

**COBB COUNTY BOARD OF ELECTIONS AND REGISTRATION**  
**August 8, 2022**  
**BOARD MEETING MINUTES**

100 Cherokee Street.  
3:00 p.m.

Board Members Present

Tori Silas  
Jessica Brooks  
Jennifer Mosbacher  
Pat Gartland  
Steve Bruning

Board Members Absent

Others Present: Janine Eveler, Daniel White, Erica Hamilton, Kara Pringle, Karlie Brooks

Chairwoman Silas called the meeting to order at 3:04 p.m.

Chairwoman Silas set some ground rules. Reminded that we revised public comment times from 5 min to 2 min due to the number of speakers and agenda items. We must be out of the room by 6 pm due to another meeting taking place. Per the notes on the website, we generally limit the number of speakers to 12 in-person and 12 virtually. The number of sign-ups has exceeded those numbers, but we will try to accommodate as many as possible. Public comment will be limited to 45 minutes and then we will add more time as meeting allows.

**PUBLIC COMMENT:**

- Lindsay Favero (Online)- Cobb county voter. Emphasized increasing voter accessibility by increasing early voting locations, increasing hours 7a-7p, increasing to 7 days a week, and maximum number of ballot boxes allowed. Ensuring poll workers have support and adequate staff. Using KSU and social media to recruit Early voting locations equitably dispersed across county. Suggested 20 early voting locations. Noted the importance of ballot boxes increased number. Cost should not be factor in making voting accessible.
- Chairwoman Silas- Reiterated ground rules after outburst from audience
- Phyllis Gordon (Online) – Austell resident received email regarding shortage of poll workers. Tried 2 times to apply electronically and application. Never heard anything from anyone. Asking if there is an issue in office.
  - Chairwoman Silas thanked her and responded with elections email on website and asked her to contact them
- Shelley Northrup (Online) – Smyrna resident. BOE do all that it can to ensure all eligible voters have access. Requesting 17 early voting locations and maximum number of drop boxes as possible, spread through county. All early voting locations should be open 7a-7p and Sundays. Waited in line for 1.5 hours in prior elections. Voters can be unable to wait that long. Requests Whitlock location remain an early voting location.
- William Allen (Online) – We want everyone to be able to vote but the current hours are enough. We used to vote only on one day. Sunday voting is certainly not needed. It is a sacred day for many. It would cost taxpayers money and the workers are understaffed. He is also a poll worker and does not want to have to work on Sunday.

- Lisa Campbell (Online) – Kennesaw resident. Protect access to ballot box for all eligible Cobb County voters. Creating an online form for absentee ballot request, communicating all ballot issues with voters, implementing right choice voting for elderly and disabled, secure drop boxes, 17 early voting and maximum number drop boxes, early voting locations open 7a-7p, and on Sunday, and voter challenges to submit consistent verification information. Submitted that Patrick Gartland was involved with GA fake electors and a response is requested as previously requested.
- *Chairwoman Silas requested that outbursts and audible comments stop as they are moving to in person public comments. Daniel White confirmed that it is within the Board's power to ask individuals to leave if it continues.*
- Thomas Tucker (In Person) – thanked Board for time and service. Wants fair and easy to access elections, GA is in the top 15 states in early and absentee ballots with no reason having to be given for absentee ballot request. Understaffing is not being met with current locations and days. To increase the days and hours would be a stress. Lack of poll watchers would increase potential for fraud in upcoming elections.
- John McLean (In Person) – Powder Springs resident. Some suspicion about election and safety and fraud. He decided to be a poll worker he was 2 people short at location no breaks or lunch. Had to greet people entering/exiting and helping people scanning ballots at the same time. County says they are 40% understaffed and adding more positions. How can you justify adding additional locations and times? Voters have plenty of opportunities to vote. While he was a worker and when he has gone to vote, he cannot remember anyone waiting more than 15 minutes.
- Sam Henderson (In Person) Marietta Resident – thanked the board and citizens present. Accessible and broadly participative elections. Has probably used all the options. Thanked the board for all the options available. Hopes that concern is less fearful avoidance of circumstances and fraud and more in helping legal registered voters with crazy schedules. Talked about his 94-year-old father and how hard it was for him and his 3 siblings to get his father to a voting location.
- Salleigh Grubbs (in Person) - Chairwoman of Cobb Co Republican party, provided handout to board members (Facebook Ad from Fair Fight Action). Cost of vote is born on the shoulders of those who served in battle. Access to the ballot box is needed, but it needs to be a reasonable thing. We are a community and need to work together. Cobb has become a target of Fair Fight and extreme radical left. Facebook Ad paid for by Fair Fight with BOE members and contact information. How many people are here because of Fair Fight? The numbers do not support additional days.
- Debbie Fisher (In Person)- East Cobb Resident- A lot of back and forth, apparently Sunday voting is not being proposed, nor is 17 locations, nor extended hours. To answer Chairwoman Grubbs on how many people were here because of the Fair Fight, it sounds like quite a few. We can't have drop boxes at every location as GA law. We are already at the max. The call to action from Stacy Abrams and Fair Fight is not a legitimate request. Meeting minutes did not include comments from legal counsel on policy to put forward 5 points needed for challenges vs. what law allows. Thinks it is important to have read in as it does not follow GA law.
- Holly Gu (In Person) – Cobb Resident. Concern adding more voting days and drop boxes. She was a Poll watcher/worker primary 2022. Last week received \$195 before tax for 20 hours working one day as a poll worker. This is not a paid job but a volunteer job. The election supervisor was desperate to find workers, not enough wanting to work, and many did not return. How many long days as a poll worker did the people on the phone earlier work or willing to work? As a poll watcher/worker noticed there was never a line. Poll workers would like more pay and less locations. Voting should be accessible without intimidation and fraud. Adding more drop boxes increases potential for fraud. Grew up in China and talked about elections there.
- Pam Reardon (In Person) – Cobb Resident. Addressed some comments by previous speaker including her belief that there was voter fraud in 2020. Wanting every legal voter to vote and that vote to count. There is a drop box at the end of everyone's driveway, it's called a mailbox. Additional funding from federal government for Postal system. Protested to Saturday and Monday library drop boxes, believes it is illegal. Would like all drop boxes removed. Current advanced voting locations are sufficient.

