

SUMMARY
STATE ELECTION BOARD MEETING
2 Martin Luther King Jr. Dr. SE
Suite 512 West Tower
Atlanta, Georgia 30334
Tuesday, June 2, 2009
10:00 a.m.

1. Chairperson Handel called the State Election Board (SEB) Meeting to order at 10:00 a.m. A quorum was established with Chairperson Handel, David Worley, and Randy Evans in attendance. Chairperson Handel stated that Tex McIver would be approximately 45 minutes late and that Jeff Israel would not be in attendance. Chairperson called for everyone to stand for the Invocation and the Pledge of Allegiance. Chairperson Handel called for the next order of business; public comment.
2. Garland Favorito, Vote Georgia, expressed his concerns with unverifiable electronic voting.
3. Minnie Ruffin, Georgia Peace and Justice Coalition, expressed her concerns with unverifiable electronic voting and not having the capability of a paper trail for recount procedures.
4. Margaret Rece, American Friends Service Committee, expressed her concern with the current electronic voting equipment and irregularities.
5. Gloria Tatum, Georgia Peace and Justice Coalition, expressed her concerns regarding the voting equipment used in Georgia and having no confidence in a voting system that is not verifiable.
6. Aaron Rusetta, Atlanta Linux, expressed his concerns regarding the security of electronic voting equipment.
7. Bob Toxen expressed his concerns regarding unverifiable electronic voting.
8. Sven Lungren expressed his concerns regarding the electronic voting equipment used in Georgia.
9. Renee Vorbach, Vote Georgia, expressed her concerns regarding voting machines used in Georgia.
10. Gunther Ruckl expressed his concerns regarding the integrity of elections in Georgia.
11. Chairperson Handel stated they would move the Attorney General case up since there is only one case.

SEB Case No. 2007-000028 City of Greenville - Calandra Almond, Attorney General's office, stated this case was heard at the May 12, 2009 State Election Board (SEB) meeting and the attorney was given time to consult with his clients regarding the changes the Board recommended for the Consent Order. Tim Meeker, Attorney, stated after conferring with his client, he was able to agree to the Consent Order which consists of a reprimand, a cease and desist, a \$500 per violation (\$5,000 total) civil penalty, and training.

Randy Evans made a motion to accept the consent order, Chairperson Handel seconded; the motion passed 2 – 0 with David Worley abstaining.

12. The record will reflect that Tex McIver arrived at approximately 10:40 a.m.
13. Chairperson Handel called for the next order of business; the Inspector General's cases.
 - a. SEB Case No. 2006-000050 Chattooga County – Shawn LaGrua, Inspector General, stated a complaint was received from Ralph Wright alleging unlawful possession of absentee ballots in that ballots had postage applied by a postage meter assigned to an attorney's office in Summerville, Georgia (Chattooga County) and that a signature on a voter's Oath of Elector outer absentee ballot envelope was not properly verified by the Chattooga County Board of Registrars. Public speaker was the Prosecuting Attorney, Joe Burford.

SEB SUMMARY

June 2, 2009

Page 2 of 6

Randy Evans made a motion to accept the letter from Albert Palmour which acknowledges notice of the meeting without requesting a continuance and Exhibit A, Chairperson Handel seconded; the motion passed 4 – 0. Randy Evans made a motion for the Attorney General and/or Inspector General to provide the Board with a draft Notice of Violation for all Respondents and to continue the case, Chairperson Handel seconded; the motion passed 4 – 0. Randy Evans made a motion that the Inspector General obtain a copy of the transcribed testimony and all evidence for admittance into the Board's minutes, Chairperson Handel seconded; the motion passed 4 – 0.

- b. SEB Case No. 2008-000030 Richmond County – Shawn LaGrua, Inspector General, presented stated a complaint was received from Lynn Bailey, Director of Richmond County Board of Elections and Registration, alleging that Amber Ryan entered the Richmond County Board of Elections Office and obtained a Voter Identification Card by using a false date of birth on the application as compared to a previous voter registration on file. Ms. LaGrua recommended the case be referred to the Richmond County District Attorney for criminal prosecution. There were no public speakers for this case.

David Worley made a motion to refer the case to the Richmond County District Attorney, Chairperson Handel seconded. Tex McIver amended the motion to refer the case to the Attorney General and to the Richmond County District Attorney, Randy Evans seconded; the motion passed 4 – 0.

