector's spouse, and in the other, the voter reported signing the front of the envelope only. In both cases, the identified voters filled out the ballots themselves. Those were two cases out of 15,118 ballots that were audited that found issues. It's not even fraud - issues. So, at least based on this audit that the Secretary of State's office did, there was, I think, technically zero percent fraud.

But let's say that even those two could be considered by some stretch of the imagination to be fraud, that's still 0.013 percent. No fraud should be allowed, but I think we saw that at least in this audit, there was no fraud in the case of these ballots.

No fraud should be allowed, I agree, but we're talking about -- I'm using, I believe, the Chair's numbers. I would need to verify these, but something like three percent of registered voters may not have certain forms of ID that are required, that would meet the requirements of what this bill is asking for to be an absentee voter. If it is three percent, you're potentially impacting three percent of people to protect against zero percent of

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Page 69 something that didn't happen. So, I'm not sure -1 2 3 REP. BARRY FLEMING: When you say zero percent of something that didn't happen, tell me 4 5 what zero percent you're referring to. KEVIN SHANKER SINHA: Apologies. 6 7 I'm referring to in that case of the audit of the Cobb County absentee ballots from the November 8 election. REP. BARRY FLEMING: So, you're not 10 11 referring to the rest of Georgia? 12 KEVIN SHANKER SINHA: Correct. 13 referring specifically to that case. Apologies. 14 REP. BARRY FLEMING: Thank you. 15 ahead. 16 KEVIN SHANKER SINHA: Thank you for allowing me to clarify. So, there is a chance of 17 impacting -- and a likelihood. And studies have 18 19 shown there's a likelihood of impacting voters of 20 color, elderly voters, voters with differing 21 abilities, young voters, voters in rural 22 communities, voters with lower income. 2.3 There's a likely chance of impacting 24 those members of our communities because they 25 face other systematic challenges, and we face

challenges that are not always clear to people when we think that a certain ID requirement might be an easy thing to meet. So, that all to be said is that three percent of, give or take, 15,000, just since that number has come up, is about 450 people. That's no insignificant. That's pretty substantial.

And so, as someone who is here advocating for equity and for justice in the process of civic engagement, I would urge us all to focus on the three percent when we consider establishing some of these new guidelines or proposing some of these new guidelines and actually using the power and the authority of this committee and as elected officials to look at these programs and choose to expand them and expand access, expand the right to vote -- or excuse me, the ability and access to vote for voters in Georgia. So, I'll stop there. I'm happy to answer any questions or address -
REP. BARRY FLEMING: Any questions for

REP. BARRY FLEMING: Any questions for the witness? Thank you, Kevin, we appreciate you being here today.

KEVIN SHANKER SINHA: Thank you.

REP. BARRY FLEMING: Richard Rose. Mr.

Page 71 Mr. Rose, thank you for being here today. Rose? We're happy to hear from you. If you would go ahead and state for the record your full name and where you live and who you're with. RICHARD ROSE: Thank you, Chairman. I'm Richard Rose. I am an Atlanta, Georgia resident. I'm representing the NAACP Atlanta and 17 other branches that contain 77 percent of Georgia's black voters. REP. BARRY FLEMING: What's your position with them, Mr. Rose? RICHARD ROSE: I'm president of the Atlanta NAACP. REP. BARRY FLEMING: President, yes, sir. Thank you for being here today. Go ahead. RICHARD ROSE: Thank you. So, I'm also by profession a certified public accountant, and I was listening to the other speakers and their other questions, and the question came to me, why don't we start with a demonstration that there 20 really are problems, in particular with absentee ballots? Why don't we just audit absentee balloting, the whole 159 counties, to identify

problems -- and there are gonna be mistakes, but

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identify the fraud since we are claiming it. It seems to me that what we have is a lot of solutions looking, searching for a problem.

Those of us in community service, we struggle to get 7 out of 10 voters to the poll, so in addition to being safe and secure, we're concerned with accessibility.

How do we get all of our people involved in what should be a right and a privilege, and that is participation in the voting process? So, why don't we pass legislation to identify and document problems before continuing to vilify those who only want the same justice, the same consideration, the same rights, and the same freedoms promised by the constitution?

And we have technology now throughout commerce that can help us in this. There was a time we needed a ticket to get on the airplane, and we don't need that anymore. We can use a paper trail or small boarding pass, but that's not necessary anymore.

It just seems to me that at the basis of this very large bill, there is an attempt to exclude that we've always had in America --

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exclusion based on exclusion for education, exclusion for military service, exclusion for political leadership, exclusion for jobs -- and all of these things have been based on a premise that has been false -- the premise of the lack of integrity, the lack of intellect, the lack of unsuitability.

All of these things have plagued

America, and I would urge this committee and this
legislature and this state to step away from
those things that have harmed us for the entirety
of the United States of America. Just to remind
you, the lack of an intellect, the lack of
integrity, the lack of suitability was used to
justify 250 years of slavery and another 150
years of Jim Crow policies, practice, and laws.

Now, the lie is that we have collusion, corruption, and deceit leading to another declaration of unfitness. As I said, in NAACP, we fight to impress upon our community the necessity to participate in the voting franchise. We fight a battle of apathy and despondency where people just cannot quite make the connection between the vote and what's good for them and their families.

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These legislations appear to be another way to discourage participation by the claim that there are problems that have not been identified. I would urge us to, again, to focus on first identify if there are problems with absentee balloting, audit them, from Chatsworth to St.

Mary. Let's identify, let's put numbers on them before we come up with solutions when there has been not a problem identified. Thank you for your time. I'll take any questions you might have.

REP. BARRY FLEMING: Mr. Rose, we appreciate you being here today. Any questions for the witness? Representative Burnough?

REP. RHONDA BURNOUGH: Yes. Thank you, Mr. Chairman, and thank you for coming here today to speak. And I do agree. I liked your example of using how that when we first started flying, we had to have that little paper ticket and now we've gone to electronics, and that's the one thing that Georgia should be doing.

The motivation by slashing the times that we're gonna do early voting, the same thing with putting more requirements on absentee ballots, that is taking us backwards, and we

Page 75 should be working to go forward, because like I 1 2 said yesterday, we didn't know what Zoom was, and really, most of us didn't know that we could go 3 and vote, which came about in 2005, no excuse 4 5 absentee voting, and it did produce recordbreaking voters. 6 But you know, it's not just the 7 seniors, it's also people that work shifts, 8 doctors, lawyers that may have to go to court, 9 10 and so it sort of changed our mindset, and it opened it up for people who did not go out and 11 vote that thought, "Okay, I have a better 12 13 convenience, I have three ways that I can go vote." And so, I agree that it is time for us to 14 15 move forward in the State of Georgia as opposed to moving backwards, so thank you for your 16 17 comments. REP. BARRY FLEMING: Thank you. 18 19 Chairman Smyre? REP. CALVIN SMYRE: Thank you for 20 coming, and thank you for your leadership, and --21 22 RICHARD ROSE: Yes, sir. 23 REP. CALVIN SMYRE: -- your advocacy. 24 I've enjoyed working with you over the years. I 25 just wanted to say here I enjoyed our

Page 76 1 conversation on the call and appreciate you being 2 here. 3 RICHARD ROSE: Thank you very much, sir. 4 5 REP. BARRY FLEMING: Thank you, Mr. We appreciate you being here. 6 Rose. 7 RICHARD ROSE: Thank you, sir. Thank 8 you, Mr. Chairman. REP. BARRY FLEMING: Okay, at this 9 10 time, we don't have any other witnesses signed up 11 in person. What the Chair intends to do is to break for lunch and to reconvene at approximately 12 13 1:00, unless there are questions or comments from any committee members at this time. Seeing none, 14 15 we will be in recess until 1:00 right back here. 16 Thank you. 17 Meeting on break.) 18 REP. BARRY FLEMING: Good afternoon, 19 ladies and gentlemen. Welcome back. 20 everybody got a bite to eat for lunch, and we will now begin our afternoon session. We have a 21 22 few witnesses that are signed up, and we will be 23 working with them. Some are in person, some will 24 be via our audio system, and then some actually

have picture on the screen as well.

But the first person will be Joe Sapp.

Mr. Sapp, can you hear me? Give a second for

House media services to bring Mr. Sapp into the

meeting. Mr. Sapp, they tell me that you have

muted your phone and you will need to unmute your

phone. Give us just a minute to work on that.

My phone tends to work a lot better when my 19
year-old is assisting me, and sometimes it takes

a moment.

Mr. Sapp, they're telling me -- our media services -- that your phone is showing as muted, so you will need to unmute your phone. As soon as you do it, you can talk and let us know you're there. Did you pass the first class, Representative Smyre? Okay, all right. Well, you're a better man than me, I'll tell you what.

Okay, maybe he's trying to call in again. We'll give him just a second. Mr. Sapp, can you hear me?

JOE SAPP: Yes, sir. Can you hear me now?

REP. BARRY FLEMING: Yes, sir, we sure can. We appreciate you putting up with our attempts to bring you into our meeting. We don't have a video of you, but we do have you by audio.

Page 78 So, Mr. Sapp, if you can go ahead and tell us your name, although I think I have it correct, and where you live. Yes, sir. I go by Joseph JOE SAPP: Sapp, and I'm from Hawkinsville, Georgia. REP. BARRY FLEMING: Hawkinsville, Georgia. Yes, sir. JOE SAPP: REP. BARRY FLEMING: Well, we welcome you to our afternoon session of the House Special Committee on Election Integrity. Tell us what you would like for us to hear from you on today. JOÉ SAPP: Yes, sir. I was talking to a friend of mine who brought it to my attention that I had a phone call on Sunday, November 1st

a friend of mine who brought it to my attention that I had a phone call on Sunday, November 1st prior to the election, and it was a restricted number. I'm in the healthcare field, and normally when it's a restricted number, it's a physician calling me, so I always answer restricted phone calls.

And the lady introduced herself and, again, I cannot remember her name or the organization that she said she represented, but she called me Joseph, and my son's name is also Joseph, and my son's a senior at the University

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of Georgia and had requested an absentee ballot.

And I think she was mistaking me for him, and she wanted to know if I had turned in my absentee ballot.

At that point, I realized kind of the mistake that she had made, thinking it was my son, and I said no, I haven't yet, but it would be in prior to Tuesday. And she then asked my address and then said, "If you would like --" they had a representative in that area that would be glad to come by and get my absentee ballot and take care of it and get it to where it needed to be. And again, I didn't think anything about it. At that point, I just said, "No, ma'am, I've got it handled. Thank you for trying to help me," or whatever.

But then after the election when all of the commotion was going on about it and I mentioned it to a friend of mine that's a representative and then a friend of mind that's an attorney, he was like, "Well, you may wanna let somebody know about that call," because their interpretation was it probably violated some type of election law.

REP. BARRY FLEMING: So, if I

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1	understand correctly, they called you "Joseph".
2	Is that what folks call your son?
3	JOE SAPP: Yeah, so I'm Joseph Melvin
4	Sapp, and my son's name is Joseph Patrick Sapp.
5	He goes by Patrick, but a lot of people, of
6	course, at school and all that refer to him by
7	his first name.
8	REP. BARRY FLEMING: And you had or had
9	not voted by absentee yourself?
10	JOE SAPP: Myself, no. I voted in
11	person on election day.
12	REP. BARRY FLEMING: And the lady that
13	called you was offering to come by and pick up at
14	your house your absentee ballot?
15	JOE SAPP: Yes, sir.
16	REP. BARRY FLEMING: Did they talk to
17	you about when they would possibly come by or did
18	you ever get to that point?
19	JOE SAPP: No. She made it sound like
20	it would be that day. She didn't give me a
21	specific on that. She just said she had a
22	representative in the area that would be glad to
23	come by and get it and take it to the proper
24	place for it, and I told her that it's a small
25	town, it's no problem. I know exactly where to

Page 81 take it. 1 REP. BARRY FLEMING: But you did not 2 know who this person was, is that correct? 3 No, ma'am, no -- I mean, no, JOE SAPP: 4 5 sir, not at all. REP. BARRY FLEMING: So, she obviously 6 was not your caregiver or a family member or 7 8 someone who's actually maybe allowed to pick up absentee ballots and take them and turn them in? 9 We wouldn't JOE SAPP: No. No, sir. 10 need that service. 11 REP. BARRY FLEMING: Well, are you 12 aware, Mr. Sapp -- and it sounds like through 13 this process you may have -- that ballot 14 harvesting is illegal in the State of Georgia? 15 JOW SAPP: Yes, sir, I've discovered 16 17 that after the fact. REP. BARRY FLEMING: Mr. Sapp, we have 18 several other committee members who are here 19 today on this House committee. We normally, when 20 a witness testifies, give other members the 21 22 opportunity to ask questions. You've been very 23 clear in what you've had to say, but I do want to 24 at this moment pause and see if any other members 25 of the House would like to ask any questions

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1	about this episode that you've described for us
2	today.
3	JOE SAPP: Sure, no problem. Thank
4	you.
5	REP. BARRY FLEMING: I do not see any
6	questions from any of the committee members at
7	this point, and I wanna make sure that Mr.
8	Sapp, we sure do appreciate you being with us
9	today.
10	JOE SAPP: Okay. Thank you a lot,
11	Chairman. Appreciate it.
12	REP. BARRY FLEMING: Yes, sir. Bye-
13	bye.
14	JOE SAPP: Bye.
15	REP. BARRY FLEMING: Next, we will have
16	Amber McReynolds and is that Ben Schler? Ms.
17	McReynolds, can you hear me?
18	AMBER MCREYNOLDS: I can, yes.
19	REP. BARRY FLEMING: Okay, there you
20	are. You're on the screen with us. Welcome.
21	Good to have you today. Now, do you have
22	somebody with you named Ben that wants to testify
23	also?
24	AMBER MCREYNOLDS: Yeah. Ben's just
25	he's one of our policy legal experts (inaudible)

## Full Committee 2/19/2021 Georgia Senate Bill 202, In Re

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Page 83 1 2 REP. BARRY FLEMING: Okay, so it'll be 3 you? 4 AMBER MCREYNOLDS: It'll be me, and he 5 might weigh in if he needs to. 6 REP. BARRY FLEMING: Okav. And I'm 7 pronouncing your name correctly, Ms. McReynolds, right? 8 AMBER MCREYNOLDS: 9 REP. BARRY FLEMING: Okay, thank you so 10 much for being with us today. Please tell us who 11 12 you're with and where you are, and we'll be happy 13 to hear from you. AMBER MCREYNOLDS: Absolutely. Well, 14 15 thank you, Mr. Chair, for having us today. 16 mentioned, I'm Amber McReynolds. I'm the CEO of 17 the National Vote at Home Institute and 18 Coalition. I also am a former elections official, so I ran elections for over 13 years 19 and have been involved in election administration 20 for more than 16 years in the State of Colorado 21 22 but also nationally. 23 I've done a lot of work in Georgia over 24 the last few years supporting election officials 25 in various counties and also the state, and our

expertise at the National Vote at Home Institute is really about how to improve the process overall for all voters and also balancing values in the election process that are really important as we think about policies and reforms, ensuring that all policies sort of cover all values in the election process equally and fairly.

And those values are really about making sure that the process and the policy itself is fair, accessible, secure, transparent, equitable, and reliable. And my acronym for that is FASTER, but we wanna ensure that all those values are balanced appropriately in the policy and also the administration of elections broadly.

So, today, I'm very much an expert in vote by mail but elections administration generally and have run various types and methods of elections over time, including polling places, early voting, processes, vote by mail processes, and then have also worked on improving policies in various states around the county.

Whether they're red states or blue states, none of that really matters to us. We just focus on doing our best to help states improve the laws on the books in those states and

by extension the administration of those laws.

So, just for the record, I'm also an unaffiliated elector. I've never been affiliated with either of the major parties, and that's important for the expertise that I bring to the table today. I don't have an interest in one party or another in terms of winning or losing.

So, I wanna cover a couple of sections today, and I think first and foremost, before I jump into Sections 8, 9, and 10, I did wanna make one point about the early voting provisions in the bill. Nationally and when we look across the country, states like Georgia have really led in terms of access and options for voters.

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Georgia has provided for many years now more options than many states that are just catching up, like New York, and Connecticut, and others that just expanded some of their options in 2020, so we really commend Georgia for the options that you've provided to voters for a long period of time. They've worked well. I think you came in in terms of turnout in the middle of the pack with states in 2020 at about 68 percent of voters that participated, which is just about

12 points lower than the top state, which is Minnesota.

And I only point that out because I think it's important that we consider engagement in the process and also identifying those nonvoters that don't vote and also kind of focusing on why and how we can improve the process to make sure that they do have that opportunity.

So, with regards to early voting, just quickly, what we also know through research, and data, and analysis -- and this is broadly across the country -- voters are the most informed and most engaged in the election process within about seven days of the election, so we often see that more and more people start voting early or utilizing those activities prior to election day the closer that you get to election day. So, it's important to make sure that you have sufficient services.

I understand the need for uniformity, but making sure that counties have the option to provide that service to voters, especially when it's of high interest to voters, and weekends and things like that are really important for working

people and families.

I have a cousin that lives actually right outside the Atlanta region, and she actually took her kids in to vote on the weekend before election day so that her little ones could experience that with her since her husband travels, and she works, and they can't go during the week.

So, I do encourage you to maintain the options that Georgia has provided because that certainly does help people and families and those that work during the week, which is often Monday through Saturday. And I know myself would be included in that because I'm a single parent with two little ones.

In terms of Section 8, the change in the deadline to request an absentee application, we would offer an alternative for you all to consider, and one that actually states like Montana utilized and Utah had prior to their move to mail a ballot to every elector in Utah.