Workers need to rest and should not work on Sunday.

- Jenny Carol- (In Person)- Here to urge board not to expand the voting opportunities other than what has been provided in past. If not, this will increase cost. County should decrease spending not increase it. There is a staffing shortage. Worked as a Poll worker and Poll watcher. Hard to recruit people to work long hours required and understand the elections equipment. Staff is overworked and need Sunday off. If we can't hire enough people, then we will have to go to a 3<sup>rd</sup> party contractor – quality of service subpar. More opportunities for fraud with more opportunities for early voting. Reminded that this is a nonpartisan issue. Please vote no to expanding number of drop boxes, etc.
- Claudia Faulk – Speaking for people in the trenches who work elections. Area supervisor working for 21 years. Started advance voting 14 years hired almost all people. 2020 called 259 workers only hired 154. Scheduling poll workers is a nightmare. We are all tired, there has been a lot of turnover for poll workers, administration turnover. Stressful time for all of us. Give us time to rebuild our employee base to ensure integrity and the honesty of elections and openness. After every election there are people complaining before the results are even in. We are citizens and voters too.
- Walt Liles (In Person) Cobb County resident. Work hard for money, tired of seeing it wasted. Sunday voting, flat out no. Commissioner at town hall stated she was 1400 workers down in this county. There is no way they can pull off Sunday voting. Not a good economic time to do this. There is taxpayer money tied to this. Plenty of time and locations to vote if people want to.
- Enid Alexander (In Person) – Cobb County resident. Worked as poll worker and poll watcher. Long hours and hard labor of putting together machines. Stretched out and tired, she is not coming back this season. Reaction to proposal for 17 early voting Sunday locations, how do we pay for this? We are strapped for money and want to make good use of this. Does not feel we have to money to assure her that we have adequate controls and safeguards for integrity in the boxes. Not just access to the boxes but integrity once they are accessed. Not in favor as Sunday voting. There is a mailbox at everyone's house to use as a drop box.
- *Chairwoman Silas noted time as 3:45. Have not met the number of people that we said we would allow to speak. Will extend 15 more minutes in hopes of making it through the 24 speakers*
- Boyd Parks- (In Person) – Acworth Resident. Printed out agenda and it said 5 min per speaker. Chairwoman Silas stated the agenda was reposted with 2 min. Thank you for continuing the challenge hearings. Commended Mr. Bruning for question regarding folks who moved. If they have moved to new state, but it is more important to know if they voted in GA since they moved. For election integrity it is important that we remove people that to prevent use of their registration by criminals. The drop boxes must go. The documentary 2000 mules clearly show evidence of coordinated illegal ballot trafficking across swing states including GA. No funds should go to finance elections or drop boxes. Voted in a single day in past. More than enough early voting locations and days. Machines in polling locations must go, and machines are illegal. Also emailed the board his statements prior. Thanked board for service.
- Sabrina Gallon (In Person)- Voted in 3 states and GA is the only one they had to wait for 2 hours in the cold. Last election voted by drop box. Found them to be very helpful. Please keep them and keep safe. More voting places for those that don't have access to locations and Sunday voting would be a good idea. In favor of Cobb County extending early voting and more drop boxes.
- Bob Maynard (In Person) – Marietta Resident – Poll watcher for number of years. Wife was poll worker, had to bring food up to her because there was no one to allow her to take a break. Poll workers are really overworked. To add an additional day to them would cause things to slip through the cracks. There is a drop box at the end of everyone's driveway.
- Ahmad Salih (In Person) – Practiced emergency medicine in California, used priority A-airway, B-Breathing, C-Circulation. Wants the board to have a simple priority system with limited money and workers. Applauded the board for upholding the underlying the principle of giving as many legal voters the opportunity to vote. In favor of more drop boxes and more voting hours, take the money from somewhere else. After google search 2.5 million people are registered in more than one state. It is not