- c. SEB Case No. 2008-000076 Habersham County - Shawn LaGrua, Inspector General, stated she received a communication from Douglas McDonald requesting a continuance on behalf of Ann Jarrell. Ms. LaGrua presented the remaining portion of the case as it pertains to Respondent Sue Bottoms stating Beth Cantrell submitted a complaint alleging that Ms. Bottoms, who was a candidate for Probate Judge, campaigned while on duty as the Probate Court Clerk and that Ms. Bottoms parked her vehicle within a 150 feet of the building, which is a polling place, during the July 15, 2008 General Primary election. Andrea Runyon, Habersham County Attorney, briefly spoke on behalf of Sue Bottoms.

David Worley made a motion to grant the continuance for Ann Jarrell and proceed with the case against Ms. Bottoms, Tex McIver seconded; the motion passed 4 – 0. With respect to the case against Sue Bottoms, Randy Evans made a motion to issue a Letter of Instruction, David Worley seconded; the motion passed 4 – 0.

- d. SEB Case No. 2008-000078 Bibb County - Shawn LaGrua, Inspector General, stated a complaint was received from Scotty Shepherd, a candidate for Sheriff, alleging that two former Sheriff Deputies approached a friend of his and tried to intimidate him and threatened police action if the political signs were not taken down. Ms. LaGrua recommended the case be closed. There were no public speakers for this case.

Tex McIver made a motion to close the case, Chairperson Handel seconded; the motion passed 4 – 0.

- e. SEB Case No. 2008-000120 Bibb County - Shawn LaGrua, Inspector General, stated a complaint was received from Linda Evans alleging that on November 4, 2008, she received a call from Bill Knowles, Head Poll Watcher at Bibb County East Macon Precinct 1, who informed her that a poll worker at the precinct readily gave away personal information on a voter to an unidentified person. Ms. LaGrua recommended the case be closed. There were no public speakers for this case.

Tex McIver made a motion to close the case, David Worley seconded; the motion passed 4 – 0. Chairperson Handel asked Randy Evans if the complainant Linda Evans was his spouse and Mr. Evans replied yes. The record will reflect that Chairperson Handel has concerns regarding Mr. Evans recusing himself and asked the Attorney General to provide guidance in the matter.

SEB SUMMARY

June 2, 2009

Page 3 of 6

- f. SEB Case No. 2008-000079 City of Tiger - Shawn LaGrua, Inspector General, stated a complaint was received from Karen Lovell alleging that the City of Tiger failed to conduct a general municipal election in November 2007 after the terms for all municipal offices (Councilpersons and Mayor) expired and subsequently failed to conduct a special election to fill such offices. Ms. LaGrua recommended the case be referred to the Attorney General. Mayor Tom Ramey, Jr. briefly addressed the Board stating the Probate Judge usually would notify them of elections but he retired and no one else assumed the responsibility.

Randy Evans made a motion to refer the case to the Attorney General, Chairperson Handel seconded; the motion passed 4 – 0.

14. At 12:05 p.m., Randy Evans made a motion to enter into Executive Session for litigation purposes, David Worley seconded; the motion passed 4 – 0.
15. At approximately 12:48 p.m., Tex McIver made a motion to return to General Session, Randy Evans seconded; the motion passed 4 – 0. Chairperson Handel stated no action was taken during Executive Session and called for the next order of business; the continuation of the Inspector General cases.

- g. SEB Case No. 2008-000083 Jack Justice, Primus Industries - Shawn LaGrua, Inspector General, stated a complaint was received alleging that mentally challenged people were taken to the polls and were told who to vote for during the November 4, 2008 General Election. Public speakers for this case were Howard Stiller, Attorney for the Albany Area Community Service Board, and Respondent Henry Robinson. Respondent Lori Newberry was not present.

Tex McIver made a motion to refer the case to the Attorney General, Chairperson Handel seconded; the motion passed 4 – 0.

- h. SEB Case No. 2008-000086 Anita Vines - Shawn LaGrua, Inspector General, stated a complaint was received from Thomas Vines alleging that Anita Vines had early voted for the November 4, 2008 General Election illegally, due to the fact that she is a convicted felon, it was also alleged that Ms. Vines does not live at the address indicated on her application. Ms. LaGrua recommended the case be closed. There were no public speakers for this case.

Chairperson Handel briefly left the meeting and Vice Chair, Tex McIver, assumed charge of the meeting. Randy Evans made a motion to close the case, David Worley seconded; the motion passed 3 – 0.