But states like that, they've experienced mail ballots for a long period of time, and they set up a different structure than many states have that we actually would recommend

here, and that includes basically allowing voters to request an absentee at any point during the calendar year and providing options to voters to sign up either for the upcoming election for the entire year.

So, calendar year -- and this would be similar to your rollover list that you had available so far, but extending that option to any elector -- or sign up for an entire election cycle, which Montana actually allows you to do a single sign-up, and you don't need to keep filling out paperwork and keep coming back and making that request, which has reduced a lot of administrative costs for localities that ultimately end up with a data entry burden of processing all of that paperwork.

And that's really benefited a lot of rural voters and voters that don't move very often because they don't have to keep filling out that paperwork every time. So, we would encourage you to consider sort of eliminating these limits, these day limits for requesting, because that actually puts a lot of administrative burden on counties, and open it more for like what a Montana structure is.

Or Florida has also been structured this way where they don't limit the time that you can request it, and they actually offer more options, either election-specific requests, calendar, or single sign-up, unless the voter moves or stops voting or stops using the mail ballot that way, and that's been a very convenient and cost-saving factor for a lot of states that have administered it in that way.

The next piece, in terms of the photo

ID with regards to vote by mail applications,

understand that the kind of way that you're

thinking about this, we would also offer an

alternative here. We were very pleased to see

Georgia stand up an online application to request

a mail ballot. We hope that that -- and think it

will continue because that, again, reduces the

burden of paperwork on counties.

But we also think you already have provisions for voter registration and getting registered to vote, so anyone who is existing registrants have already provided a lot of that information up front, and we would encourage you certainly to have voters put down the number, if it's a driver's license, or a state ID, or the

last four of Social. Any of those unique identifiers that would provide that would certainly make the process more accessible for voters.

Photocopies can be administratively burdensome, can also introduce security risks, actually, to the electors themselves because they've now got a copy of their full information with all their PII that can certainly be appealing to identity thieves. So, we would just encourage to think about this and make sure that it is a secure process and also accessible.

The prohibiting of mailing applications by the board of elections or the Secretary of State, so our perspective here is that this is actually exactly what election officials should be doing. They should be educating the public on voting options, whether that be early voting, polling place on election day, or the use of absentee applications, and it's actually better given that they are the trusted sources.

If you look at survey data -- and we did this survey across the country with partners -- local election officials and state officials are actually the most trusted sources of

information on elections, so they are the ones that should be educating, and they are the ones that should be sharing information on how to vote in one of the three methods with voters directly.

So, we don't wanna see the government entities that actually are responsible for educating the public and ensuring good information gets out get limited in their ability to do their jobs under the oaths and the laws on the books that they take.

In terms of repealing the signature match, we think this is a good step as well.

There's no reason for that to be part of the application process, and we think that that's a good provision that you've done here.

Section 9 in terms of the drop boxes, so we, again kind of in the air of uniformity and just to share, Georgia was one of the states that expanded this provision quite heavily in 2020 due to the pandemic. I will also tell you that voters on both sides of the aisle like the idea of having the option to drop their ballot off in person, either at a polling place, at an early voting site, handing it to an election judge, or in a drop box, and many of them actually find it

more secure than mailing their ballot back through the postal stream, which can take extra days and whatnot.

So, we would encourage you to maintain that. Georgia has invested infrastructure at the local level in setting those boxes up, and every locality is obviously gonna have different needs and requirements within their jurisdictions, but we do think drop boxes are good thing with security parameters such as 24x7 video surveillance.

A lot of the western states that have had drop boxes for a while, especially in states like Utah, or Colorado, or Arizona, they do have surveillance, and many of them have even gone for surveillance - they keep the video for a period of time after the election, usually 25 months if it's a state like Colorado, and then they also, to save on storage and save on the cost of maintaining that video, they also focus on movement within the video.

So, the video will record basically where that sees movement so you're not just recording a box without any movement associated with it. But the 24x7 boxes are very good for

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people, especially if they're working late hours and can't get there by 5:00 during the times that sites or locations are staffed. So, we'd encourage you to keep that, and again, lot of good examples of best practices that have been used in various states, and we're happy to provide additional feedback on that to you as needed.

In terms of mailing ballots, we actually think it's a good change to go to the 29 to 25 days. That's actually more consistent with more states across the country. Certainly for military and overseas voters, that 45-day deadline is a good one, but many states are in that kind of 29 to 25-day range.

And we think it's also good to have consistencies statewide for when those ballots go out and not going too early, mainly because there's also a period of time that election officials need to process the requests coming in, prepare the ballots for mailing, and all of that. So, the 29 to 25-day change here we think is also a good one.

In terms of the requesting ballots, so for the 10-day deadline or the 11-day -- I guess

it's 11 days that you've got in the bill to request a ballot, we think that's fine as long as it specifies that it's for a ballot to be mailed to you. You must have the request in by 11 days out, and then the election officials obviously would need to get that ballot in the mail by the 10 days out.

We think that that's sufficient, but we also wanna make sure that you leave room for emergency situations beyond just hospital or health issues. I mean, there are EMTs, and doctors, and nurses, and folks that get called out of town on work provisions that still need that option, and they might not be able to actually come in from 9:00 to 5:00 during early voting or might be gone on election day. So, ensuring that you still have a process for absentee requests to be made and those ballots to be picked up in person within that period of time from officially the election official.

And then what some states have also done is allowed voters to designate a person to pick it up for them if they are not able to physically be present to do that, and those are just examples of what other states have done in

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that, and it is a secure process, but it enables voters to utilize an emergency provision should something come up that isn't hospital-specific but has other emergency provisions.

And then on the election integrity aspect of Section 10 with the additional requirements on the mail ballot envelopes, so name, signature, full driver's license number, date of birth, and last four of Social, we wanted to flag a couple of things here. First and foremost, there is good ways and there's actually examples of best practices around the country for improving signature verification, and a couple of those include mandatory training for everyone who is gonna be working in that process.

States like Colorado have a statewide training provision that the Secretary of State administers, the county officials have to go through, and all the election judges that are gonna be working in that area also have to go through. And the reason for that is that there's uniformity.

Another way to bring better processes and uniformity is also with the use of signature verification software, which is similar to what

banks use, and that type of software, which I think you've got a couple counties that have purchased -- or one county at least that has purchased -- a system to do that but has not yet utilized it. That type of software does provide more consistency with that process, and that can certainly be an improvement that could happen statewide in Georgia.

I've talked to a couple of the committee members about this previously -- but we've also been suggesting perhaps considering consolidating the absentee ballot process and signature verification, and the counting, and the tabulating to regional centers on a more centralized environment. And that would actually take the burden off of the 159 counties that have to all do this individually. It would bring uniformity, and there's ways to set this up.

In fact, Rhode Island actually does that now. They process all mail ballots at the state level, and the reason that that actually is a good process is it does save costs. It takes that cost burden off localities. It provides more consistency with how that process is

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administered because it's in a central location.

Watchers and observers can now see how all of the absentee ballots statewide would be handled.

And because Georgia has a statewide voting system that already has consistent scanners and things like that that actually process and count the ballots, this would actually be much easier to do in a state like Georgia than other states that have more vendors involved in the process.

And happy to talk more about that.

We're happy to share more information about how best to do that, but I think that type of process would be what we would recommend in terms of addressing the uniformity issues that you have, providing a more transparent process, providing more consistency statewide.

Envelopes would be the same, instructions would be the same. Voters would have a consistent process if there was more centralization around this issue, and watchers and observers could now see the process all in one place or in a few regional centers as opposed to 159 different county locations.

In terms of this particular section

with the requirements on the mail ballot envelope, we do have concerns about the amount of PII, meaning personal identifying information, that you're now inserting onto the envelope, because that actually will make it difficult for observers to see some of this information up close without adding additional protections for voters.

I mean, all of this personal identifying information, usually you don't wanna provide that in a really accessible way because there's security concerns around that. So, by putting all this on there, in a way, it might feel like you're increasing security of the election process, but you're actually making security pretty vulnerable for voters by providing this information that then observers and others in the election process can see.

So, those are our concerns about this being added. We understand why, and our suggestion I think would be to perhaps pull a few of those out, whether it be having signature plus last four of Social or having signature plus date of birth or one of those options but not all of them all combined because it does present a

security risk to voters, especially as you have observers observing the process.

And then, a couple of things if I could, and I'm happy to answer questions about all this, in terms of transparency, we do think there's a lot of ways to improve that piece of this. I know the bill doesn't go into detail on this, but I think that centralized or regionalized approach could be a good one. We also have been recommending that ballot operations be streamed online so that anyone can see the activity. I know Fulton County and a few other counties provided this system, and we would encourage that to be the case statewide.

And then, ballot tracking, I know the bill doesn't cover this, but this is another security parameter that Georgia actually now is one of six states that provided a full ballot tracking system, which is just like tracking a package online but for your mail ballot. That gives you chain of custody of the mail ballot and knowing where it is, and we think it's an important thing to continue and would encourage you to make sure that the Secretary of State's office has funding to keep that program going and

expanded because it does provide that enhanced service, and transparency, and accountability for where mail ballots are.

So, with that, I'll stop there. And again, we're really appreciative to provide feedback. A bill of this magnitude, obviously, it's important to make sure there's a lot of feedback and a lot of opportunity for folks to weigh in and provide feedback on the bill because it is a big bill, and it's important to the citizens of Georgia, just like it is everywhere around the county, to have a good voting process that they can be confident in, and it's important for the legislature to consider all input and feedback on these sorts of major changes. So, really appreciate being here. Thank you.

REP. BARRY FLEMING: Thank you, Ms.

McReynolds. We appreciate you coming, too. I

don't see any questions. Thank you so much for

your time. Oh, Representative Alexander. She's

a late push here. Go ahead.

REP. KIMBERLY ALEXANDER: Thank you,
Mr. Chairman. I wonder if you'll talk to a
little bit about the Sunday voting. I know in
Georgia, there were 71,764 Georgians that voted

and cast their vote on Sunday. At least 36.7 percent were African American, so I was wondering if you'd talk a little bit about the voting on Sunday, and I know that's when they have souls to the polls.

AMBER MCREYNOLDS: Yeah, absolutely.

It's a great question. I'm glad you brought that up. As I mentioned, I mean, I think that when you get closer to election day, that's really when the interest is the greatest amongst voters. It's when they're the most informed, it's when they're ready to make their decisions.

And again, I think that you wanna offer those options. A lot of Georgians took advantage of that. The reality is people go to school and work and all of that, and 9:00 to 5:00 situations during the week don't work for everybody. And so, I think whatever you can do to provide that extra service and, again, in a uniform way.

Some states where I've seen this, it's the election office, so the main office. Maybe they don't have all of the sites open, but they offer an opportunity in a minimal way to give voters a chance if they wanna vote in person on Sunday before election day, they can do so.

And so, we certainly encourage that, and again, I think offering as many opportunities as you can before election day, the easier that election day process, the shorter the lines, the less issues that you see. The more people that you can put through the process ahead of election day, the better and easier election day is for election officials and voters alike.

So, I recommend that you provide and continue to provide that option to voters, and certainly, a lot of Georgians chose to use it.

And they shouldn't be restricted based on the day of the week, and this certainly is a good way to offer that experience to voters and ease the burden on election day as well. The more people that vote prior to election day, the better it is for everyone.

REP. BARRY FLEMING: Representative Shaw Blackmon via Zoom has a question for you.

REP. SHAW BLACKMON: Can you hear me?

REP. BARRY FLEMING: Yes, sir. Go

ahead, Chairman.

REP. SHAW BLACKMON: Thank you, Mr. Chairman. Hey, Ms. McReynolds, how are you doing? Good to talk to you again. You and I

conversed a little bit, and I think you were talking about where Georgia fell on the spectrum as far as ease of voting and access and whatnot, and I just wondered if you might maybe talk about that for just a minute?

AMBER MCREYNOLDS: Sure. And I regularly actually say this in speeches I give across the country, Georgia has provided really good options for voters, and we wanna maintain that. We wanna see Georgia still be a leader and remain as such and continue to innovate and create even more opportunities for voters.

You should be proud as a state of what you've provided to voters so far, and I think what we need to do is to continue to enhance that. You've provided more options than states like New York, and Connecticut, and Delaware, and some of those that had to make even bigger adjustments in 2020 because many of them didn't offer in-person early voting.

Pennsylvania's a good example. They have not had in-person early voting up to this point. It's something that they really need to add, and they should look to states like Georgia for the timelines that you provide, and those are

all positive things. And I think for us, again, we like to see improvements in administration and the process, and easing the burden on local officials, I think that's a big one.

A lot of stress in 2020 the pandemic brought, and there's ways to reduce cost while also still providing great access and even enhanced access, and there's ways to improve the systems and the way that the election process is administered to bring confidence but also accessibility, security, transparency, and all of those values I talked about at the beginning to make this even better.

REP. SHAW BLACKMON: Thank you, Mr. Chairman.

REP. BARRY FLEMING: Yes, sir. What number is he? Just one second. Chairman Martin?

REP. CHUCK MARTIN: Thank you. Just a question about the drop box. You mentioned that you thought people used those, but you thought the security was very important, and I think in the bill -- Chairman Fleming, correct me, but we were talking about having monitored drop box inside polling places that may be more limited

hours than you were discussing because you were

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talking about 24/7 motion-detected type monitoring.

My question to you is if you see someone or if that video finds some wrongdoing, if you see the same individual depositing multiple ballots or ballot after ballot, and once they go in the machine, you have no way of knowing which ones were put in there improperly, how do you handle that?

I mean, I understand you have security around a ballot if it's directly monitored by an individual via the videotape, but once the ballot passes and goes into the drop box, even if the video shows there was something that would've broken a rule or the law, how does one then get at a ballot that is inside and you don't know which ballots were dropped improperly and which ones were okay?

AMBER MCREYNOLDS: Sure. And thank you for the question. So, a couple of things, I think the best way to look at this is that it's a complete system in terms of security. And so, you think it's not just that mail ballot, it's also how that mail ballot was produced, the data that's on the mail ballot going to the voter, all

of that. And when you think about the mail ballot process, there's actually more checks and balances in the mail ballot process than even inperson voting.

And what I mean by that is mail ballots are not forwardable, so it has to go to the address that the voter provides in their application. Georgia also, because you have a great system for automatically registering voters and getting that information from the DMV, that's also a really good system as it exists today, but it can also be better with actually automating national change of address data, which is something that Colorado has done.

In that process, we literally, if a change of address comes through the post office to the election office, they update and move the voter to that new address. And so, we have a very low rate of undeliverable ballots and things like that because the address lists are constantly getting updated and changed with that. So, very few ballots go to the wrong place because we've got this integrated and automated system of updating addresses.

So, that'd be another recommendation I

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would make in Georgia, and we're happy to share details on that, but taking kind of what you do now with national change of address and actually automating it instead of just sending the voter something, having it come back.

But the reason I bring that up is then when you do that, that front-end security matters. Voter gets it at home, and then if the voter is the one that can drop off and (inaudible) laws, that's up to you guys from a policy perspective. Some states limit to allowing 10 ballots to be dropped off by one person. They can drop off for their friends or their family, and that's it. Other states don't have limits on that, so that's a conversation that I think you have to think about as well here.

In terms of video surveillance, it does exist to identify any nefarious activity, whether it be damage to the box, repeated voters coming in, and notifying them of that. What I would say is that's really more about preventing the person that's doing that from doing that again, but it doesn't really have anything to do with the eligibility of the voter's ballot.

And what I mean by that is your check, when the ballot comes into the election office, then is signature verification or one of these other pieces of data that you're potentially gonna put on there, and then as long as that all checks out and that validates, then that ballot goes forward. And some states have done things like security flaps. We did a security flap over that information to protect it even further.

And one of the other ways that you can also, I think, enhance and improve security is also prepaid postage for returns. So, part of the reason that a lot of people like to drop off is they don't have the right postage. It's usually more than a Forever stamp, and they don't know what it is, so they go and wanna drop it off.

If you actually pay and cover and do business reply mail, which is actually what West Virginia does and Arizona also does that, that's actually a good method to enhance security because then a lot more voters will send their ballot back as well, because that postage is already dealt with.

So, kind of look at it as a whole

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system where you wanna offer the drop boxes as an option, but you also wanna make sure that you put the proper security in place for those to be a secured place for voters to go. Most states that I've seen put them outside of city halls, or election offices directly, or public transportation hubs where they've got video surveillance.

So, you wanna do that. You don't wanna have a box that's kind of out in the middle of nowhere without that extra surveillance on it, and you also wanna note that these are being monitored, because that also is a deterrent to any bad actors, and be clear about what the rules are. If it's five ballots that you can drop off for your friends, make sure that that information is in the instructions. So, it's really about how it's administered more than just the policy itself.

REP. CHUCK MARTIN: I have a brief follow-up, Mr. Chairman. I appreciate the answer, and perhaps I didn't articulate the question wholly. My question is we do have laws relative to who can drop off the ballot, and I believe it has to be a caregiver -- the Chair can

correct me on the specifics. So, essentially, we heard right before you a gentlemen that got a phone call from a random individual that was volunteering to help them with the ballot, which on its face appears to be unlawful in Georgia.

My question to you is I believe the way the bill is, we have them in a precinct so that someone can see what's going on and perhaps if somebody comes in with 10, not let those go in the ballot box because they're unlawful. The ballots themselves may be legal, but the chain of custody becomes at issue if you're breaking other Georgia laws.