illegal to be registered in more than one state, only illegal to vote in more than one state.

- Christine Rozman (In Person) Poll watcher 6 times for advanced voting at 2 locations. At one location there were more staff/managers/workers than how many were in line. It is overkill. Wrote email to board members. Comparing elections of France has 32 million voters. Wrapped up in 1 day and know who the winner is by 8pm. The volume we do vs. what they do. Why can't we do the same?
- Patricia Hay (In Person)- Worked as poll worker for regular and advance voting. Wanted to say there were plenty of chances for people to vote and waited to the last Friday to vote. That was when there was a line. People working advance voting are worn out. People have plenty of chances to vote, if they want to vote. Human nature they waited till last moment, Friday before and then there were lines.
- Lisa Thomas (In Person) -Thanked the Board. Lived in Cobb since 1991. Talked about family members and how difficult it is with schedule to get to vote. Sunday voting is critical for her family.

### **APPROVAL OF MINUTES:**

Ms. Mosbacher proposed items for revision for the July 11 minutes - Motioned to table approval of the minutes until the next meeting. Mr. Bruning 2<sup>nd</sup>. Passed 5-0.

### **PUBLIC HEARING**

- a) Director Janine Eveler presented to change polling place location for precinct Clarkdale 01 (CL01) from Luke Garrett Middle School to Refuge Community Church effective August 8, 2022. There are 1,806 active voters. New proposed location is 0.3 miles outside of Clarkdale 01. Trying to remove schools as voting locations.
- b) Director Janine Eveler presented to change polling place location for precinct Smyrna 1A (SN1A) from Argyle Elementary School to Covenant Church. This change will be effective August 8, 2022. 3,827 active voters. Current location is small. Trying to remove schools as voting locations. Church is 1.4 miles from Elementary School.
- c) Director Janine Eveler presented to divide Wade Green 02 precinct in order to form the Wade Green 01 precinct. The polling place for Wade Green 01 will be Christ Harvester Global Outreach Ministries. The remaining portion of Wade Green 02 will continue to vote at Christ Episcopal Church. This change will be effective August 10, 2022. Currently 4,858 voters and location is too small and limited parking. We want to split. Showed areal picture. Talked about current location and limited parking available.
  - Chairwoman Silas responded that this had been brought up earlier. Asked about the polling precincts being outside of the voter locations. Expressed concerns about changing so close to election. Director Eveler responded that staff did bring this to the Board in February this year and it was not accepted at that time, but we do feel that it is needed.
  - Mr. Bruning asked if the precinct split needs to go to BOC? Director Eveler responded that the split would have to go to the BOC for final approval.
  - Chairwoman Silas clarified these would be effective for November. Director Eveler responded that staff would like them to be effective immediately.
  - Ms. Brooks stated she had concern about the changes being so close to the election and asked if school in session on the election day? Director Eveler responded that school not in session in November, but is in session for the potential runoff in December.
  - Chairwoman Silas opened up for Public Comment on just these precincts changes

## **Public Comment on Public Hearing**

Arnold Abelman – comment is that he hopes adequate time is given for communication of the changes for those effected, getting close to the midterms.