- i. SEB Case No. 2008-000089 Walton County – Shawn LaGrua, Inspector General, stated a complaint was received from Shirley Herren alleging that a caregiver, Myrtle Ivey, who is employed by the Georgia Department of Human Resources, assisted her son Markus Herren, who was legally judged as mentally incompetent, in registering to vote on October 6, 2008 without legal authority or permission from his legal guardian. Ms. LaGrua recommended the case be referred to the Attorney General. Alcead Honore', representing the Respondent Myrtle Ivey, addressed the Board and asked that the case be dismissed. Ms. Herren, complainant and mother of Markus Herren, addressed the Board stating she did not think Ms. Ivey did this maliciously and asked that the case be dropped.

The record will reflect that Chairperson Handel has returned to the meeting. Randy Evans made a motion to issue a Letter of Instruction noting the requirements of O.C.G.A. § 21-2-216, Subsection B with a corresponding cease and desist order, David Worley seconded; the motion passed 4 – 0.

- j. SEB Case No. 2008-000091 DeKalb County – Shawn LaGrua, Inspector General, stated a complaint was received from Laurel Morris alleging that she received an inaccurate sample ballot from an unknown employee of the Chamblee-DeKalb County Library prior to the 2008 General Election. Twila Hart, DeKalb County Elections Supervisor briefly spoke. Ms. LaGrua recommended the case be closed.

SEB SUMMARY

June 2, 2009

Page 4 of 6

Randy Evans made a motion to close the case, David Worley seconded; the motion passed 4 – 0.

- k. SEB Case No. 2008-000092 Butts County – Shawn LaGrua, Inspector General, stated a complaint was received from Ms. Avery Smith, Butts County Elections Superintendent, alleging that on October 15, 2008, Samuel Henderson attempted to vote twice during early voting for the General Election. On November 7, 2008, Ms. Smith submitted an additional complaint alleging that two electors, Forace Johnson and Mary Varner voted twice during early voting during the General Election. Ms. LaGrua stated that Avery Smith should also be a Respondent and that a continuance for Samuel Henderson was granted. Avery Smith briefly addressed the Board. There were no other public speakers for this case.

Randy Evans made a motion to refer the case to the Attorney General, Chairperson Handel seconded; the motion passed 4 – 0. A continuance for Samuel Henderson was granted.

- l. SEB Case No. 2008-000095 Golden Living Nursing Home (Thomas County) - Chris Harvey, Deputy Inspector General, stated a complaint was received from Fred Heivilin alleging that a nursing attendant at Golden Living Nursing Home assisted a resident in casting an absentee ballot but did not mark the Presidential candidate that the Elector asked to vote for and when the nurse was confronted by the Elector's son, the ballot was shredded. Mr. Harvey recommended the case be closed. There were no public speakers for this case.

Tex McIver made a motion to close the case, David Worley seconded; the motion passed 4 – 0.

- m. SEB Case No. 2008-000097 Cook County - Chris Harvey, Deputy Inspector General, stated a complaint was received from Coleman Lynn, Adel Probation Office, alleging that six convicted felons in Cook County signed an oath that they were eligible to vote. Mr. Harvey recommended the case against Reginald Wooten and Joshua Guthrie be closed and the case against the remaining Respondents, Clifton Iman, Jerome Jennings, Kendrick McCormick, and James Luke be referred to the Attorney General and to the District Attorney.

Tex McIver made a motion to close the case against Reginald Wooten, Randy Evans seconded; the motion passed 4 – 0. David Worley made a motion to dismiss the case against Joshua Guthrie, Tex McIver seconded; the motion passed 4 – 0. David Worley made a motion to refer the case against Clifton Inman, Jerome Jennings, Kendrick McCormick, and James Luke be referred to the Attorney General and to the Cook County District Attorney, Tex McIver seconded; the motion passed 4 – 0.

- n. SEB Case No. 2008-000098 Pulaski County - Chris Harvey, Deputy Inspector General, stated a complaint was received concerning Carolyn Nesmith, Pulaski County Chief Registrar, alleging newly registered voters were allowed to vote on the same day of registration without waiting the mandatory 24 hours as required by law. There were no public speakers for this case.

Randy Evans made a motion to close the case, David Worley seconded; the motion died with a 2 – 2 vote. Tex McIver made a motion to table the case until the next meeting, Chairperson Handel seconded; the motion died with a 2 – 2 vote. No action was taken.

- o. SEB Case No. 2008-000122 Paulding County - Chris Harvey, Deputy Inspector General, stated a complaint was received from Linda Evans alleging that Mr. Detscher attempted to vote at his polling place during the General Election on November 4, 2008 and was told that he had already voted by absentee ballot. Mr. Harvey recommended the case be closed.

Randy Evans made a motion to close the case, David Worley seconded; the motion passed 4 – 0.