My question is if you see that on videotape but you can't preempt those ballots from going into the box, and there's 200-300 ballots in there, you know you have 10 that were unlawful that may or may not be valid because of the activity that went along with the chain of custody, how does one then -- there's no way to segregate those 10 ballots that may need further scrutiny from the 200 that are already in there, whereas a ballot drop box attended could preempt that, therefore securing the voters -- I don't wanna spoil 190 ballots that weren't affected by

the 10 that went in that we saw on video that shouldn't have gone in that way. Does that make sense?

AMBER MCREYNOLDS: Right. So, I think the most important part of that is you don't wanna be punitive to the voter.

REP. CHUCK MARTIN: Exactly.

AMBER MCREYNOLDS: And that's why I was saying that the validation of those ballots is really the key point. So, you want to hold folks accountable and be very specific, you can't drop off more than whatever the law is in Georgia, and you wanna educate the public on that and also make that very known on the outside of these boxes -- hat's what states that have done this have done. They also put very specific instructions in the ballot packet itself that outlines what those mandates are.

But I would also point out that when you limit options for voters, whether it be not having a 24-hour drop box, when you limit those options, you actually introduce opportunity for bad actors to take advantage of voters, and we actually saw this in North Carolina in 2018.

They had a witness requirement in North

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Carolina -- two witness requirement. They also limited voters from dropping off their ballots. They didn't have 24-hour drop boxes, and you had to drop it off at the clerk's office, not polling places, and they also did not cover postage. They also didn't have a ballot tracking system like Georgia has.

So, all of those limits basically created the environment for a bad actor to go knocking on the door and say, 'Oh, I can help witness for you. And let me drop it off for you, too," and that bad actor went and disposed of a bunch of ballots that never made it. Their voters were discarded, and voters had no idea that their ballot wasn't counted. And the reason that happened is because the limits were put on and imposed on the voters as opposed to the bad actors.

And that's what we wanna make sure is we don't wanna limit voters, we wanna limit the bad actors, and the more options you provide to voters, whether that be prepaid postage, drop boxes so they're empowered to drop off their own ballot, or walk it into a polling place, which you currently can't do in Georgia -- the more

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options you give voters to do that, the less opportunity there is for those bad actors to try to be punitive or collect them or any of those sorts of things.

And again, on the harvesting, which is kind of a term that's come online in the last couple of years, on the harvesting piece, again, states have different rules and regulations around this, and what's important is to regulate and also just be upfront and very clear with the public on that, and with the gentleman that testified earlier, I think also having a process for the public to report those things.

And I actually often encourage states to specifically in the mail ballot instructions put a number to call. If you've been contacted by someone that you don't think should be contacting you about this, or that happened, you should report that immediately and call that in, in the event that that happens.

I also encourage people to put contact information for election officials on the outside of these boxes, too, so that if a voter's dropping off and they think they need to report something that needs to be reported, they should

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But what we wanna make sure is we're not being punitive to the voter, but we're instead trying to hold bad actors accountable. The best way to do that is to empower voters with lots of options to vote, return their ballots, and do it on their own so that they don't have to rely on somebody else.

REP. BARRY FLEMING: Ms. McReynolds, in the voting precinct, we don't allow people that aren't voting or working there to come in within distances, and those voting officials monitor that. Who monitors that when you don't vote in the precinct?

AMBER MCREYNOLDS: Monitors what, the -

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REP. BARRY FLEMING: Undue influence.

AMBER MCREYNOLDS: Well, undue influence -- and we're got evidence of this over time, I mean, undue influence can come in a variety of ways, whether it be social media, online, targeting --

REP. BARRY FLEMING: My question was who monitors that when you're not voting in the precinct?

AMBER MCREYNOLDS: Well, I mean, there is a mail ballot process, and there has been for a long period of time, and the affidavit that you voted your ballot privately and without influence is an important part of that process. And then also, if you do feel -- and this is an important piece of the communication and the education of voters -- if you do feel like you've been targeted or harassed or had undue influence, you're supposed to report those things to election officials, whether that be in-person voting or mail ballot voting. And you know, you don't have poll workers monitoring how someone's voting in the booth. That's not allowed in --REP. BARRY FLEMING: But they do monitor that no one else is attempting to influence them, correct? AMBER MCREYNOLDS: Well, but they don't know how they were influenced before they walked in. So, the answer to REP. BARRY FLEMING: -- and I don't mind how they were influenced before they sit down and fill out their ballot, but my question for you is who's watching when

they don't vote in the precinct? If the answer

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is no one, (inaudible) --

AMBER MCREYNOLDS: Well, the answer is no one, but I would also argue that you have a right to vote, and you have a right to a secret ballot. You don't need someone to monitor you in the precinct or at your home either.

REP. BARRY FLEMING: So, we don't need monitors inside the precinct making sure no one else is there trying to influence your vote?

AMBER MCREYNOLDS: You need monitors in the precincts to facilitate the process because you haven't issued a ballot --

REP. BARRY FLEMING: Thank you.

AMBER MCREYNOLDS: -- (inaudible) and you check voters in, just like you're checking the mail ballot in. The voter makes the request for a mail ballot, the mail ballot is sent to them, and then when you check in the mail ballot on the back end, you're checking those pieces of information like signature verification or any of the other requirements on the envelope. Just like you think about the mail ballot envelope, it's just like checking in at a polling place. You're entering your information, the poll worker is gonna validate that and then count your ballot

in the polling place --

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REP. BARRY FLEMING: Where is the poll worker when you don't vote in the precinct?

AMBER MCREYNOLDS: It's at the central office when they're accepting those ballots back in. That's why things like signature verification exists. They don't exist in a polling place.

REP. BARRY FLEMING: They're not where the voter's voting, correct?

AMBER MCREYNOLDS: No, but when you're talking about monitoring how a voter is voting, in both places, a poll worker is not seeing how a voter is voting, and that's important. I mean, that needs to be private.

REF. BARRY FLEMING: Chairman Smyre?

REP. CALVIN SMYRE: Yes, thank you, Mr.

Chairman. Let me ask you something, and I've got a lot of comments and questions about this on cost, and there's a lot of provisions in the bill that relate itself to cost. Do you have an idea with your experience on what the cost would be to the various counties as it relates to the provisions that are in the bill, what the cost

may be to the various counties? What kind of

cost do you see that's relative to several provisions in the bill?

AMBER MCREYNOLDS: So, we're still in the middle of analyzing a lot of that. At quick glance and sort of what I've been able to sort of look at so far is the PII information being added to the envelope, as an example, or the photo ID copy requirement, that is gonna require likely some changes in process and also security of that information, because by adding a lot of this personal identifying information, it's gonna require more security, frankly. And as I pointed out before, with all of that information being required on an envelope, there is gonna have to be consideration of what observers are gonna be able to see, and we never wanna see transparency reduced in the process. Part of the reason that observers have not been able to see the process up closer in Georgia is because there is already so much personal identifying information on the screens in which signatures are compared. So, that's already a challenge, and in most states with signature verification, you're only seeing the name and the reference signature versus the name and the reference signature on the envelope,

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and that's all the two things you see on screen, and that then observers can actually see. When you add things like full dates of birth, full Social, full state ID, you're introducing additional personal identifying information that then becomes a security risk and potentially will prevent meaningful observation from happening because of the presence of all of that additional information, and that's the same in the polling Those things often get limited when that personal identifying information is there. there might be some costs associated with system changes on that. That likely would be a Secretary of State question. I don't know how, if these numbers and these things are gonna end up being recorded, that's gonna be enhancement or a change in the system, and that would bring an additional cost. Counties are gonna need to think about how to securely keep this information secured within their offices, so if they do have photocopies and things of full IDs and all that coming in, those are gonna have to be securely kept, maintained, destroyed, whatever that might So, there's gonna be additional --REP. BARRY FLEMING: Ms. McReynolds,

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I'm gonna give you a little bit longer to wrap up your answer, okay?

AMBER MCREYNOLDS: Sure. And then, a lot of counties have bought drop boxes, so you don't wanna see those assets not be used going forward, and I didn't go into a lot of the other sections of the bill, but there are certainly some cost implications in other parts of the bill that we would want to take a closer look at, too.

REP. BARRY FLEMING: Chairman Smyre, did you have a follow-up? Okay. Last question, Representative Burnough's.

REP. RHONDA BURNOUGH: Thank you.

Thank you for all that valuable information,
especially on the drop boxes. It is my
understanding -- maybe Mr. Chairman, if you know
-- for the current law that they can't be
installed wherever they're installed. It has to
be where a camera is. And so, I know that in our
county, they are at the early voting locations,
but they're outside, and it has to be in a place
where they can be monitored 24 hours.

REP. BARRY FLEMING: In answer to your question, Representative Burnough, that you addressed to me, there is no current Georgia law

that allows for drop boxes. The only reason we had drop boxes was because of emergency rule during the pandemic, so actually, this bill would be the first time in Georgia law we've ever authorized drop boxes anywhere.

REP. RHONDA BURNOUGH: Okay.

REP. BARRY FLEMING: Yes, ma'am.

REP. RHONDA BURNOUGH: Well, if that's the case, then I think that we should look at all the different counties and sort of figure out how they were successful and if there were incidents where people were dropping 10 ballots, as it was stated. However, by the same token, even if they put them in the mail, they can mail 10 ballots, and I know that there's no security by the mailboxes because of the locations and where they are. So, I just wanted to tell you thank you for encouraging us to continue to keep the ballot boxes, because they were very successful, and people did like to use them.

AMBER MCREYNOLDS: Thank you.

REP. BARRY FLEMING: Representative
Burnough, I'll just say I agree with you. One of
the weaknesses of absentee balloting is what you
just said, a person can drop off many of them in

a postal box, and it's one of the weaknesses of that system in my opinion. That's why I prefer in-person voting, because you have that monitoring by election officials.

REP. RHONDA BURNOUGH: But I still agree with her that you should have as many options, because as I stated before -- as she stated -- people have different kind of jobs now, and even though it appears that we've given a lot of time, but if we have to have people vote in person, and if they have children, they're single mothers or fathers, or firemen -- everybody can't vote in person. I think that if nothing else, it proved that everybody can't vote in person, and the lines are long, and then Georgia's back on national television again saying why do they have long lines

REP. BARRY FLEMING: Thank you, ma'am.

REP. RHONDA BURNOUGH: You're welcome.

REP. BARRY FLEMING: Ms. McReynolds, we appreciate your being with us today. Thank you very much.

AMBER MCREYNOLDS: Thank you.

REP. BARRY FLEMING: Next, we have Ms.

Lynn Bailey. Ms. Bailey, can you hear me?

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LYNN BAILEY: I can, Mr. Chair. Good afternoon.

REP. BARRY FLEMING: Ms. Bailey, good to hear from you. Please tell us where you are and what you do where you are.

LYNN BAILEY: Sure. So, as you say, my name is Lynn Bailey. I'm the elections director here in Augusta, Richmond County, where I've been director for a long time, 28 years here. We have approximately 140,000 registered voters, 42 election day polling places, four advanced voting locations, and we had five drop boxes around the city during the 2020 elections.

I will say before I jump in, first of all, I've been remiss. I will thank you for inviting me I know that there's been an awful lot of hard work that's gone into the development of this bill. As an election administrator, my comments today will be nonpolitical in nature. They'll be just from a strictly administrative perspective, as they should be. I just pulled out a few sections to talk about.

Section 4 in particular I think is a good bill. So, what Section 4 does is it requires on election day for poll workers to

check at least three times a day on how long their lines are, and the reason that's a good thing is it's a companion piece to another section that says if your lines are more than an hour long at any time to check in during the day, then for the next election, you need to make some changes.

You need to add more equipment or split your polling places or whatnot. Polling places are like gold for election officials. They are not easy to come by, so it's not a small thing to talk about splitting a precinct, but at the same time, we still need to manage lines.

Section 6 I think is very important.

This is a change in law that election officials have long advocated for. Basically, what Section 6 would do is it builds discretion in for election administrators as far as the amount of equipment that they send out to the polls on election day, except for general elections in even-numbered years where we would be held to the very highest standard, which we should be.

I'll give you a classic example here in our jurisdiction. We have a special election coming up in March for a sales tax referendum

where we're expecting about a 10-15 percent turnout here locally. I don't believe that we should be held to the same staffing levels and equipment deployment levels for that type of election as we are for a November election, and there are many reasons for that, the least of which is the wear and tear that it puts on the equipment to take it down, to test it, pack it back up, and transport it.

That also requires additional poll workers and there are additional costs built in, so I think it's important for election administrators to have some discretion. Our discretion will be based on historical voting patterns for that type of election, expected turnout. We could also look at things like, again, the type of election, the number of people that have already voted and whatnot. So, I'm a big supporter of that change, as I'm sure most of my colleagues around the state are.

Section 8 updates the period of time for applying for an absentee ballot. If we're gonna move to do something like that, I would ask that the committee and the legislature consider that there certainly are emergency situations

that come up. We would need to acknowledge that not every voter who applies for a ballot is going to have the luxury week ahead of time of knowing that they're gonna be called out of town or that they're gonna be sick or that a loved one is gonna be sick.

Particularly, we need to protect our public safety officers and healthcare professionals who may be called to duty at the last minute and be able to provide a ballot to them by a convenient method. Now, I think if we do something like that, if we're gonna go to a shorter time period, that the emergency situation would in fact need to be an emergency, otherwise, there's no point in putting the change in there.

And I would also state that I think that we could accomplish the same thing in a shorter period of time, perhaps moving to seven or eight days before the election rather than 11 days before. That would give us the weekend before to get ballots in, particularly if we can codify the Secretary of State's portal for submitting absentee ballot applications.

That was a secure and very efficient way for voters to get their ballot to us, but on

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the backend on our part, it automatically updated our statewide system so it cut down on the amount of data entry that we needed to do. So, it was a really good, effective, and efficient way to apply for ballots.

This section also makes changes on how absentee ballot applications are submitted, as Ms. McReynolds noted in her talk. I mean, she did express some concern about putting personal information out there on documents that may be desirous of open records and whatnot, so we would have to acknowledge if we did these things, particularly on absentee ballot applications, that we would have to be able to protect the voters' personal information.

I do believe that it's no big secret to us that there's a big concern about the subjectivity of using a signature to verify the authenticity of an absentee ballot application and ballot, so using that personal identifying information could perhaps provide us a secure vehicle to acknowledge that the voter is who they say they are and proceed with confidence to issue their ballot. So, we'll have to see how that plays out, but whatever we do, we're gonna have

to make sure that we're protecting the voters' personal information.

Also, I think it's important to know that as the law is written now, it keeps firmly in place the cure process that works so well in 2018 and in 2020 for correcting deficiencies in voters' ballots, and we'll wanna make sure that that stays firmly in place no matter which way this ends up going, that process of helping voters to correct deficiencies in their application and their ballot. As I stated, it's worked well, and it's enabled hundreds of voters, if not more, just in our jurisdiction to be able to have their ballot counted or issued who otherwise would not have been able to.

Next, I'd like to speak to the drop boxes. I will say in all honesty, our jurisdiction used drop boxes in November with great success. Our voters loved it. We didn't have any issues with it. The drop boxes, we followed the strict guidelines that were set in place by the Secretary of State's office that they had to be permanently affixed to the ground they had to be monitored, and all those things.

Now, I realize there were concerns

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about security with the drop boxes, but I would say if we're gonna put limitations on drop boxes, I would at a minimum, if we're gonna limit them to the advanced voting sites, okay, but I would like to see them remain outdoors. I just think it's more convenient for voters rather than having to come inside, in many places through security, to get into the buildings, not to mention the fact that we're trying real hard in many instances to not come into close contact with people. So, having that way for voters to deposit their ballot in a postage-free environment I think is not a bad thing at all, and it was a good option to provide to voters in 2020.

Section 10 I think is important.

Section 10, it goes towards our not having to have back-to-back runoffs after the November general election. So, what we were faced with this year is in 2020 is because we have runoffs in both state and federal offices, we were looking at having to do a runoff on December 1st for state office and a second one on January 5th for federal office.

It turned out that the Secretary of

State's office was able to use their discretion to combine those two runoffs, so that was a very good thing to not have to go to all the expense to have two, but what would be even better would be to have one runoff, to have it in December in the calendar year following four or preferably even five weeks after the initial election. It would help us tighten up the voter registration deadline provisions that are in there, it would cut down on that type of confusion that we saw back in November.

So, I would ask that we take a good look at those provisions in Section 10.

Chairman, I heard you speak to it yesterday.

It's the rank-choice voting, which is different for the State of Georgia, and that's the key to whole thing is being able to accommodate the military voters somehow and give them the federal time frame for getting their ballot back and forth, which is a 45-day period.

And so, one way to accomplish that would be able to send them both of their ballots at one time. They then choose. They make their choices -- No. 1, No. 2, No. 3 -- for how they wanna vote, and then if there's a runoff, we

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already have those ballots on hand while other voters who were not military would just simply go to the polls or get their ballot by mail.

Section 12. Section 12 talks about changing the hours and bringing into conformity the hours for advanced voting. There were a couple of comments about this. If changes are made to bring hours into conformity, I would ask that the committee and the legislature acknowledge that there are differences between the needs for smaller and larger jurisdictions.

When this law went into effect in 2005, one of the reasons that it went into effect and to provide that option was to help alleviate lines at the polls on election day. And so, there is value to having advance voting that goes beyond it just being a convenience for voters. In larger jurisdictions, of course, we have more people voting, and so the extra time for advanced voting is a good thing.

I think authorizing at least a couple of days on the weekend is a good thing, a good option for counties of medium and large size. I liked the continuity of the Saturday hours. I think that's important because they're all over

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the place depending on where you go in the State of Georgia, and I know that can be confusing for particularly the metro counties where the counties are in such close proximity to each other. I also like the fact that in that legislation, there is the ability for local jurisdictions to make a decision to stay open between the hours of 7:00 until 7:00, so it is good to have that flexibility built in.