Sabrina Mall- Not everyone keeps up with their mail. Every time precinct changes it causes confusion. Wants the precincts to stay the same.

Catherine Floam – Is the Christ Harvester Church large enough to hold all? Instead of split could it just change to the Christ Harvester Church.

Ralph Bruce -Resident of Cobb County. She (Director Eveler) presented you with a problem and a solution. Why don't you act on it? People are being inconvenienced from the parking, you have already delayed it 3 times from what I am hearing. Please act on it.

Joan Hutton – received post card from the election office with polling location two days before election. Her location didn't change but others did. Called elections to see why she got this and was told it was a result of redistricting March 31<sup>st</sup>. Why did it take 2 months to receive in May?

Mr. Gartland asked if this would be a split and would be permanent. Director Eveler affirmed it would be permanent.

Mary Jo Foster- Poll watcher several times since 2020. A lot of confusion and overwork for workers because of the late notice.

Claudia Falk – As an area supervisor I am over several polls. We never want to see polls change. No change is taken lightly there is a lot of work and reasons we have got to do it. We can't keep putting off stuff. We are trying to get them out of the schools and when we find one we need to move. Two polls that are churches doing more and more. It is critical that you listen to Janine and staff. There are plenty of ways voters are notified, but they are not paying attention. You have to be 18 to vote, they are adults, we are adults. We have to give adults some credit for making some decisions.

- Mr. Gartland commented – I think a lot is communication. I think we are doing a heck of job at communicating. I have had a few changes of polls in my area that I check out each time and there may be a few that are irate out of thousands. But I think we should do it. The numbers don't justify us not doing this
- Chairwoman Silas- We have closed the public comment portion.
- Ms. Mosbacher- Motioned to approve all three proposals, but they would be effective 1/1/2023. Mr. Gartland 2<sup>nd</sup>. Passes 5-0.

## **Resume Public Comment**

- Paul Dalber (In Person)- Poll worker. Imagine you are with a sibling and your parent dies and all of your extended family gets to vote on who gets all of the money. You would want to make sure each person only got one vote, and you would want to verify that count was correct. That's how it feels for us voters. We want to know that each person only had one vote and that it was counted correctly. The system is so complex we don't get that satisfaction. We want to minimize the chances for fraud. The Republican party has poll watchers, for drop boxes and voting locations if we increase this number to beyond what the Republicans can monitor then that would introduce the ability for fraud. The fraud is real. Have you all watched 2000 mules? It is real data Votegea.org is real data. We just want to stop it. You all are under a lot of intimidation. Cherokee County board was coerced by Raffensperger lawyers. Just want y'all to stand up.
- Nancy Jo Kirk (In Person) – Resident of Cobb County. Integrity - you have assured us there is safe and accurate voting. Would like Sunday voting for some people who cannot get to early voting place during the day of the week. A Democratic Republic is strongest when as many citizens as possible get the chance to vote. Sunday voting would help that. Has concern with people noting Sunday is a Sabbath



day, would like to note that Sunday is not a sabbath day for everyone, we have to make sure that we have freedom of Religion in this country.