SEB SUMMARY

June 2, 2009

Page 5 of 6

- p. SEB Case No. 2008-000127 City of Arlington - Chris Harvey, Deputy Inspector General, stated a complaint was received from Gay Williams stating that she had to vote a provisional ballot because the ExpressPoll indicated she had already voted an absentee ballot during the November 4, 2008 General Election. Mr. Harvey recommended the case be closed.

David Worley made a motion to close the case, Tex McIver seconded; the motion passed 4 – 0.

- q. SEB Case No. 2008-000133 Lowndes County - Chris Harvey, Deputy Inspector General, stated a complaint was received from Deb Cox, Lowndes County Board of Elections and Registration Supervisor, alleging that Laura Gallegos, an Election Custodian/Technician, did not follow state mandated procedures when conducting Logic and Accuracy (L&A) testing of the DRE units, assigning the memory cards, completing the certification paperwork, and that Ms. Gallegos may have maliciously purged a touch screen archive to cover mistakes made during L&A testing. Mr. Harvey recommended the case be referred to the Attorney General. Ms. Gallegos addressed the Board stating she followed instructions that were given to her and was not in the office on Election night. Ms. Cox addressed the Board and gave the Board a list of remedial actions taken to prevent this from happening again and also background information on how this incident occurred.

Randy Evans made a motion to refer the case to the Attorney General, David Worley seconded; the motion passed 4 – 0.

- r. SEB Case No. 2009-000011 City of Columbus (Muscookee County) - Shawn LaGrua, Inspector General, stated a complaint was received from Tommy Frye alleging that his son, Michael Frye, made an application for an absentee ballot for the November 4, 2008 General Election in Muscookee County but never received the ballot. Ms. LaGrua recommended the case be referred to the Attorney General. Jamie DeLoach, Assistant City Attorney, representing Nancy Boren addressed the Board. Nancy Boren also addressed the Board.

Tex McIver made a motion to accept the affidavit from Lynn Pollock, David Worley seconded; the motion passed 4 – 0. David Worley wanted to add the Muscookee County Board as a Respondent and asked that Ms. DeLoach waive notification to which Ms. DeLoach agreed. Tex McIver made a motion to issue a Letter of Instruction, Chairperson Handel seconded; the motion passed 4 – 0.

- s. SEB Case No. 2009-000019 White County - Shawn LaGrua, Inspector General, stated a complaint was received from Matthew Wooten alleging that when he opened the sealed envelope containing his absentee ballot, he discovered that his ballot had been tampered with in that three candidates, one for President, one for Senate, and one for Public Service Commissioner had been voted for, as their corresponding ovals had been filled in with blue ink. Ms. LaGrua recommended the case be closed.

David Worley made a motion to close the case, Chairperson Handel seconded; the motion passed 2 -1 with Randy Evans voting against and Tex McIver abstaining.

- t. Memo Case No. 080002 Henry County - Shawn LaGrua, Inspector General, stated a complaint was received from Richard Law outlining that the ballot presented to him during the November 4, 2008 General Election differed from the ballot that was presented to his wife, Michele Law. Purportedly Mrs. Law's ballot contained positions for the Henry County Board of Education and his did not. Ms. LaGrua recommended the case be referred to the Attorney General for a Letter of Instruction. Ms. LaGrua stated that she received a communication that Janet Shellnut, Henry County Election Supervisor, could not be present because she was sick. There were no public speakers for this case.

Randy Evans made a motion to continue the case, Tex McIver seconded; the motion passed 4 – 0.

- u. Memo Case No. 080012 Pierce County - Shawn LaGrua, Inspector General, stated during election monitoring of Advance Voting for the November 4, 2008 General Election, a monitor made contact with Sandra Boatwright, Pierce County Registrar, who reported that on September 29, 2008, Bridgette Jacobs came to her office and requested a Voter Identification Card. When asked to

SEB SUMMARY

June 2, 2009

Page 6 of 6

provide more data to complete the application, Ms. Jacobs made the statement, “Now I’m not going to get my \$25 for voting for Obama”. Ms. LaGrua recommended the case be closed.

Randy Evans made a motion to continue the case, Tex McIver seconded; the motion passed 4 – 0.

16. Wesley Tailor, Director of Elections, gave the Board information regarding rules for consideration as well as a list of Special Elections for June 16, 2009. Chairperson Handel asked the Board Members to provide feedback to Mr. Tailor within 2 weeks on the rules for consideration.
17. Tex McIver made a motion to adjourn the meeting, David Worley seconded; the motion passed 4 -0. Being no further business, the meeting was adjourned at 3:25 p.m.