Section No. 13 talks about how we would verify the absentee ballots themselves when they come in for validation after the voter returns them, and it's obvious to me that there is a desire to move away from signature verification.

That section, again, much like the absentee ballot application section, would defer to voters' personal information to prove that the voter was who they said they were, and that is actually in compliance with existing federal law under HAVA, much like we do with voter registration, and that particular section does also maintain the cure processes for deficient absentee ballots, which is good. So, those are my observations from that section.

Section 17 Inthink is a really, really

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good change, would be a good change to establish duplication panels that would work much like the vote review panels. And by doing so, you don't have just one or two people sitting there duplicating ballots, you have participation across party lines. It requires both major parties having a representative on the panel and then the election superintendent's representative, would be on the panel as well, so it does provide great transparency and a good Dipartisan way to do those duplications.

Those are the comments that I had pulled aside. In closing, I would like to thank you, Mr. Chair and the committee, for inviting me to testify. I know that fair, secure, and transparent elections are all near and dear to all of our hearts, and as an election administrator, I appreciate the opportunity for input.

REP. BARRY FLEMING: Thank you, Ms.

Bailey, and we appreciate all your years of service and experience. I know that amongst the election directors, you do a great job of help trying to train the organization -- the new ones that are out there, because they look to you for

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all that experience, and we appreciate it. We do have some questions for you from some of the committee members. Representative Alexander?

REP. KIMBERLY ALEXANDER: Thank you,
Mr. Chairman, and thank you for coming here and
testifying today. My question is centered around
the cost to the counties. HB 316, which was the
huge voter equipment bill, cost Richmond County
as well as other counties a great deal of funds.
When looking through this bill -- and you appear
to have looked at quite a few sections -- how do
you think that the counties will be impacted by
this bill cost-wise?

LYNN BAILEY: Well, I think that if we're gonna stick with signature verification on absentee ballots, I think that we are going to continue to have a majority of our citizens that are not happy with that process because they feel like it's too subjective. And I would have to agree with Ms. McReynolds' comments where she said that moving to non-signature verification does have the possibility of exposing people's personal information, so we would have to protect that in some way.

I do know that there are many

jurisdictions around the county that do single out just the signatures, and so there's a lot of transparency, and everyone can watch and see exactly what's going on. But we're not set up that way in Georgia and not across the board. There may be counties here and there that are, but we're not across the board. So, I would see that as a big cost -you know, changing software, changing the way of doing things. Outside of that, I don't see anything in here that is extremely cost In fact, T see things that could prohibitive. help. As I said earlier, the recognition that a general election is not equal to a very small special election in terms of the needs, the number of pold workers, and the amount of

REP. KIMBERLY ALEXANDER: further questions, Mr. Chair?

actually save counties funding.

equipment that we send out, I think that'll

REP. BARRY FLEMING: Sure.

REP. KIMBERLY ALEXANDER: So, Lines 385 through 387, what required retaining a 24-hour law enforcement or private security for monitoring the drop boxes, Lines 47 through 49 --

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Page 136 REP. BARRY FLEMING: Hold on one 1 second. Hold on one second. I wanna make sure I 2 3 understand where you are. What line are you on? 4 REP. KIMBERLY ALEXANDER: So, if we go 5 to Lines 47 through 49 --REP. BARRY FLEMING: 47 through 49? 6 7 Lines 47 -- what page are you on? 8 REP. KIMBERLY ALEXANDER: Page 2. 9 REP. BARRY FLEMING: Page 2, Lines 47 10 through 49. REP. KIMBERLY ALEXANDER: 11 There's compensation for poll officers, custodians, all 12 13 of that would be a conversation. 14 REP. BARRY FLEMING: Lines 47 through 15 49 don't -- you mean 300-something or just 47 through 49? 16 17 REP. KIMBERLY ALEXANDER: 84 through 86 18 where it's talking about the grant money. 19 REP. BARRY FLEMING: 84 through 86. 20 Okay, 84 through 86. Go ahead, I'm sorry. I 21 just wanna make sure I know where you are. 22 REP. KIMBERLY ALEXANDER: I quess my 23 question was for Richmond County, did you receive 24 any grant funding? Because this would definitely 25 cut out any grant funding that you may receive.

Page 137 1 LYNN BAILEY: Yes, we did. REP. KIMBERLY ALEXANDER: Further 2 questions. Can you state how much that was? 3 4 LYNN BAILEY: Sure. We received in Richmond County around \$650,000.00 in total 5 6 between the November and the January election. 7 Yes, we did. And then, there were also additional grants that came from the Secretary of 8 State's office to buy personal protective 9 equipment and drop boxes and whatnot. So, yes, 10 we did. 11 REP. KIMBERLY ALEXANDER: 12 Thank you. You're welcome. 13 LYNN BAILEY; 14 welcome. 15 BARRY FLEMING: You're No. 12, 16 that correct? 17 REP. CHUCK MARTIN: I'm No. 13. 18 REP. BARRY FLEMING: 13? Chairman Martin. 19 20 REP. CHUCK MARTIN: I was 12 yesterday, Mr. Chairman. 21 REP. BARRY FLEMING: Chairman Martin. 22 REP. CHUCK MARTIN: I don't believe 23 24 Lines 84 through 86 prohibit the Secretary of State from giving grants to elections, am I 25

Page 138 1 correct? 2 REP. BARRY FLEMING: You are correct. 3 REP. CHUCK MARTIN: So, the question is did you receive grant money -- you're familiar 4 5 with those lines on the bill of Section 3? you receive grant funds that would be prohibited 6 7 from that section of the bill? 8 LYNN BAILEY: I do believe I did. 9 REP. CHUCK MARTIN: What is the amount 10 of money around --11 LYNN BAILEY: \$650,000.00 for our 12 jurisdiction, yes. 13 REP. CHUCK MARTIN: Can you share with 14 us what groups sent that, just out of curiosity? 15 LYNN BAILEY: Sure. It was done 16 through the Center for Tech and Civic Life. ·17 That's who it was administered through. 18 heard that the genesis of the information was 19 from a donation made by CEO of Facebook, Mark 20 Zuckerberg and his wife, and then the Center for Tech and Civic Life was I guess the administrator 21 22 for the grant. 23 REP. CHUCK MARTIN: Okay, thank you 24 very much. 25 LYNN BAILEY: You're welcome.

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1	REP. BARRY FLEMING: Representative
2	Burnough?
3	REP. RHONDA BURNOUGH: Thank you, Mr.
4	Chair. The money that you received for the
5	grant, if you don't receive that money anymore,
6	how is that gonna affect the 2022 election when
7	it'll also be a costly election?
8	LYNN BAILEY: Well, thank you for that
9	question. There's no doubt that the elections in
10	2020 broke any records that I could ever have
11	imagined in terms of cost of elections. Without
12	that grant money or should I say with that
13	grant money, we were able to expand opportunities
14	for advanced voting, purchased even additional
15	drop boxes, and do other things. We were able to
16	pay our poll workers hazard pay and do other
17	things that we would not have been able to do
18	otherwise, unless our county came up with the
19	funds to do that.
20	REP. RHONDA BURNOUGH: Could I ask
21	another question?
22	REP. BARRY FLEMING: Go ahead.
23	REP. RHONDA BURNOUGH: Could your
24	county afford to give you that money?
25	LYNN BAILEY: Well, you know, I don't

Page 140 I didn't have to ask them to. None of us . ] have the money tree growing out back, and so we 2 would've done fine in Richmond County. We 3 would've figured out a way to be successful. 4 5 have tremendous support from our commission, and I don't expect that that would've changed. 6 7 REP. RHONDA BURNOUGH: Thank you. LYNN BAILEY: You're welcome. 8 REP. BARRY FLEMING: Chairman Martin? 9 REP. CHUCK MARTIN: Again, the basis of 10 11 that or what I heard those monies you were spending -- hazard pay, additional drop boxes is 12 a one-time expense, additional things, those were 13 14 pandemic-related 15 LYNN BAILEY: Yes, sir. REP CHUCK MARTIN: -- for the most 16 part, were they not? 17 Yes, sir. 18 LYNN BAILEY: 19 REP. CHUCK MARTIN: We hope we won't 20 have a pandemic, and --21 LYNN BAILEY: We hope and pray to the 22 Lord, yes. 23 REP. CHUCK MARTIN: Yes, ma'am, thank 24 you. 25 LYNN BAILEY: You're welcome.

REP. BARRY FLEMING: Representative Burnough?

REP. RHONDA BURNOUGH: And while those expenses were because of the pandemic, they also became, as I've stated before, conveniences for our voters, and it gave them more options, and so the drop box certainly gives our voters more options. And so, I would like to think that that would be something that you would like to see continued. Thank you.

REP. BARRY FLEMING: Thank you,
Representative Burnough. Ms. Bailey, we
certainly do appreciate you being with us today,
and I do know where the money tree is. It's in
Washington, D.C. They print all they need.

LYNN BAILEY: Okay, very good. Well, thank you, Mr. Chair. I appreciate the time.

REP. BARRY FLEMING: Okay, thank you so much for being with us, and we appreciate your time. Thank you, ma'am.

LYNN BAILEY: Yes, sir.

REP. BARRY FLEMING: Okay, next we have Janie Eveler. Ms. Eveler, can you hear me?

JANINE EVELER: Yes, sir, I can. It's

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REP. BARRY FLEMING: Janine. I'm sorry, Janine. Janine Eveler.

JANINE EVELER: Yes.

REP. BARRY FLEMING: Ms. Eveler, you're on the phone, so we won't be able to see your picture, but we appreciate you being with us today. Go ahead and tell us who you are and who you're with.

JANINE EVELER: Yes. Thank you,
Chairman and committee members Good afternoon.

My name is Janine Eveler, and I am the director
of elections here in Cobb County. And so,
because Lynn Bailey did such a great job focusing
on so many parts of this bill, I would like to
just focus my comments on the parts of the bill
that will have an impact on my office
operationally.

First, I'd like to talk about using the ID number, which is a much more objective method of identifying the voter than using the signature. It's also more efficient for our office to compare a nine-digit number than to compare signatures. We scan and store every signature from every document that we obtain from voters, so we have many examples of signatures

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and as many voters as possible, so we have all of that information stored.

That does take a lot of work on the backend prior to elections every time there is any document that's provided by the voter, and we often have to check five or six of those documents when verifying our decision to accept or reject a signature on a ballot. So, as I said, it takes a great deal of time for the scanning and the storing of the documents, and it takes a great deal of time for that signature verification using those documents.

The DDS ID or the last four digits of the Social are already stored in our e-net system, and they're already available for us to use. And as was discussed in this morning's portion of this hearing, Cobb County did have a signature audit, and it did have a good result, but I have to say I was not without a bit of anxiety during that process because I wasn't always sure if our subjective view of the signature verification conducted by my staff would come out the same as a verification done by the GBI officers. I was very glad that it did, but I do think it's a much more objective process

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Also, I wanna thank you for using in this bill the ID number and not having a copy of the ID sent as has been proposed in other bills. Requiring a copy of the ID would create another piece of paper for us to secure, as was said earlier by some other speakers, and then for those voters that don't have an ID number that they can put on the documents, that would be, I believe and what I've heard, is a small percentage of voters, and we already receive copies of non-photo IDs that are identified in 21-2-417C in the HAVA law. So, we already have that piece that we re verifying for new voters, so handling those pieces of identification on a copy would not be something too burdensome for our office.

Another huge item for me, as Lynn
Bailey spoke to earlier, is what's found in
Section 6 to relax the mandate to deploy one
voting booth for every 250 voters in smaller
elections. That change would have a signature
impact on our efficiency in preparing for
elections, doing the testing, and moving the
equipment to the polls.

And also, it would be a great help to the poll workers in setting up and closing down the polls when, again, they're conducting a smaller election and have less equipment to worry about. It also, as Lynn said, will reduce the wear and tear on the equipment over many elections. I have to say, this is the single most important thing that could pass in this session of the legislature that would help my office, to not have to send out all that equipment every single election.

Additionally, the early opening and scanning of the absence ballots was absolutely necessary in 2020 with the number of ballots that we received, and if we believe that absence voting will continue to be population, we must keep that. So, I like the way this bill is worded in Section 13 rather than some of the other bills that I've seen because it is using correct terminology to differentiate opening and scanning of the ballots from tabulating the ballots. Tabulation still would be happening only on election day.

And lastly, I do have to say I'm not a big fan of mandating the absentee ballot drop

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boxes to be inside the advanced voting locations, as stated in Section 9. We did invest quite a bit of funds on absentee drop boxes and have them bolted to the concrete at certain locations throughout the county. Also, having voters to bring their ballots into the advance voting polling place, passing other voters waiting in line, I can see that causing some confusion and disorder in the poll. I'm very glad to see that we may be continuing to use drop boxes in some form, but I would rather keep the ballot boxes outside as we did in 2020 so that absentee voters do not have to enter the building.

So, I agree with almost everything else that Ms. Bailey talked about, and I don't wanna belabor those points, but thank you very much for allowing me to comment on this bill.

REP. BARRY FLEMING: Yes, ma'am. We appreciate you doing that, and I see no questions, so we appreciate you being here today. Thank you so much.

JANINE EVELER: Thank you.

REP. BARRY FLEMING: Well, hold on a second. Ms. Alexander? You're gonna have to be a little quicker over there. That's my second

person I've lost for you. Okay, all right.
Representative Alexander, sure.

REP. KIMBERLY ALEXANDER: Thank you,
Mr. Chairman. I'll try to be a little quicker.
Thank you for being here and speaking today. I
was wondering if you could talk to the 15,000
absentee ballot audit that was conducted in Cobb
and the two ballots that were flagged that were if you could just explain a little bit about
that, that were not fraud, but just explain a
little bit about what occurred with that audit?

JANINE EVELER: Honestly,

representative, they did not give me a report, and I only know what I read in the paper just like y'all. We were very hands off with that. We gave them all of the materials to do the audit. We shared with them our procedures and how we conduct our signature verification, and then like I said, I was not certain that the way they were doing it would result in the same verification, but I was glad to hear that it did.

My understanding is that at the very end, they ended up with approximately 10 that they had questions about, they contacted those voters, and all but two of them confirmed that

they were the ones that signed, even though there was a question on the signatures. And the two that were remaining, a wife signed a husband's or something like that, that was not intentional fraud but wasn't a signature match.

REP. KIMBERLY ALEXANDER: Okay, one more question, Mr. Chair?

REP. BARRY FLEMING: Go ahead.

REP. KIMBERLY ALEXANDER: Looking through the bill, have you had an opportunity to look at every section and determine what the cost to the county will be based on this bill and the impact?

JANINE EVELER: In general, yes, ma'am, I have. I'm glad you asked that subsequent question. I did wanna mention that my county also received a grant from that same organization, but the way we did it and the way we do it here in Cobb County for all grants is that the board of commissioners accepts the money, and then they give that to the department that is requesting the grant.

So, if my understanding is correct, that meets the change in this bill where the county would actually be dispersing the funds to

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Page 149 the election office. So, except for that, I 1 don't really see a great deal of expense for the 2 county. Again, there may be some security --3 different procedures that may require some 4 different processes, but as I mentioned briefly 5 6 in my comments, I do see some efficiencies that 7 will help us a lot. REP. KIMBERLY ALEXANDER: Thank you. 8 9 JANINE EVELER: You're welcome. REP. BARRY FLEMING: Representative 10 11 Burnough? 12 REP. RHONDA BURNOUGH: Yes, just one 13 question. Thank you, Mr. Chairman. You closed 14 some of your voting precincts during early 15 If you did not receive this funding, votina. 16 does that mean you'd have to close more of them? 17 JANINE EVELER: Ma'am, the reason that 18 we had to reduce the number from November to 19 January of our early voting locations was a 20 staffing issue. We simply had people quit. They 21 went through November and the great deal of 22 stress that that was to our office, and we lost a 23 lot of people, and we couldn't staff any 24 additional locations. 25 So, I think the funding that we

received, it did provide some additional equipment that would've come out of regular county funds, or perhaps we wouldn't have been able to purchase it. We did give hazard pay to poll workers that helped incentivize them to work, so that was very helpful, and we were able to buy some needed things for PPE and that sort of thing.

REP. RHONDA BURNOUGH: Thank you.

JANINE EVELER: You've welcome.

REP. BARRY FLEMING: Ms. Eveler, we appreciate you being with us today. Thank you so much, and we appreciate your service to Cobb County.

JANINE EVELER: Thank you very much.

REP BARRY FLEMING: Thank you, ma'am.

Okay, next we have Deb Cox. Ms. Cox, can you

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DEB COX: Yes, sir, I can.

REP. BARRY FLEMING: And Ms. Cox, you are with us from Lowndes County, is that correct?

DEB COX: Yes, sir, supervisor of

elections for Lowndes County for 25 years.

REP. BARRY FLEMING: Okay. So, you

just started.

DEB COX: Yes, sir.

REP. BARRY FLEMING: No, obviously, you have a lot of experience, and we appreciate you being with us today. And Ms. Cox, we would love to hear from you. Go ahead.

DEB COX: Thank you. I agree with everything Ms. Bailey and Ms. Eveler said. I wanna highlight a couple of things that are of particular importance to me, though. I think the bill itself meets the happy medium between the two extremes of voter access and security, so I think that's really well-phrased in there.

They're hugely popular, and I think reducing those to inside the building only during early voting hours would defeat the purpose of having them. They were used extensively in our county after hours. We would empty them in the evening and the first thing in the morning because they were quite often almost full, if not full.