- Sandra Burkhart (In person) the position of this board has taken on issues concerns many people. Seems like you are not in favor of transparent elections and honest audits. Plus, your efforts to prevent ineligible people being removed from voting make Cobb County a viable County for Georgia state elections board to investigate elections here.
- Marie Borowski (In Person) – Recently there was a Vining's precinct hand recount which resulted in quite different results from tabulations so it brings all tabulation under suspicion. One question to all of you I want to know if you personally endorse transparency and this is a yes, no or I refuse to answer to all of you. Chairwoman Silas responded that this is public comment where we hear from you and are not obligated to answer any questions and that should not be taken as yes, no or I don't know but that's not how this goes. Please continue. Borowski continued – I believe if you are able to put your ballot in your mailbox there is no need for more drop boxes.
- Maxie Kirk-Williams (In Person) resident of Cobb County. I am a contractor, I go to work Monday and come back late on Friday, then take care of business on Saturday. Sunday voting would be helpful because I have a contract job. On behalf of League of Women Voters of which I am a President here in Marietta Cobb and the board did ask me to come to speak on their behalf. If there is additional funding available we would ask that you add Sunday voting. We also suggest weekend shift of workers instead of the 7x7x21 that is a lot for anyone. Please consider adding a weekend shift and allow us to volunteer to work those shifts.
- George Ballbona (In Person) Citizen and resident of Marietta Cobb County. Came because Cobb County Republican party on Facebook saying no surprise Fair Fight, Warnock and Abrams continuing their narrative of voting suppression. And to come to this meeting to vote no to Sunday voting. So, when Salleigh comes up here just know that Republicans are doing it too. It says, if we don't fight back they win. No, it is us vs. them. Wants fair and secure elections. The man who came up with risk limiting audits wrote a letter to the SECRETARY OF STATE stating there is not a valid paper trail.
- Gary Pelphrey (In Person)- asked questions on procedure. How do we get our prepared remarks made a part of the record and to what extent are the remote speakers comments a part of the record as well as the handout which the board received? Chairwoman Silas clarified Ms. Mosbacher is taking minutes and that is why we inquire as to who is speaking either virtual or person. Regarding written comments Mr. Boyd Parks emailed us and then spoke his comments into the record. How do you believe your comments will not be in the record or why? Gary Pelphrey speaking to the handout is that going to be a part of the record for citizens to see? Chairwoman Silas clarified I know this isn't a question and answer period because he was asking more in procedure and I understand. This happens frequently when there is a speaker and they would like the Board to consider something in connection with their comments they provide things to us. Gary Pelphrey said he believes when he sees it up there on the screen that it is going to be a part of the television record of this meeting. So how do these physical documents come in and are the people on zoom since they are not on video part of the record. I know the Board has a time constraint. Silas clarified that yes, we do. Are you transitioning to your public comment portion? Mr. Pelphrey stated his definition of public comment and yours is different. The reaction I would have expected when I see 81 people showing up 92 days before election, to say boy get the take-out menus we will be here all night. Chairwoman Silas responded: I understand that but there are things not in our control. We only have this room from 3-6pm without that constraint we absolutely could have had the take-out menus. Gary Pelphrey pointed out that we are connected by a covered bridge to a fully covered parking lot that we can use all night. Chairwoman Silas said, then those individuals you were concerned about not being part of the record earlier would not be able to continue as part of this proceeding virtually if we were outside in the parking garage. There are certain constraints beyond me.
- Gary Pelphrey began his Public Comment with two questions. What is your mission and what are your goals? I understand you are not prepared to answer those questions. What scares me is that there are no written down answers to those questions and they are vital. Talked about baseball. In baseball we have umpires. Question to all 5, Do you consider yourself umpires or recruits? Umpires enforce and make the rules it is a very important factor. Unfortunately, the way we are today we have a pitcher always throwing at the batter's head. Because there is nothing to stop him. You can call ball 4 all you

want but it isn't going to get that man to stop ignoring the rules. I think you need to consider changing your role from umpire to recruiters. Suggested mission ought to be to conduct the most effect efficient widespread possible way to get every registered voted to vote.

- Director Eveler clarified there is another meeting that starts at 6 so we need to be complete before.

Chairwoman Silas stated hence the reason why there appears to be this rushing. There are things not within the Board or Directors control. Concludes public comment- 4:43pm.

#### **DIRECTOR OF ELECTIONS (Janine Eveler)**

- a. Review and approve November Advanced Voting Schedule.

Director Eveler addressed the idea of Sunday voting which is not being proposed by staff. She showed charts comparing usage of days in Dekalb, Fulton, Cobb, and Gwinnett. The least used days were Saturday and especially Sunday.

- Chairwoman Silas commented often times individuals reach out in advance. We have had a number asking about Whitlock. Can you please address. Director Eveler said the office has moved. Our new facility is better, and we have more support. We do have some obstacles we are addressing. Staff does not support having Whitlock as another satellite location
- Ms. Mosbacher- What are we going to do at Whitlock to make sure voters know about the new location? Director Eveler- the plan is to have staff there to direct them to other locations. The Whitlock facility houses other county offices as a combined building. But we would have people there to direct the voters.
- Ms. Brooks – and we would not have a drop box? Director Eveler- The drop box is required to be at our main office so regardless of where the voting takes place, we would have to have one at our main office.
- Ms. Brooks- and we have maxed out our number of drop boxes. Director Eveler Yes. We are required to have 1 at our main location and then we can have 5 additional based on population of registered voters.
- Mr. Gartland commented to go on record. We have 6 drop boxes, but everyone has a drop box at the end of the mailbox and we can mail it in. If you really want to vote you can. We really don't need them.
- Ms. Brooks reiterated that we have the maximum number allowed by law.
- Chairwoman Silas stated we have had individuals stating we should increase the number of drop boxes and that is not something we can legally do at this point. Are you planning any other ways to notify those coming to Whitlock? Director Eveler responded they would be providing a flyer with locations and times. Post signs and PR push through social media and newspapers. Open house 9/10 at 11am. She was around when we moved to Whitlock from Waddell and folks found it just fine.
- Ms. Brooks- can we ask further questions about staff being there. We piloted registrars being at some library locations. Would voters be able to drop off absentee ballots? Director Eveler- The drop box is just a receptacle. You can bring your absentee ballot to any voting location and give it to a staff member. The poll workers are taking them during advance voting. We are going to try to implement having registrars to accept ballots again in November. We want to put staff registrars at Libraries on Saturday and Monday before election day to take absentee ballots.
- Chairwoman Silas suggested a map with directions and number of miles from Whitlock. Thanked Janine for providing us with data for Sunday voting. Opened up to board for comments.
- Chairwoman Silas opened up to introduce Sunday Voting discussion. Asked Director Eveler to share information on Sunday voting at 1 location. Director Eveler shared that conducting Sunday voting at

