

BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA

In the matter of:	*	
	*	
Laura Gallegos, Elections	*	SEB Case No. 2008-000133
Custodian for Lowndes	*	
County Board of Elections	*	
And Registration	*	
	*	
Respondent.	*	

Attachment 2  
STATEMENT OF MATTERS ASSERTED

COMES NOW the State Election Board, by and through counsel, Thurbert E. Baker, Attorney General for the State of Georgia, and submits this Statement of Matters Asserted pursuant to the Board's decision to refer this matter to the Office of State Administrative Hearings for a hearing on the following allegations:

1.

Respondent Laura Gallegos was an Election Custodian for Lowndes County, Georgia, and served in that capacity prior to and through the November 4, 2008 general election.

2.

Laura Gallegos' responsibilities as Election Custodian involved completing the Logic and Accuracy (L&A) testing process for 32 Absentee/Early/Advance voting touch screen machines. Laura Gallegos skipped steps 11 through 66 of the L&A testing. Laura Gallegos signed the Custodian Certification Form, falsely stating that she had completed all the steps of the L&A testing. Laura Gallegos forged another custodian's initials as

well. These actions violate O.C.G.A. § 21-2-379.7(b) and State Election Board Rules 183-1-12-.02(3)(b)(1)(ii) and 183-1-12-.02(3)(b)(1)(iii).

3.

As a result, dates were not set on the machines, impairing accurate tracking in the audit records.

4.

Due to these errors, 947 test votes were uploaded onto absentee precinct touchscreen memory card #17. On election night, November 4, 2008, or shortly thereafter, the absentee precinct memory cards, including card #17, were uploaded into the Global Election Management System (GEMS). The 947 votes were uploaded into the Election Night results and reflected in the Statement of Votes Cast. The credit for voting assigned by the absentee process lacked these 947 votes, so there was a discrepancy. The Secretary of State's Office noticed the discrepancy and contacted the Lowndes County Board of Elections.

5.

The Election Board requests that OSAH make findings of fact, conclusions of law and recommended disposition of this case to the Election Board.

6.

Georgia Law provides that the Board may issue any of the following sanctions:

- (1) To cease and desist from committing further violations;
- (2) To pay a civil penalty not to exceed \$5,000.00 for each violation of this chapter or for each failure to comply with any provision of this chapter or of any rule or regulation promulgated under this chapter. Such penalty may be assessed against any violator as the State Election Board deems appropriate;

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(3) To publicly reprimand any violator found to have committed a violation;

(4) To require that restitution be paid by any violator to a state, county, or city governing authority when it has suffered a monetary loss or damage as the result of a violation;

(5) To require violators to attend training as specified by the board; and

(6) To assess investigative costs incurred by the board against any violator found to have committed a violation.

O.C.G.A. § 21-2-33.1(a) (1-6).

This J 5<sup>th</sup> day of ~ 2009.

Respectfully submitted,

THURBERT E. BAKER 033887  
Attorney General

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Senior Assistant Attorney General

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SEB Case No. 2008-000133

Respondent.

("Athlchment 3")

SPECIAL REQUIREMENTS

1. The Board requests that a court reporter be present at this hearing.
2. A copy of the statutes and rules the Respondent is alleged to have violated is attached as Exhibit A.
3. The Board requests this Court not schedule the hearing for the following dates: November 16-20,25; December 10-11,28-31,2009.
4. Pursuant to O.C.G.A. § 21-2-33, the Board requests this Court schedule **the** hearing in Lowndes County.