Between the mistrust of the mail, the avoidance of crowds because of the pandemic, and the confidence of voters that their ballot was delivered, having them outside is what made them effective. Having them inside is no different

than just walking on up five more feet to the counter and dropping them off in person. But avoidance, I think, of pandemic situations is going to be the new norm. I don't think that's going to go away in the next few months.

The reduction of time to accept and send absentee ballots, I think that's an excellent move, but I think 11 days might be a little bit much. Seven days I think would be more than sufficient for counties, and I would definitely be in favor an emergency provision for those people that need it. We never know, like you said, when we're going to get a hurricane, or a snow storm, or an ice storm, or God knows what happens. Everything's happened in 2020. I don't think there's anything left we haven't visited but leprosy.

As far as the grants, we, too, received a grant, and ours is also accepted by the county board of commissioners, not by our own office, so there's an insulation layer there between whoever's proffering the grant and acceptance and use, and its use is also overseen by the county. That allowed us to also give an incentive to poll workers and allow us to have extra poll workers.

We were fully staffed for the first time in several years, and it also allowed us to replace some of the equipment that was worn, like provisional boxes and things like that that needed replacement.

The counties themselves are tight on funds because of pandemic-related situations and less revenue and those sorts of things, so that came at a very good time. If we did not have it, we still would've made it because that's what we do in elections, we make things happen and we get things done. But the grant helped tremendously. There were no negative side effects other than the publicity from our perspective. And I'm here if you have any questions.

REF. BARRY FLEMING: Thank you, ma'am. Representative Alexander?

REP. KIMBERLY ALEXANDER: Thank you, Mr. Chairman. Was that fast enough?

REP. BARRY FLEMING: That was better. You're getting better.

REP. KIMBERLY ALEXANDER: Thank you for being here to testify. The question that I have is the funds that you did receive grant-wise, was there any directions on how those funds could be

Page 154 1 used? 2 DEB COX: Yes. They had to be used for 3 expenses not already covered by the county, and it had to be a direct election-related expenses. 4 5 That was the only -- and I was really surprised because I've managed other grants, but this one 6 7 was very loosely organized with very little direction. 8 REP. KIMBERLY ALEXANDER: 9 Thank vou. 10 REP. BARRY FLEMING: Ms. Cox, we 11 certainly do appreciate you being with us today and thank you so much. 12 13 DEB COX: Thank you, sir, for the 14 opportunity. REP. BARRY FLEMING: Okay. 15 Next, we have Tonnie Adams. Is that Ms. Adams? Can you 16 17 hear me? I think we're showing that you are muted at this moment, so if you could attempt to 18 19 unmute it. 20 TONNIE ADAMS: I apologize, thank you. 21 REP. BARRY FLEMING: No, sir. Mr. Adams, okay. How do you pronounce your first 22 23 name? 24 TONNIE ADAMS: It is Tonnie.

REP. BARRY FLEMING:

Tonnie, okay.

Page 155 Good to have you, Mr. Adams, and you're with 1 2 Heard County? 3 TONNIE ADAMS: Yes, sir. REP. BARRY FLEMING: And what's your 4 position there? 5 TONNIE ADAMS: I have been the 6 elections supervisor since 2017, but I've also 7 been in elections going all the way back to 2002 8 in the technology wing, but I became the chief 9 registrar in 2012, and then we combined the 10 11 boards in 2017. REP. BARRY FLEMING: Good to have you, 12 13 and we'll be happy to hear from you. TONNIE ADAMS: Thank you, sir. I would 14 15 like to bring more of a small county's perspective to the bill itself. Our county only 16 17 has 8,200 voters, so the needs of a small county like mine are completely different to someone, 1.8 19 say, like Cobb, or Fulton, or DeKalb, or even 2.0 Richmond to a certain degree. And I'll just go 21 through the certain parts of the bill that I feel 22 pertain to small counties in particular. 23 I'll start with Section 4, which talks 24 about the 2,000 voters. We only have one 25 precinct in our county that has more than 2,000

voters, and in that particular precinct, at least a third to a half of those voters vote early, so we never have line problems. I mean, the worst line problems we have are voters in line at 7:00, and our wonderful poll workers are able to dissipate the line in rather short order most of the day.

Most of the time, our busiest period is after 3:00 or 4:00 on election day. So, one thing that I was pointing out is that smaller counties that have less of a problem with lines, I'm not so sure you would wanna mandate us to do a line review three times a day unless it was absolutely necessary.

I'll go into Section 6. I will echo what all of our elections officials stated about the 250 rule. We believe that this bill in particular is a godsend for us, but there is one thing that I would like to point out, and that goes back to my precinct.

My largest precinct is actually my less turnout precinct on election day. My busiest precinct on election day is actually my second largest, because most of them vote on election day rather than vote early. So, I think we

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Page 157 should have more flexibility as far as 1 anticipated turnout on election days to how we 2 allocate our machines. 3 I'll go on to Section 8 --4 REP. BARRY FLEMING: So, if I may --5 TONNIE ADAMS: Oh, I'm sorry, go ahead. 6 7 Yes, sir. REP. BARRY FLEMING: 8 If I understand 9 you, Mr. Adams, you like the fact that we're giving flexibility for how many machines you may 10 or may not need outside of general elections, but 11 you're asking for it in internal elections as 12 13 well, is that right? TONNIE ADAMS: Yes, sir. And it's only 14 15 because in my particular situation and in many 16 other small counties, we have such a volume of 17 people that vote early. We actually find that we have certain precincts that we may need more 18 19 machines because of their potential turnout based 20 on our experience. For instance, my second 2.1 largest precinct always votes the most on 22 election day. My largest precinct actually votes 23 the third most of my six precincts. 24 REP. BARRY FLEMING: Thank you. Go

ahead.

TONNIE ADAMS: I'm sorry, we'll go on to Section 8. I really do like the fact that in your new requirements that you do not require a physical copy of the ID in either situation as long as this driver's license, as long as -- but I do also like the fact that if they do not have a physical driver's license, they're able to use a Section C ID -- their utility bill, rental agreement, what have you. We also like the fact that you're changing the earliest day to apply for an absentee ballot. I believe that 180 days was simply too long.

We'll go on down. There is one thing I would like to point out before I finish with Section 8. On Line 226 when we're talking about the third-party absentee applications, I believe that if you're going to stay prominent, I believe that there should be a minimum font size, like there are in some of the other bills that are out currently. I believe that may be a little too (inaudible) --

REP. BARRY FLEMING: Do you have a --

TONNIE ADAMS: -- organizations.

REP. BARRY FLEMING: Do you have a

suggestion, Mr. Adams, in font size?

mentioned in one bill. I'm not sure. I'm not an expert on font size, but I believe that adding a font size requirement would dictate -- and that way you wouldn't have a subjective -- well, we think it's prominent, but it might not be so prominent to another organization.

REP. BARRY FLEMING: I believe it was on Line --

TONNIE ADAMS: 226?

REP. BARRY FLEMING: 226. 226. Okay, go ahead, Mr. Adams. Thank you.

REP. BARRY FLEMING: Oh, you're fine.

On Section 9, our county was one of the few in the state that did not use drop boxes. Most of our vote, we're familiar with so many of our voters that we decided that we would allow them to deliver them by hand, and that was very, very well-received by our voters.

Most of the voters in our area were not for drop boxes and our board was not for them either. Neither was I. So, we decided not to do drop boxes, and we're glad that they're not mandatory. We would not be in favor of requiring drop boxes.

Section 10, I appreciate the fact that you're shortening the first day of absentee ballot mailout. We had several situations of where we had voters whose addresses changed, and we have returned ballots in those situations where we have an address change that happens after we've sent the ballot out, and we have voters we can't give returned ballots, and so we have to find them again and send them to the correct address, and it's a very big hassle.

Going on to Section 12, we're not so sure that standardizing early voting times is the best policy. We do like the fact that you're allowing from 7:00 to 7:00 and demanding at least 9:00 to 5:00, but we realize that bigger counties in the metro area, a lot of them like to do Sunday voting.

That is not an option that we would choose, but we believe that there should be better flexibility for the local -- not so much flexibility that we have -- and I totally understand your situation of where you have one person from one county says, "Well, I got to vote on such-and-such date." We see your point on that.

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Going on down, this section also has the RCV for UOCAVA. There is one topic I would like to bring up that's not mentioned in this bill, and that is the subject of runoffs. I believe that we should have runoffs rather than four weeks following an election, it should be five, and here's my reasoning for that.

This last year, we had the calendar fall so that Thanksgiving was the week before the election. So, had we had early voting for that runoff, we would've only had three days of early voting because it was the week of Thanksgiving, and most elections offices are closed the Thursday and the Friday.

We could do one of two things to solve that problem. We could either make the runoff five weeks after, or let's say that we had a week before the election that had a holiday in it, what would happen in that situation is you would then push the runoff one extra week after.

For instance, let's say you had a state legislature special and you had a week of early voting before that runoff that resulted from the original election that had the Fourth of July in it, for instance. Well, there's another day that

you would not be able to early vote the week before the election. So, that would be a situation where you might wanna extend the runoff to another week.

In addition, even if we just did five weeks after the election, it is a very big rush for all of us to prepare for an election in three weeks or in two-and-a-half weeks depending on how quickly we get databases for the runoff. So, that would actually give elections offices an extra week to prepare if the runoff was five weeks rather than four. But this is assuming that UOCAVA RCV is implemented.

REP. BARRY FLEMING: Thank you, Mr. Adam. Were there any other sections you wanted to comment on?

13. We appreciate the fact that the bigger counties wanna count early, but for a small county like mine, we can count our ballots in one day, so when we were doing the runoff, we actually counted our ballots on the day before the election. We only had I believe it was 700 ballots, so we can count those in an afternoon, and it's very difficult for us to bring in staff

-- three extra members of staff to count ballots while we're trying to do early voting.

So, we would like the flexibility for smaller counties to be able to count all of our ballots in one day, and that also goes back to some of the other examples some of the larger counties were saying, for a special election, they might not have quite as many ballots, so they would like the flexibility to not have to start counting ballots two Mondays before.

REP. BARRY FLEMING: Well, I believe two Mondays before is allowed. One Monday before is mandated, is that correct?

TONNIE ADAMS: Well, the bill actually says "shall be authorized". The bill that the Senate passed recently, they actually placed in that language that they shall start the second Monday before, and that is --

REP. BARRY FLEMING: We've seen the Senate cause problems before.

TONNIE ADAMS: Yes, sir, indeed. But let's see, which one is that -- Chairman Fleming, what line is that?

REP. BARRY FLEMING: I wasn't on the line at the time you were asking about it, so I

would...

TONNIE ADAMS: Oh, okay. Let me find it.

REP. BARRY FLEMING: Look at 808.

TONNIE ADAMS: Okay. I have one more page to go, I'm sorry. Yes, sir. Line 811, we would prefer that that be authorized to be left in the bill to give us flexibility. Smaller counties that have less than 1,000 ballots for instance, which really wouldn't have to start counting on that second Monday before.

REP. BARRY FLEMING: And let me explore that with you a minute. So, if you started counting on that Monday, what kind of problems would it cause for you?

in three extra staff, because we already operate on a skeleton crew for early voting anyway. So, we'd have to bring in three additional people to actually count the ballots. In addition, the way that my office is laid out, our server and absentee ballot counter are in the same area that early voters are going to be in when they come in. So, physically, our office is not set up to be able to even process ballots at that time.

What we would have to do is we would have to do it after hours in order to be able to count those ballots.

REP. BARRY FLEMING: So, whichever day you count the ballots, you're gonna have to bring in those three employees, correct?

TONNIE ADAMS: Correct.

REP. BARRY FLEMING: So, why does it matter if it's on Monday or if it's on Friday?

TONNIE ADAMS: If it's the day before the election, we're not voting that day, so I can use the same staff that is conducting early voting can count the ballots the day before the election, and it happens to be my board members who are spectacular ladies that I've worked with for a long time.

REP. BARRY FLEMING: All righty.

of it is we would ask that it not be mandated that we begin the second Monday before simply because the volume isn't there and also because we physically cannot do so, and I'm sure there are other counties that would have to bring in staff in order to accomplish that task. I'm sorry, excuse me.

Under Section 14, there's a word "fairly", and I'm not 100 percent sure that that can be -- let me find the line. I'm sorry, Chairman Fleming.

REP. BARRY FLEMING: No problem.

TONNIE ADAMS: I've got the bill in front of me. I think I gotta go another page.

REP. BARRY FLEMING: Section 14's on Page 38.

TONNIE ADAMS: Thank you, sir. The word that has been inserted -- oh, I'm sorry, Lines 974. It says the locations designated by the superintendent shall ensure that each poll worker can fairly observe the procedures set forth in this code section. I believe that that

is too vague V I believe that everyone --

REP. BARRY FLEMING: So, let me --

TONNIE ADAMS: I believe that -- sorry.

REP. BARRY FLEMING: Let me point you to Lines 972 and 973. It says there, "And such other areas that the superintendent may deem necessary to the assurance of fair and honest procedures in tabulating." That term in 973, fair and honest, has already been in code and been there for a while. Has it caused you any

Page 167 problems? 1 No, sir. It hasn't 2 TONNIE ADAMS: 3 caused me any problems on my own local level, I'm just concerned with some of the larger counties 4 5 that had issues, and I'm not going to bring up any examples. Everyone that witnesses what we do 6 7 here in Heard County always has compliments because it's all fair and open. 8 I'm just 9 concerned with an overall vaqueness of what is 10 stated in the new language of the bill. 11 REP. BARRY FLEMING: Okay. 12 TONNIE ADAMS: Section 16 which 13 eliminates out-of-precinct provisional, the --REP. BARRY FLEMING: (Inaudible). 14 TONNIE ADAMS: I'm sorry. 15 REP. BARRY FLEMING: 16 No, go ahead. I'm 17 sorry. TONNIE ADAMS: We have a problem with 18 19 voters receiving precinct cards timely when they 20 register to vote, and I always process my 21 registrations -- maybe the day of the 22 registration deadline to ensure everyone's been 23 registered. The people that get their precinct 24 cards that was registered by the registration 25 deadline, sometimes they do not get their

precinct cards until after the election has taken place.

So, if you had someone who has changed their address, they're not getting their precinct card with their new precinct on it, and we have individuals who go to their old precinct to vote, thinking that they're still registered at that precinct, even though when they got their driver's license, they were at a new precinct.

Now, we always ask out voters that can and have time to go to their correct precinct if they have time. But for those that come into the precinct after, 6:30, there are certain parts of our county it is impossible to get from one place to another in 30 minutes, depending on what time of the day it is, even in the country. So, the only time that we have had a precinct, we had two for the runoff. They came down at 10 minutes until 7:00, and they were able to vote provisional at a precinct because of that regulation.

According to how I'm reading the language, they would have no recourse of being able to vote at all. And we understand the predicament of having thousands of out-of-

precinct voters show up and for larger counties to have that many, and I'm just trying to figure out what would be the best way to solve that problem for voters that go to the wrong precinct thinking that they were still registered at that original precinct but had not gotten their precinct card in time.

Section 17, we like the duplication panel. We were already doing this with our ballot review team. Not only do they do the overvotes, they also do the UOCAVA duplication as well as the duplication of a precinct and also duplication of damaged balance. So, we already had been doing that with one Republican and one Democrat representative. So, we like that change in the code to make sure that's standard.

On Section 18 -- and I may be unsure of this -- does it automatically encode if Monday is a Veterans Day? Is it automatically the following Tuesday in code? Is that a code issue of where the code says that the next day after a holiday is automatically the next day?

REP. BARRY FLEMING: Further flesh out your question for me.

TONNIE ADAMS: I'm sorry. I'm talking

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about certification deadlines. In November, very often, that Monday is Veterans Day or it's a Sunday -- the Sunday before the Monday.

REP. BARRY FLEMING: And tell me the line you're on?

TONNIE ADAMS: I'm sorry. I can't turn my page. We are on Line 1109. I assume that code says that if the Monday is Veterans Day or the day after, which would be a Sunday, that it's automatically pushed forward to Tuesday.

REP. BARRY FLEMING: I believe you're correct in that, yes.

there is something I noticed. If you'll go to Line 1149, which is concerning the special primaries, and I may be unsure of whether this is necessary or not. But on 1149 when you're talking about your special primaries, your special elections, you do not include what you were requesting earlier, which would be a special primary, a special election to fill the vacancy of an office appointed by the governor. So, I'm not sure if that needs to be added or not.

REP. BARRY FLEMING: Go ahead, Chairman Martin.

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REP. CHUCK MARTIN: Correct me if I'm wrong, but are you suggesting where offices can be appointed, we're not putting in a special primary? Is that --

TONNIE ADAMS: It looks like you just need to add that to it so that it's standard across the code according to the additions to the code that are being done. I'm not sure. That's just something to look at.

REP. CHUCK MARTIN: Will you tell me that line number again, please?

TONNIE ADAMS: 1149. In other words, you'll notice in C1A going into (inaudible) -- I'm sorry.

mentioned to the committee when we started the meeting this morning -- and you may not have been here, it's been a long time ago -- that there were several what I call technical changes to affect the meaning of it. That is one that we've caught and already have a substitute change drafted for that, that as I mentioned to the committee members, they would get this afternoon. So, you are sharp to catch that, but we caught it too, and they'll make that fix. Thank you.

TONNIE ADAMS: Thank you. Everything else as far as from a small county viewpoint, everything else, I really don't have any comments on at this time, and I appreciate the opportunity to speak to you this afternoon.

REP. BARRY FLEMING: All right, some questions for you. Representative Williams?

REP. RICK WILLIAMS: Good afternoon.

Thank you for taking the time to be with us.

What is the population of your county or your number of registered voters?

TONNIE ADAMS: We have 8,200 voters.

There are probably closer to 12,500 to 13,000 at this point. We're waiting on the census to come through. It was 11,500 at the last census, but I can tell by the number of people who have registered to vote since -- for instance, I'll just give you an idea. We have 2,000 more voters registered now than we did in 2016. A lot of that is due to the driver's license opt out rather than opt in, but I'm seeing names I have never seen before. And whenever you do this long enough and you know as many people as I do, you recognize names.

REP. RICK WILLIAMS: Certainly. Thank

Page 173 1 you very much. Did your county receive any 2 money, any funds? TONNIE ADAMS: No, we did not request 3 We operate on as much of a skeleton crew as 4 5 possible, and we just get the job done. REP. RICK WILLIAMS: 6 Okay. Thank you 7 very much. REP. BARRY FLEMING: Mr. Adams, we sure 8 do appreciate you taking the time in being with 9 Hold on one second. Chairman 10 us this afternoon. 11 Martin? 12 REP. CHUCK MARTIN: I think the gentleman brought up something about allowing his 13 14 voter machines to come in? I just didn't want us 15 to lose, if I could, Mr. Chairman --16 REF. BARRY FLEMING: Sure. 17 OREP. CHUCK MARTIN: -- and I know we've 18 been getting critiques on this bill. I'm sure 19 you've gotten some emails overnight as well, and 20 there are people that seem to be upset about 21 allowing them to right-size the machine distribution relative to putting it in the best 22 23 place for their veterans, but I think he's 24 actually making a great point for additional 25 flexibility.

We may wanna consider if an election supervisor like the gentleman knows that he has 2,000 people in this precinct and he knows going into election day that 1,000 of them have already voted, you don't need to put a machine out for every 250 of 2,000 because they've already voted. So, just a point not to lose, that could be some more flexibility that we could allow people to put those machines where people need them to vote on election day.

REP. BARRY FLEMING: Good point.

TONNIE ADAMS: Well, to follow up on that, Chairman Martin, if you don't mind...

REP. BARRY FLEMING: You go ahead, Mr. Adams.

TONNIE ADAMS: Okay, I didn't wanna be out of turn. In many of your urban precincts, you have such a higher turnout of people who vote early, but you may have a larger portion of the population in the more -- I won't say rural.

Maybe I will -- not so urban area, you may have more of those people that vote on election day itself.

And so, you might have one precinct with 3,000 people that 50 percent have already

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Page 175 voted, but you may have another precinct with 1 2 2,000 people in it where only maybe 15 percent have voted early, and you know that that 3 precinct's gonna turn out in larger numbers. 4 I think if there was some way that you could give 5 more flexibility to the election supervisors to 6 7 place their machines where they best know that 8 they need them. REP. BARRY FLEMING: 9 What number are 10 you, Chairwoman Smith? REP. LYNN SMITH: I am No. 14. 11 REP. BARRY FLEMING: Go ahead. 12 13 REP. LYNN SMITH: Tonnie Adams, I'm 14 your neighbor from Coweta County, and I wanna 15 thank you for taking the time and the great work that y'all do in Heard County. 16 Thank you. 17 TONNIE ADAMS: Thank you, Chairman Chairman Smith, are you still there? 18 19 REP. LYNN SMITH: Yes. 20 TONNIE ADAMS: I look forward to 21 working with you. This is totally off topic, but 22 look forward to working with you on one of our 2.3 historic sites in the next couple of years. 24 REP. LYNN SMITH: Oh, that's 25 phenomenal. Thank you.

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1	REP. BARRY FLEMING: Mr. Adams, we
2	certainly do appreciate your being with us today.
3	Thank you so much.
4	TONNIE ADAMS: Thank you. It was a
. 5	pleasure.
6	REP. BARRY FLEMING: Chairman Smyre,
7	you would like Nancy Johnson be able to testify?
. 8	REP. CALVIN SMYRE: Yes, sir.
9	REP. BARRY FLEMING: Ms. Johnson, are
10	you here? Please come on around. Same one,
11	okay. Come on over here to the mic right here,
12	yes, ma'am. Ms'. Johnson, good to have you.
13	NANCY JOHNSON: Thank you for having
14	me. Thank you so much.
15	REP. BARRY FLEMING: Chairman Smyre
16	says he knows you and likes you, and we'd never
17	hold that against you.
18	NANCY JOHNSON: I consider that a great
19	compliment. I know you do, right?
20	REP. BARRY FLEMING: Good to have you
21	today, Ms. Johnson.
22	NANCY JOHNSON: Thank you.
23	REP. BARRY FLEMING: Please tell us who
24	you're with and where you're from, and we'd be
25	happy to hear from you.

MANCY JOHNSON: Okay, thank you so much. My name is Nancy Flake Johnson. I'm the president of the Urban League of Greater Atlanta. And I appreciate this opportunity to share some deep concerns that the Urban League and our constituents have with respect to this legislation. We're a civil rights and economic justice organization that has been operating in the region for more than 100 years, and we support all Georgians -- African Americans in particular -- to live a better life and prove their economic standing.

I've come here to talk about the legislation that is proposed, specific provisions with respect to that legislation that will disenfranchise voters, and really what message we are sending to the children of our state. Our society prepares young people to participate in leadership by electing class presidents and other officers in their schools.

Consider this analogy, the popular captain of the volleyball team is running for class president. She's and A-student involved in several schools clubs, she tutors young children on weekends. Her opponent is on the debate team.

He has a reputation for being argumentative and sticking to a circle of affluent friends. He has done little in the way of community or charitable work.

The debate team realizes their candidate is up against a formidable challenger, because the debate team captain is also very popular. What do they do? Should they convince the school principal to cancel the policy that allows voting at the start of school, at lunch time, and right after school ends at 3:00 p.m. and in its place mandate only in-person voting at 4:00 p.m. when many students have taken the bus home and sports teams are practicing or playing a game away from school?

Or work hard to boost the popularity of their candidate, encourage him or her to get engaged with other people, have a platform that appeals to the broad student base, and discourage negativity, and treat people fairly? Choice A limits participation by stacking the deck against people who cannot be at the school at 4:00 p.m. In effect, it's a way to cheat to win.

Sadly, Georgia has a long history of using voter suppression tactics, which in many

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citizens' eyes is the equivalent of wielding power to cheat to win from the white primaries, poll taxes, and literacy tests to the more recent purging of legitimate voters from the roles for simply choosing not to exercise their right to vote, limiting early voting and locations of drop boxes.

Your legislation wants to raise the age to 75 years for seniors to have the right to choose to vote by absentee ballot in the middle of a pandemic --

REP. BARRY FLEMING: Ma'am, let me stop you just one second because that's not in this bill.

NANCY JOHNSON: Oh, that's not in this bill? Good, okay.

REP. BARRY FLEMING: No, ma'am.

NANCY JOHNSON: Well, that's good.

REP. BARRY FLEMING: Okay, thank you,

ma'am.

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NANCY JOHNSON: Okay, very good. So, from forcing voters to wait in long lines to disqualifying people through strict exact-match signature requirements, this is history that has preceded us here in our state. Now, you are

considering ways to make it more difficult for people to exercise their right to vote the very measures that safely and fairly contribute to an historical turnout and no evidence of fraud after multiple investigations and legal suits that were not successful in the last elections.

More people voted because Georgia sensibly made it safer and more convenient for them to exercise their rights to vote. Your proposed measures will make it more challenging, inconvenient, and possibly impossible for some to vote safely and easily again. You will cut out large blocks of voters, many of them people of color or of low income.

For example, my seeking to eliminate Sunday voting, you are targeting people of faith whose jobs and economic circumstances make it hard for them to get to a polling place on the other days of the week. Many of these are people of color and low-income citizens who have transportation issues or have long work hours, work on weekends, and long hours during the week, often working several jobs to support their families. It is widely known that black voters in this state heavily vote on Sundays.

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By requiring absentee ballots to be dropped off inside a government building during work hours, you again disenfranchise voters whose jobs prevent them from voting before 5:00 or 6:00 p.m. In the last election, there was no evidence of compromise to Georgia's ballot boxes outside of buildings.

In fact, our Secretary of State and his team told us on multiple occasions -- not just us, this entire world -- stood in front of the media and indicated that our 2020 presidential election and the runoff in 2021 had been conducted legally, smoothly, and fairly. Several investigations and recounts proved that to be true.

So, it is difficult for the constituencies the Urban League represents to understand the motivation for these proposed sweeping changes. We do not understand this partisan rationale driven primarily by people within the party whose candidates did not win. Does this mean every time the losing side in elections are upset, that they do not win that we make sweeping changes to the law to punish those on the winning team to tip the scale in the

direction of others in the next election?

Your entire approach to fixing absentee balloting makes it feel to us that the fix is for voter suppression. Your attempts to fix the system reflect a fear that if every registered voter gets a chance to vote, the outcome may be a diverse selection of winners. We should stand champion to a robust voting populous as it represents the population of our great state and will ensure all citizens have representation, that all voices can be heard, and all needs of our citizens are fairly and equitably addressed.

That is the duty of our government to all of its citizens and not just to some. In my analogy, the students running class president, I found generic advice for them. Start early if you wanna win the class president election. Join student council and other clubs. Listen to your constituents and their needs. Develop and stand by a platform of policies and practices that support the advancement of the students and people you represent.

And be courteous, respectful of differences, friendly and authentic. Spread your campaign message, and soon, you will have the

most votes. And be respective of your challenger. Do not engage in negative campaigning and play by the rules. Do not try to find ways to tilt the race in your favor by unjust practices and strategies.

And last but not least, be a respectful loser. In a democracy, there will always be someone who wins and someone who loses, and the losing side has to respect the democratic process. We lose with dignity. We then come together so that we can make our world, our state, the people's lives that we represent better.

I say this to you, our state and our nation are divided at this time. It is divided because those who lost these elections are not willing to accept the truth, the facts, the outcomes. It is time for us to now move on. In a democracy, we must come together when the elections are done.

If you want to win, be a candidate the people will want to vote for, have a message of unity and justice, and do not stand with politicians who are seeking to cut large segments of our population out of the process. Thank you

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1	for this opportunity to share, and I will take
2	any questions if there are any.
3	REP. BARRY FLEMING: Thank you, Ms.
4	Johnson. We appreciate you being here today.
5	Thank you very much.
6	NANCY JOHNSON: Thank you. Thank you
7	for the opportunity.
8	REP. BARRY FLEMING: Yes, ma'am. Thank
9	you. Annette Davis Jackson?
10	ANNETTE DAVIS JACKSON: Yes, I'm here,
11	sir.
12	REP. BARRY FLEMING: I looked for you
13	earlier, but I saw you come back.
14	ANNETTE DAVIS JACKSON: I'm here, yeah.
15	REP. BARRY FLEMING: Yeah, that's fine.
16	No problem, no problem. Good afternoon. Good to
17	have you.
18	ANNETTE DAVIS JACKSON: Thank you.
19	REP. BARRY FLEMING: Please tell us who
20	you're with and where you live and we'd be happy
21	to hear from you.
22	ANNETTE DAVIS JACKSON: Well, my name
23	is Annette Davis Jackson. I spoke most of my
24	life in Gwinnett County. My kids went to
25	Parkview High School. The reason I come before

you today is I was a candidate for United States Senate, and I did lose my race. I got 43,000 votes, and that's why I'm here today, to really talk about voter and election integrity.

When you talk about House Bill 531, I'm gonna start from the back with Section 22. When you look at, first of all, HB 316, what you find out is that -- thank you, Calvin Smyre -- what you find out is 316 sets some provisions for fraud in elections, right?

And then, Section 22 in this bill, 531, says any person who knowingly goes into the voting compartment booth while another is voting or marks a ballot or registers a vote for another except in strict accordance with this chapter interferes with any elector marking or her ballot induces or tempts any elector or observes or attempts to observe any elector to see how such elector marks or has marked his ballot except in strict accordance with all this, he'll be subject or guilty to a felony.

And I think that at the end of this bill, we have to add in enforcement agencies. I certainly thank you legislators for putting these bills together, but then there is no enforcement.

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1	If someone violates the law, who's the
2	enforcement agency? I'm a part of a group of
3	REP. BARRY FLEMING: Ma'am, the
4	prosecutor is.
5	ANNETTE DAVIS JACKSON: The prosecutor,
6	right.
7	REP. BARRY FLEMING: Yes, ma'am.
8	ANNETTE DAVIS JACKSON: Sometimes it
9	doesn't even get to the prosecutor, so it doesn't
L O	say at the end of this bill that the prosecutor,
L1	which is a US Attorney or the district attorney
L 2	in each prospective counties, whether it be
L 3	Fulton or Cobb, who does that, right? And I've
L 4	talked to a lot of Senate members, House members
L <sup>.</sup> 5	and am concerned about this.
L 6	I'm a part of a group of 44, and
L 7	Chairman, would like to share this with you if
L 8	I can leave this with you after I finish talking
L 9	<del></del>
20	REP. BARRY FLEMING: Yes, that'd be
21	fine.
22	ANNETTE DAVIS JACKSON: Okay, thank you
23	so much. A group of 44 that has petitioned the
24	grand jury regarding election integrity. So,
25	we're at the grand jury level. The United States

attorney is working with the federal grand jury over election integrity, so we've submitted a lot of evidence.

And also, I have in my pocket, there was many conversations of testimony before that said there really is not any evidence of fraud.

I have a flash drive, and there have been many testaments -- the Senate Judiciary Committee -- of the different errors in not only the election ballots, even with the military ballot.

The military ballot wasn't the same as the other ballots. Some of the military personnel could email their ballot, but it just wasn't the same, and for the military, they had to produce duplicate ballots. So, my solution to the military ballot was for the military to have the same ballot as everybody else so that it perfectly goes into the scanning machine so that we can identify.

When every county, which is 159 counties, when they count their overseas or their military votes, a lot of times what they do is they label it as a duplicate because they either have to duplicate it by an email, or it's coming from another way. It didn't fit into the machine

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in 2020, so they had to duplicate that ballot. We don't know. And so, we don't really have a ripe effect of the military ballot and how many military personnel overseas have been voting.

So, anyway, what this petition does with the federal grand jury, it says, yes, there was the fraud in elections, and the reason that we can't get to it is because a lot of the judges, what they're doing is they're not even hearing cases. So, the lack of due process is not happening within our court systems, and somebody really has to go in and enforce the law.

So, I appreciate Section 22, so I'm gonna start there with you have to add an enforcement agency, and I don't know if the citizens know if that's a prosecutor, who's a prosecutor or where the prosecutor does come from. Also, I think it says any person who knowingly -- and I think you ought to add who obstructs in any way the voting process by workers depositing a flash drive.

We've seen one video of how Ruby
Freeman and her daughter, a gentleman comes to
them, takes a flash drive out of his pocket, and
gives a flash drive to them, and they exchange

flash drives. So, I believe something has to be put in where the poll workers should not be taking any type of anything, should not be putting in any type of flash drives anywhere, shouldn't be taking flash drives. If they are filmed, they should be subject to a felony.

Also, if I go backwards -- well, I'm gonna go forwards. I do believe that when it comes to voting, we have to be accountable and responsible for getting an ID, right? All of those areas I saw, the Southern Poverty Law Center that was here today, I think instead of trying to create all these ways that people can vote without what they need in the full accountability and responsibility, they should develop a fund for making sure that at least every person who wants to vote has a valid identification card. I think that that's the best way to cut down on fraud.

Also, as far as a signature verification, I do believe that signature verification is so very important because what we have also seen with the dumping of the votes that there are a lot of people signing those absentee ballots for somebody else because they have a

list of registered voters.

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So, I do believe that you should put back in the signature match because let me tell you, you can't sign your signature that's not yours on your mortgage documents, on your bank documents, or anything. When you go, they have to look at a form, and you gotta match signatures. So, I hope that the signature match does stay in there.

As far as drop boxes, in this 2020 election, I must say that as far as election integrity that there was no security on those election boxes. My suggestion and my recommendation is those boxes should be within. They should not be outside of the election areas. They should be inside and so a camera could watch them. Anybody dumping votes, they should be able to have that.

But also, I believe that we probably should design another drop box given all the fraud that has happened within the State of Georgia and battleground states that it be just like the United States postal stamp machine.

Just like an ATM, when you put your absentee ballot in there, it ought to register, it ought

to give you something back, and that way it has a date stamped automatically of who puts their absentee ballots in.

No. 8, the people who are applying for absentee ballots, certain limitations on the distribution of absentee ballots, I do believe there should be certain limitations on the absentee ballots because, you know what, when you have a no-excuse absentee ballot, I think we ought to go to you should have an excuse for an absentee ballot because I do believe that the fraud is within the absentee ballots for the matter of processing. I think that got out of hand.

I was a witness with the Senate

Judiciary Committee, and I was also a monitor,

and I think it's so very important. I saw a lot

of instances where a lot of locks were broken off

of the bins where the voting was as well as most

of the bins where they said that they had counted

the votes and they put them over into the

finalized votes, all of the precincts were not

counted.

And I happen to point out, "Where is this precinct?" Where is that precinct?" And

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they would happen to open up the bin, and those precinct documents were not in that bin. Where did we find them? We found them the next day.

In Gwinnett, we found them in -- what'd they say -- a panel review. And so, you have to have some type of system just like you go to the DMV. Hey, your number is this. If it's empanel review, everybody should be able to know.

One Section 1, the governing authority of each county or municipality shall appropriate annually and from time to time in such a county the funds that it's deemed necessary. I do believe its' important for each municipality to provide their budget because that way you eliminate the Center for Tech and Equity from giving.

targeted approach, and it was a good, targeted, strategic approach in the 2020 election system to get money so that absentee ballots could be printed. And as Jovan Pulitzer in his documented presentation to the Senate Judiciary Committee, he showed you the era of the absentee ballot. He showed you this prolifically, and it's on tape, it's video, it's evident there is fraud with the

absentee ballots.

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So, I hope that the committee would look of how we do absentee ballots, how we have a number, some kind of way it's put into a system. If you move forward, Line 47, those superintendents shall take or accept any funding, grants, or gifts from any source other than for the governing authority of the county or municipality the State of Georgia or the federal government.

I do believe in this because Facebook, Mark Zuckerberg, Pricilla Chan, the dominion voting systems, I do believe that there was an intended target, and so we can see who gave the money. So, I strongly believe that in this bill there should be no private persons giving money to county election boards, and as we saw, Lowndes County, Cobb County, and Augusta, they took those monies. And \$600,000.00 is a lot, and I believe that it was a target of which created the fraud.

Also, there was a consent agreement, and we need to talk about how no Secretary of State should be signing a consent agreement with the Democratic Party as to absentee ballots or to changing the forward motion of the laws in the

State of Georgia regarding election integrity without first going before the Senate body, and I with that we would've done this before the certification of the votes.

When we go to Section 2A, it says that poll officers shall be judicious, intelligent, and upright citizen. I didn't see judicious, intelligent, and upright citizens when I saw the gentleman with a flash drive go to Ruby Freeman and her daughter, and they were still working the polls after this happened and gave them a flash drive, and they gave a flash drive back. That's definitely fraud in elections.

So, we need to definitely cover that and put poll workers. And when we see activity like that on video, we need to eliminate those poll workers immediately, and then they should be subject to a felony because, remember, this is the Voting Rights Act of 1964, voting is a felony. Any time that you act wrongly, it should be a felony.

When you go to Section 3, 84, 85, and 86, no board of registrar shall take any or accept any funding, grants, or gifts from any source other than for the governing body. I like

that. It's so very important because you should get money from your government body. You should not be getting money for private citizen who've targeted battleground states in order to change the course of the election. And I do believe that in the future, based on our petition into the federal grand jury that you're gonna see the enforcement of what's put forth.

and I will say that the young lawyer earlier today said there's no widespread fraud, but fraud is addressed in HB 316, and you have to look at fraud when definitely fraud is there and particularly within the absentee ballots. So, I would love us to take more time with the absentee ballots and make sure that no one can do that again, and it's not a misdemeanor, it's a felony.

Line 156, the testing of the voting system components. I think it's very important that our machines from Dominion Voting Systems, they weren't tested like they should, and they don't have the audit capabilities that they should.

And particularly, because there were times where there were dumping of votes, you can't have dumping of the votes, and then you

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can't have election boards saying we're gonna stop voting. We're gonna stop counting ballots, and then all of a sudden, you tell everybody to go home, and then all of a sudden, you start bringing out other ballots. No, we ought to really address what happens when everything closes down.

And I will say that we don't have a provision in this bill for security, so I would love to see a provision in this bill for security and what that means to the whole election cycle, even if it's to have our wonderful state patrol now be a part of that mix. Hire the state patrol to have that election security at the ballot box and at the poll box, but particularly inside the registrars. I think that would be important.

a forensic and a financial audit to the testing of these voting machines because a lot of stuff is money-driven, and it's so very important.

When Georgia didn't have an audit component to its election cycle, it's totally open for fraud, and we can see if we ran through the batch forms, that every vote that came second by second, there was also a drop of 10,000 votes, 20,000 votes,

and that should never happen in our systems.

If you go to Page 9, it's 192, 193 all the way down, to me, there should be no electronic submission for IDs. Let me tell you, I got my ID in my pocket, and the one thing about this ID, this Georgia, I've had it for 40 years, went to Spellman College from California, the one thing that this does, you will not see on a photocopy all the different holograms on the There's probably two or three holograms on the front, and then on the back, there's more holograms on the back. And of course, so many people easily thwart these systems with ID, and let me tell you this, we need to push people in having sufficient ID. That's gonna be so very important that we should not even be having a photo copy ID for anything.

No. 224, it says handling a completed absentee ballot application by any person or entity other than as allowed in the subsection shall be a misdemeanor. No, that should be a felony. We have to stop people from committing fraud within election integrity. We must do that, because otherwise they'll stop it.

If I go any further, let's see... I

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think I just highlighted -- I care about the military vote. We have to do something about that military vote. Registrars in all of the counties, I do believe that they should have a portal for registrars, and they'd be able to identify how many registered voters do we have. How many registered voters do we have? How many people did already vote?

I think they have to do better with their statistics because in Gwinnett County, what it said on November 3rd that 827,000 people voted in Gwinnett, but what you found out, there's not that many registered voters in Gwinnett. There's like 416,000. And the response to that was we counted the second page, which was a referendum of the ballot. No, that doesn't make any sense. You only have one ballot. You have one vote and you have one ballot.

So, I still don't know the answer to why Gwinnett County had 827,000 people registered to vote and only 416,000 at the November 3rd actually completed their ballot. That's still a question mark for me in those numbers. I think we're fudging a lot of numbers within our board of elections, and we really need to address that

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in this bill. That should be a felony, too.

And winding up, I think I've hit pretty much every point and every point that I have and submitted, Chairman. I would love to be able to submit that in writing, but I will --

REP. BARRY FLEMING: You absolutely can.

ANNETTE DAVIS JACKSON: Okay, thank you. But I will say in ending that I heard that there shouldn't be a limitation on options for voters, but voters have a very amazing responsibility. I think it's just like wearing a badge of honor. Like my name is Anette Davis Jackson, I wear it proudly because it was my dad's name, and there's certain accountability and responsibility that a voter does have. So, we shouldn't make exceptions. There's too many exceptions, which I think create the fraud.

I would like the enforcement capability in the bill. We had a lot of dumping, so this bill doesn't address the dumping of votes, which I would love for it to address the dumping of votes because even in the ballot box, we saw incidences of people dumping many absentee ballots in that box. That's illegal, all right?

So, we gotta cut down the illegal, and we haven't really addressed what happens when a state hires a software system, and they don't have an audit capability.

And the reason that I'm saying that in ending, because Texas did not choose Dominion Voting Systems, the reason because in all its audit capabilities, they were denied. They did not comply. So, for Georgia to put together a compromise agreement with the Democratic Party without the Republican Party, and the Secretary of State did it himself without the legislative body, that's not addressed in here, and I think our federal grand oury petition will address that.

In ending, thank you guys for being representatives. Thank you for allowing me to be here with you today. And Chairman, I would like to leave for you our petition to the federal grand jury that's right now with the federal grand jury of Georgia.

REP. BARRY FLEMING: If you'll put it right on the corner of that desk over there, we'll get it. Right there, mm-hmm, we'll get that. No, that's fine. No problem. Thank you

Page 201 so much. 1 2 ANNETTE DAVIS JACKSON: Thank you so 3 very much. REP. BARRY FLEMING: Thank you for 4 5 being here today (inaudible). ANNETTE DAVIS JACKSON: 6 No, I 7 appreciate it. Thank you. Thank you. Okay, 8 REP. BARRY FLEMING: Blake Judkins. Mr. Judkins, please come forward. 9 We appreciate you coming today, and we'll be 10 happy to hear from you if you would tell us who 11 you're with and where you're from. 12 13 BLAKE JUDKINS: Yes, sir. My name is 14 Blake Judkins. I have the distinct pleasure of 15 serving as the chief of staff for one of your esteemed colleagues, Dr. Jasmine Clark, with whom 16 17 I'm sure you're all familiar. I just had a few points to make today. Representative Clark 18 wasn't able to make it today. 19 First off, I'd just like to address a 20 21 couple things that were brought up when that 22 attorney from the NAACP and Southern Poverty Law 23 Center came here early in the morning. I believe

that Chairman Fleming brought up the Help America

Vote Act when saying that -- excuse me, public

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speaking is not my forte.

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REP. BARRY FLEMING: You're doing fine. Go ahead.

BLAKE JUDKINS: When saying that the reasoning for providing a photocopy of a state-issued ID was in keeping with that piece of law. So, I just wanted to go ahead and read off real quick some of the pieces of ID that are acceptable under the Help America Vote Act.

Those include a driver's license, a state ID, a passport, an employee ID card, and ID card provided by any commercial establishment, a credit card, a debit card, a military ID, a student ID, a health club card, an insurance plan card, a public housing ID card, a utility bill, a bank statement, a government check or paycheck, any document issued by a governmental agency, a sample ballot provided by a government agency, a voter notification card provided by a government agency, a public housing ID card, a lease or rental statement, a student ID card, a tuition statement, an insurance plan card, military discharge papers, any official pardon, a public transportation authority card, a senior citizen and disabled discount card, any identification

documents issued by a government disability agency, ID documents issued by government homeless shelters, any drug prescription issued by a government, doctor, or healthcare provider, a property tax statement, a vehicle registration, or a vehicle certificate of ownership.

You'll notice nowhere in there does it require that the ID be a picture ID. It doesn't require that there's any kind of ID number that is associated with your voter registration, and if the list of IDs required were that broad, there might be a little less pushback for it.

But the fact that you have to provide a picture copy of a voter ID opens this up for some problems, especially if we're talking about mailin voter IDs where somebody might be able to take one of these ballots and then suddenly have all of your information, including the last four of your Social, your home address, your birthday -- everything you need to open a credit card.

Another point I'd like to make about that is I spent six years serving in the military, and I was issued this. So, a military ID, officially called a Common Access Card. I had a secret clearance when I was in the

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military. That is taken very seriously. On the back of that card, not only is my personal information on there, also on there is my Dept of Defense identification number.

Just to tell you a little story, I one time took my ID with me on a trip. I had just turned 21, and as one does right after they turn 21, I partied a little too hard. I lost my wallet and my military ID. That was considered such a serious offence that I was paneled by a board of my superior officers, I was threatened to revoke my security clearance, I was threated to lose rank and pay.

Luckily, I was a good enough soldier that my commanding officer knew that it was a mistake I had made and not a trend in my behavior and he kept that from happening, but it's a very serious offense. And the idea that all our soldiers over in Iraq, the only way that they're going to be able to vote -- because when you're overseas, most of the time you're not carrying with you your driver's license, right? Why would you?

You're gonna have your military ID, so the ID you would be submitting a photo copy of

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would be your military ID with all that information on it that can get you access to a lot of security secrets. Now, I worked on radios, so there weren't too many secrets I could dish out, but imagine somebody sending emails about troop movements, and the information on that card can get you access to that email. It is not something that we should take lightly.

Now, I don't know how you could possibly have a system where you have to provide a photo ID and avoid that issue. I think the only real solution is to remove that altogether.

The next point I would like to bring up is I believe Speaker Pro Tem Jones brought up during that same speaker, I believe the question was -- and correct me if I'm misquoting here -- does a lack of evidence in court preclude voter fraud from happening? Which I took to mean just because we haven't proved it in court, does that mean that voter fraud couldn't have happened?

To which I ask, December 24th, do you wait for your kids to wake up and there just be presents under the tree, or do you put them under there because there's no evidence that Santa Claus actually exists? It is not --

REP. BARRY FLEMING: Now, hold on a second. This is public. Be careful what you talk about. All right, go ahead.

BLAKE JUDKINS: Oh, sorry, sorry, sorry, sorry. So, my point being as a governing body, it is irresponsible to operate on the assumption that something may have happened if that means shutting down access to something as essential as voting.

There is such a thing as something being too secure. If you take all your money, and you put it in a bank vault, you feel safe that that money is secure. Now, if somebody welds that bank vault shut, suddenly, that's a problem because all your money was in there, right?

elections, but we need to make sure that we are still making it accessible to every voter, including the low-income people who may not have access to IDs, or photocopiers, or ways to get to those elections now. That was just responding to some things I had seen earlier. If you let me, I'll go ahead and get onto the actual points, the specifics in the bill that I have.

I'm concerned by the amount of reduction in time and access in the bill. For instance, the amount of time with which you can register to vote -- or, sorry, apply for an absentee ballot is reduced from 176 days -- that is 180 days out to four days before the election -- to 67 days. That's a 61 percent reduction in the amount of time you have to apply for a ballot. That would be Line 172 if you wanna look at exactly what I'm talking about.

Line 176 references that an absentee ballot application must be received no later than 11 days before the election. Well, what is somebody sends it out, and as we all know, the postal service isn't perfect, and sometimes mail gets delayed. And suddenly, that person is no longer allowed to vote because the mail delayed their absentee ballot request by a couple days.

For that line, I would suggest that instead of it being received no later than 11 days, that it should be postmarked no later than 11 days. That would make it less iffy on whether or not the post office has the time to get to that piece of mail.

In Section 10, it reduces the amount of

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time with which absentee ballots may be issued from a minimum 42 days -- that is 45 days out to the three days before -- to a maximum of 18 days, right? 29 days before to 11 days before.

In Gwinnett County where I live, there were 176,786 absentee ballot requests. That means that on average the board of elections would have to respond to 9,300 ballot requests a day. That is impossible. That cannot be done. And so, expanding that amount of time, just make sure that we are able to get to the ballots as they are.

Now, in Lines 685 through 703 -- that's Section 12 -- it talks about having the uniformity of hours from 9:00 to 5:00. Now, a lot of counties are using 7:00 to 7:00, and that 7:00 to 7:00 really helps people get there before work and after work.

I'm sure you all know the most common working hours are 9:00 to 5:00, so that means that the most common working hours are also the same hours as the polling places would be open and when people won't be able to leave to go vote. I understand the need for uniformity, but I don't understand why it has to be so uniform

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that we're restricting access to the polls.

In Lines 1010 through 1027, if a -- sorry, my computer just glitched out real fast.

REP. BARRY FLEMING: While you're looking for that -- no. We had a question but they passed. You go ahead.

BLAKE JUDKINS: So, in Lines 1010
through 1027 in Section 16, it brings up that if
a person goes to a precinct and it's the wrong
precinct, normally, as it stands now, they would
cast a provisional ballot and that would be fine.
This current version would preclude that and
count that ballot out. I don't see how this
makes it more secure rather than just throwing
out more ballots.

And on top of that, when you add in the fact that just 60 days before the election you can change precincts, somebody might go to the precinct they've been going to for years, and because long lines in the previous election, their precinct has been changed, and for whatever reason, they didn't see that notification, they didn't even know.

And yet, they would normally be directed to their other precinct, but what if

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they get there at 6:30, 6:45? They thought they were there on time, they thought they were at the right place. I don't see any reason why a provisional ballot is not appropriate for them, whether they're at their correct precinct or not.

And the last thing that I really wanted to ask about is where is the fiscal note? I know any bill that I've seen that presumably costs this much, before you vote on it, you wanna know how much it's gonna cost the state, right? How much is this gonna cost the taxpayers? And as of now, we have no idea. And I had a few other things to say, but most of those were covered pretty thoroughly by other speakers, so I'll leave that at that.

REF. BARRY FLEMING: Thank you, sir.

We appreciate you coming today. Okay, next, Ryan

Germany. Mr. Germany? Thanks for coming today.

We'd be happy to hear from you'. Welcome.

RYAN GERMANY: Thank you, Mr. Chairman and members of the committee. My name is Ryan Germany. I'm the general counsel for the Georgia Secretary of State's office. I've been in that position since 2014, and I thank you for the opportunity to speak with you today. I just

wanted to talk about what we saw in the 2020 election cycle and what we didn't see.

It's been mentioned today multiple times that we did not see any widespread systematic fraud or any reason to think that the end results were not accurate, and we certainly stand by that. That's certainly not to say that we did not see any issues that we think need to be addressed by this assembly.

What we saw in 2020 was we saw an election system that was stretched to its limits. You heard from some county election directors earlier, and I really can't say enough about what they did last year. They performed beyond the call of duty. The difficulties that were placed upon them with COVID, with the implementation of a new system -- this is the first year, remember, that we had used our new paper ballot system, so not only learning that, getting that implemented, but then with COVID on top of that, the difficulties they faced were enormous.

One of them told me early on in the process, especially with the massive increase in absentee ballots, they felt like they were having to run basically three different election systems

at the same time. We had more absentee ballots probably than some all-mail ballot states had. At the same time, they run three weeks of early voting where people can go anywhere in their county, any advanced voting location in their county and vote.

And then, also, they had to prepare for election day that's precinct-based where you vote in your precinct and get all of those ready. So, they had to do that, and I think they did it very well overall, but kind of stretching the system to its limits I think showed some weaknesses that you guys can address.

What we also saw -- the election directors, I should say, not only did they perform admirably during the election process, but there's also a lot that they have to do in the post-election process, and that could be even more difficult because like we've seen in the past two election cycles, we've had the losing party attack the system after both election cycles.

Unfortunately, I don't think that's a tactic that's going to go away, so I think we need to be prepared in future elections to have a

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system and processes that can provide confidence to the entire electorate, not just the people who prefer the partyhood that prevailed.

It also looks like we're going to continue to have very close statewide elections in Georgia. It's always been the case that there can be elections around the state that have been decided by a handful of votes, but when it's statewide elections that are really close, it's a level of scrutiny that in states where they don't have that dynamic, they don't have that same scrutiny, so that's not where we are, and I think we need to keep in mind what are we asking our election officials to do from a process perspective.

If we're asking them to do too much, like we did this past year and like they did just really because of COVID, we put some of them in a position to fail because we asked them to do too much, and that doesn't induce confidence in the results. So, I think we need to think about what are we asking them to do, what help can we give them, and what can we do to provide confidence in the results of future elections to the entire electorate.

I appreciate Chairman Fleming gave us the opportunity to look at this bill and to help from the perspective of county election officials to kind of make sure that what's in here would work. I know one thing that I think they said they appreciate -- and I have heard the same thing -- is moving from a subjective signature match process to a more objective process.

match with that level of subjectivity that it brings in a state with close and competitive elections, election officials could become a target, and we've started to see that post-2020 election, and that's something I know they wanna avoid and I think we wanna avoid as well.

They wanna be just neutral arbiters, counting votes, doing things that are objective, not subjective. And I think it's really important from the perspective of thinking about what we ask them to do. The idea that it's a number match and not a piece of paper that's required I think is really good, so I appreciate that from the committee.

That's all I had. If there are any questions about the bill from the workability

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Page 215 perspective, I'm happy to address those as well. 1 2 REP. BARRY FLEMING: Mr. Germany, we 3 appreciate you being here today. It looks like we don't have any questions for you. 4 5 RYAN GERMANY: Very good. REP. BARRY FLEMING: Thank you so much 6 7 for coming. All right, Ms. Gibson. Ms. Gibson, 8 where have you been? We have been looking for you all day. Do you know why we have been 9 10 looking for you all day? 11 SADDIQA GIBSON: Why is that? REP. BARRY FLEMING: You are the last 12 13 witness. SADDIQA GIBSON: 14 Woohoo! 15 REP. BARRY FLEMING: Yeah, we 16 appreciate you. 17 SADDIQA GIBSON: Very good. REP. BARRY FLEMING: But in all 1.8 19 seriousness, we're certainly happy to have you. 20 Representative Alexander asked that we allow you 21 -- the Chairman was gonna close the list, but 22 we're gonna put you in and let you be our last 23 speaker. Thank you for coming. Tell us where you live and who you're with and we'll be happy 24 to hear from you. 25

SADDIQA GIBSON: Very good, and I'll keep it short and sweet. I'm Saddiqa Gibson. I reside in Stockbridge, Georgia, and I am not here representing any group or organization. I'm here representing the average everyday person. And there are a few elements in your legislation that concerns me.

One, of course, is rolling back the hours to vote. I remember when I had a young child and I worked in Gwinnett County. I lived in Stockbridge. After work, I had to pick my son up from daycare and head home. So, when you talk about even if it's inclement weather on a date of elections, this is going to be difficult for the working families.

Someone spoke earlier about voter responsibility. Voters have a lot of responsibilities. Voters have responsibilities to their family, and to vote is a right. We don't want to roll back; we don't want to make it punitive for people to vote. And I believe that this element actually does that. If someone had the opportunity to have a 7:00 to 7:00, why roll it back and make that period shorter when we're talking about families?

The other thing is Saturday and Sunday. That falls in the same category. People who work need additional time, so we don't wanna make these things punitive, we want to give people what they are supposed to have. Everyone has a right to vote. We don't want to place limitations. So, please consider this. you very much. REP. BARRY FLEMING: Thank you, ma'am. We appreciate you being here today. I will ask Mr. Germany to come back. We have a member that is participating virtually, and Representative Shaw Blackmon -- Chairman Blackmon -- and I think there might be a slight delay, and we didn't receive his request for a question. So, Chairman Shaw, can you hear us -- Blackmon, can you hear us? REP. SHAW BLACKMON: Yeah, I can hear Can you hear me, Chairman? you. REP. BARRY FLEMING: Yes, and I

apologize for missing you. You go ahead. Mr. Germany is back there for your question.

REP. SHAW BLACKMON: Well, I'll be brief. Mr. Germany, I know you've been before governmental and talked about a few things. The

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Secretary appeared and mentioned that there were I think there suggested proposals, I wondered if those were still at the top of your list or maybe you could share what is, if not?

RYAN GERMANY: I don't remember the proposals you're talking about, which is not to say that I didn't say them in front of your committee.

REP. SHAW BLACKMON: I think it was the Secretary. I mean, I think he mentioned the no excuse, and mentioned the photocopy ID, and then kind of a takeover, I think, of capability when a county had some problems.

RYAN GERMANY: Yes. So, I think an issue that needs to be dealt with is we saw a massive increase in the number of absentee ballots that were requested last year. On one hand, that's a good thing because in a pandemic, people chose to exercise their right to vote in a different fashion, and I think it's good they had that option.

On the other hand, it showed the issues that can come from that. We had over half a million people in the election cycle request an absentee ballot and then show up to vote in

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person, and there's a process that allows them to do that, but it takes time. It takes time from the poll workers, it slows down the rest of the people voting, and if it's not done correctly, it can increase the chance that that voter might inadvertently vote twice by mail and in person, and we saw those numbers increase this year, particularly in the primary before we put in some additional protections.

So, the Secretary has stated that he prefers going back to an excuse requirement. I think that whatever the solution is, the issue of this amount of absentee ballots can cause issues, we've seen some of them, and so what are the responses to that going to be?

We get a lot of questions. We got a lot of questions post-election about how do you know this, how do you know this, how do you know this is accurate? As Chairman Fleming pointed out earlier as I was watching the hearing, we have a really good response to that for in-person voting. We can say here's exactly how we know that these are eligible voters, that this count is exactly accurate, here's how we know.

For absentee voting, it's harder

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because it doesn't take place under the auspices of election officials. There's more that has to be done, there's more that election officials have to do and get right with each step to make sure an absentee ballot is recorded accurately. And I know they also wanna make sure that that absentee ballot is sent to the person who requested it, that it's the actual voter who's requesting it or an authorized family member for them, and then we wanna make sure that it's that actual person that votes that ballot.

We saw a lot of negative criticism of the signature verification process. It is a difficult process for county election officials to perform. As some of them pointed out earlier, I think going to an objective process, that driver's license number or state ID number -- I don't know if this has come up in the committee. We looked at it. 97 percent of voters in the voter registration database have a driver's license number associated with their record.

So, for that 97 percent, it's gonna be just as easy. Then if they don't have it on the application, they can include a picture of their HAVA ID. And then on the ballot itself, what

this legislation proposes is either a driver's license number and date of birth or last four Social and date of birth, using those to verify instead of a signature. 99.9 percent of people in the voter registration database have a driver's license number or Social Security number associated with their record.

So, when you turn in your ballot, which you cannot submit electronically, unlike your application, that catches basically almost everybody in the voter registration database to make sure that they can fill that out easily and still send it in.

To the final one -- and this is not in this bill, but I think it is something that needs to be addressed -- we've had a few State Election Board meetings the past two weeks, and we have one next week to try to kinda catch up on some cases because there was a lot of cases opened in the wake of the 2020 election. There are counties that are before us quite a bit.

Frankly, it's not the counties from the election directors that you heard from earlier.

It's other counties. Fulton County is a big one, and there's other counties that are more habitual

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offenders that for some reason or another, they have more trouble running their elections.

And I think the idea was floated, similar to the way the state does for school boards, if certain things are in place or if certain benchmarks continue to be not met, then maybe the State Election Board could come in, replace the superintendent, and start over because it's that important to make sure that our counties are getting these elections right.

REP. SHAW BLACKMON: Mr. Chairman, a couple of quick follow-ups?

REP. BARRY FLEMING: Yes, sir, absolutely.

REP. SHAW BLACKMON: Mr. Germany, on the emergency rule component, I know we've had a couple of questions regarding drop boxes. So, I don't know if you know this or if you could just maybe share it with us and the Chairman could pass it out to the committee, which emergency rules have kind of basically gone away at this point based on the fact that they were issued for that specific election cycle?

RYAN GERMANY: All the emergency rules that the State Election Board passed were put in

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place to expire at the end of the January 5th election. So, they've all expired at this point.

REP. SHAW BLACKMON: I just didn't know if there were any pertinent ones that might be addressed in this bill that you might know of that you might wanna share with us.

RYAN GERMANY: Well, this bill addresses a couple of them. It addresses the early processing rule, and I think it does so in a good way. I think the early processing and scanning, that's gonna allow counties to have results uploaded quicker, and I think that really helps from an election confidence perspective.

I got a lot of questions after the election. These are questions -- why are all these ballots still being counted? Where are they coming from? And it raises questions about sort of the validity of those votes. And so, the more that they can get uploaded as soon as the polls close, I think that's gonna do a lot for confidence, and this bill, I think the way it addresses that in a good way.

And this bill also addresses the drop boxes that the State Election Board allowed to be an emergency rule, and I think it does so in a

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1	way that makes sense as well, to allow those drop
2	boxes they were popular with voters but
3	also to put some guidelines around them so we can
4	tell people here's how we know the ballots put in
5	those drop boxes are valid and secure.
6	REP. BARRY FLEMING: Thank you,
7	Chairman. Thank you, Mr. Germany. Appreciate
8	it. Thank you for addressing those.
9	RYAN GERMANY: Yes, sir.
10	Representative Burnough?
11.	REP. RHONDA BURNOUGH: Thank you. Good
12	afternoon.
13	RYAN GERMANY: Yes, ma'am.
14	REP. RHONDA BURNOUGH: Is the Secretary
15	of State's office in support of this bill?
16	RYAN GERMANY: I can't say to that at
17	this point. That's above my pay grade, so I
1.8	don't know the answer to that.
19	REP. RHONDA BURNOUGH: Okay, thank you.
20	REP. BARRY FLEMING: Representative
21	Alexander?
22	REP. KIMBERLY ALEXANDER: Thank you,
23	Mr. Chairman. As it relates to Section 84
24	through 86 on Page 4 where it talks about
25	REP. BARRY FLEMING: You mean Lines 84

through --

REP. KIMBERLY ALEXANDER: Lines, I'm sorry. Lines. Section 3. Just any comment about do you know whether or not the Secretary of State would pick up some of that funding that the counties will be required because they can longer get any grants?

RYAN GERMANY: The state did get election funding this year through the CARES Act for the federal money, and we distributed that like we normally do for HAVA funds that go through our office and our grants to counties. We also did receive some grants of personal protective equipment, and we distributed that to counties as well, and I believe that would still be allowed under this language.

REP. KIMBERLY ALEXANDER: Thank you.

REP. BARRY FLEMING: Okay. 13? Okay. Chairman Martin.

REP. CHUCK MARTIN: Mr. Germany, I don't know if you're aware of this, but we keep going back to these grant replacing this money.

Is it not true that most of the money that these grants that came from third parties or the federal government was pandemic-related? I mean,

I'm not aware that grants of this sort existed before this pandemic year, certainly not to the level of this many commas. Am I correct?

RYAN GERMANY: I think that's correct.

I know from our office, we have received HAVA funds in the past, so it's money from the federal government that we can distribute to counties for different election activities, but I can't recall ever getting a grant from another outside of federal money prior to the pandemic.

REP. CHUCK MARTIN: One more brief -to go along those lines we're talking about drop
boxes. The Chairman was very good to point out
earlier, if not but for the pandemic and the
emergent nature of it and rules by the State,
these did not exist in Georgia. So, I'm getting
emails, I'm getting correspondence that you're
devastating the vote in Georgia by anything you
do to drop boxes.

This time last year, there was no mention of a drop box in Georgia, so whatever we're doing is trying to -- I'm just trying to secure the vote that goes in there. When a voter puts a vote in that drop box, we want it to matter and be meaningful, and as we've heard,

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they've been damaged in other parts of the state. And is it not true that if something happens to there, we have no way of knowing what voters' votes were in that drop box if there were some sort of damage to happen in there? RYAN GERMANY: That's correct. Drop boxes are, I think, kind of a target-rich environment for people that would wanna mess with And the emergency rules have all ballots. State Election Board viewed emergency expired. rules as something that should certainly not extent past when they are needed due to the nature of an emergency rule. And so, yes, I would agree that basically the drop boxes that are in this bild is an expansion from where we

REP. CHUCK MARTIN: Thank you, Mr.

currently stand today in terms of accessibility.

Chairman.

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REP. BARRY FLEMING: Representative

20 | Burnough?

REP. RHONDA BURNOUGH: Thank you. We know that a lot of these things happened because of the pandemic, but sometimes when you have a tragedy, it helps you to improve. And so, while the drop boxes were not a part because it came by

this pandemic, but with the problems with the US
Postal Service not delivering mail on time, I
think that it is safe to say that the drop boxes
allowed people that would not have the
opportunity to vote, it did give them
opportunities, and it gave them more choices.

RYAN GERMANY: From the feedback that we have heard on drop boxes, I'll mention kind of the positive is I think they were popular with voters from both parties. The two, I guess, kind of negative things that we heard about drop boxes, 1.) In some counties, it took a long time for when the ballot was dropped in that drop box for then it to show up on the MVP page as your ballot has been accepted. In some counties, it was very quick. In some counties, it took a long time, and that is not confidence-inducing.

So, I think this bill requiring emptying them every day I think would help with that. The other thing that we head kind of negative is kind of on the activist side. People were requesting the video surveillance of the drop boxes, and they are on open record. And I know how this is because we were in the same boat as counties, when you get a lot of open records

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requests, people do not always get their documents as quickly as they would like them.

And so, when people were requesting those records from counties, it takes a while, and that makes them I think feel like, oh, there's no oversight or there's something to hide there. This bill kind of does away with that by requiring there to be human supervision of the drop boxes. And I had another thing I wanted to say, but I can't remember what it was about drop boxes. But that's what we've heard about.

REP. RHONDA BURNOUGH: Okay, I just have one more question. So, are you all -- the Secretary of State's office -- you all have a budget that will pay for a person to sit there and guard all of these drop boxes?

it can be an elections official. I talked to an election official today, and they have a poll worker who is kind of the line management poll worker. She said that would just be one of their duties. So, that's gonna be a little bit different depending on the setup.

It can be an election official, especially if it's kind of viewable based on the

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advanced voting location. Some of these places, a lot of the government buildings have security that are already there, and so that kind of allows them to sort of be the people who are in charge of that if it's within kind of the viewpoint of maybe the front door or something like that.

So, the ones I've talked to I think believe that it's doable, and some of them I think got overwhelmed by the open records request for the video, so there might be some preference for it on that side.

REP. RHONDA BURNOUGH: Thank you.

REP. BARRY FLEMING: Representative

Alexander?

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REF. KIMBERLY ALEXANDER: Thank you,
Mr. Chairman. So, I know we keep talking about
the drop boxes. Does the Secretary of State know
of any issues, fraud that may have occurred as it
relates to the drop boxes?

RYAN GERMANY: The complaints that we heard on drop boxes were what I mentioned earlier. Oh, this is what I was gonna say earlier, the only thing -- and I wish we had thought about this at a State Election Board but

we frankly didn't -- is by allowing the drop boxes to stay open until 7:00 p.m., that required county election officials to have to be bringing in ballots sometimes many hours later than that, and that didn't look good from people who were saying, "Hey, these are late ballots. You shouldn't count them."

So, I think we should've thought about that as a way. Let's make sure that the ballots are back at the county headquarters by 7:00 p.m. There were some instances in January where the people who were in charge of picking up drop boxes felt kind of targeted because they were being followed by partisan monitors, and that's not a good situation either.

REF. KIMBERLY ALEXANDER: Thank you.

We appreciate you being here today, and we promise not to call you back again. Today anyway. All right, committee members. I appreciate your patience. We have literally been here all day, but the Chair intended to let -- since we were not in session today, that we would stay here until everyone who had come and asked to testify be heard.

You will note -- and some of you did remind me on both sides of the aisle -- that we did not set any time limits today. The Chair intentionally did not set any time limits today so that we could have that expression for those who came to see us. I will tell you going forward that because in the future days I expect us to meet, we will be in session, there will be other committee meetings, we probably will have time limits to answer your questions.

So, having said that, I appreciate you being here today. Chairman Smyre has requested that we meet again next week, and we will do that. Thank you so much. Oh, Representative Williams?

REF RICK WILLIAMS: How about a Saturday or a Sunday meeting?

REP. BARRY FLEMING: I believe you would lose that vote. We stand adjourned. Thank you so much.

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3	I, Sonya Ledanski Hyde, certify that the
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# EXHIBIT B

December, 2	2022 AIP		
County	County	Average Processing time	Voter Check
900	BANKS	00:41	3,548
017	BURKE	00:51	3,409
024	CHARLTON	00:53	1,522
028	CHEROKEE	00:43	36,814
033	совв	00:58	146,739
048	DOUGLAS	00:20	30,122
058	<b>Е</b> СВЅУТН	00:37	49,484
690	GLYNN	00:47	15,467
890	HABERSHAM	00:46	9,374
690	HALL	99:00	34,740
071	HARALSON	00:47	3,876
920	HOUSTON	00:50	29,906
077	IRWIN	C00:54	1,545
078	JACKSON	00.42	13,570
088	TEE	00:43	5,427
092	LOWNDES	00:54	17,796
104	MORGAN	00:42	(5,200
106	MUSCOGEE	00:20	31,326
108	OCONEE	00:44	11,771
110	PAULDING	00:40	29,209
121	RICHMOND	00:51	29,651
127	STEPHENS	00:41	5,309
136	THOMAS	00:46	8,674
Totals	23	00:20	524,479

November, 2022 AIP	022 AIP		
County	County	Average Processing time	Voter Check- Ins
900	BANKS	00:46	4,456
017	BURKE	00:58	3,664
024	CHARLTON	65:00	1,741
028	CHEROKEE	00:53	66,685
033	6900	01:11	181,375
048	SYJONOG	00:54	34,328
690	NNAT9	00:52	20,724
690	HALL	01:04	43,671
920	NOTSUOH	85:00 %	37,103
7.70	IRWIN	201:02	1,865
.840	JACKSON	05:00	19,228
088	TEE	64:00	6,914
092	LOWNDES	01:01	21,356
104	MORGAN	00:46	. 04,098
108	OCONEE	00:52	14,857
110	PAULDING	00:46	40,325
127	STEPHENS	00:58	6,534
136	THOMAS	00:55	10,575
Totals	18	01:00	519,509