the Roswell St main office cost for one Sunday would need 38 positions. Cost would be \$4,765.60. This does not include utilities, facilities, etc.

- Mr. Gartland asked would that cost be Full Time or Part Time or overtime. Director Eveler said it would be a mixture, but she did not calculate it as overtime since Sunday is the start of the pay week.
- Mr. Gartland made a motion to approve what Janine put together. The motion failed for lack of a second.
- Ms. Brooks moved to approve November schedule with two revisions. 1<sup>st</sup> revision that signage and staff be placed at Whitlock directing to the new location, 2<sup>nd</sup> revision expanding voting 12p-4p on Sunday Oct 30<sup>th</sup> at the main office
- Mr. Gartland commented who is paying.
- Mr. Bruning- 2<sup>nd</sup>. Passes- 4-1 with Mr. Gartland in dissent. 5:08 pm

#### **Resumed Proposed Challenges:**

- d) Challenge by Ms. Karyl Asta of 17 voters (TX &OK) previously tabled at 7/11/2022 meeting.
- e) Challenge by Ms. Karyl Asta of 3 voters (DC) previously tabled at 7/11/2022 meeting.
- f) Challenge by Mr. Henri Asta of 7 voters previously tabled at 7/11/2022 meeting.
- g) Challenge by Eugene Williams of 63 voters (FL) previously tabled at 7/11/2022 meeting.
- h) Challenge received by Eugene Williams on 7/21 of 33 voters (FL)
- i) Challenge received by Ms. Karyl Asta on 7/22 of 45 voters (NC)

Chairwoman Silas stated we reviewed some information that has been provided by staff. There are 168 electors subject to challenge are being considered today. A number of them were tabled during the last meeting and a portion of those are being addressed today. 19 individuals came back to us and asked to be removed from the roll. Of the 168 we would be taking up today, 19 have been removed from the roll already and we will not be taking them up today. There are approximately 99 individuals noted as inactive since the time you presented your challenge on July 11<sup>th</sup>. Since then the Secretary of State GA office has marked those voters inactive on the Voter Roll. In addition, there are a number that were part of Mr. Williams challenge 7/21 and Ms. Asta on 7/22 that are marked inactive on the voter roll. Based upon our reading of section 21-2-235 of the GA code specifically addressing the inactive list, there is language that specifically requires the State of GA to allow those individuals to remain on the list. 21-2-235 subsection B. My interpretation is once the Secretary of State has placed a voter on this list they shall remain on there and no exception is provided in the section. So, regarding the 99 that were noted inactive, we are not taking any position on your challenge. In addition, 1 registered in FL is inactive in FL so we will not take a position on those and declining to remove them. Also 29 individuals among the 168 that have voted in 2020 or 2022 outside the state of GA, we recommend upholding the challenges and removing those individuals. There are 13 individuals that do not meet these categories and in research I have done, removing them would be contradictory to National Voter's Rights Act. Data provided by Janine and my interpretation of the law. We will open up commentary from board and challengers.

- Henry Asta said he doesn't know what questions to ask because we don't have the same information you have.
- Chairwoman Silas said we are happy to share; we looked at individuals and compared to GA code.
- Henri Asta said he I submitted 7 and they were active as of a few days ago.



- Chairwoman Silas stated we went through the names and then restated GA code.
- Discussion from board about periodic list maintenance and list meetings.
- Director Eveler said that August 4<sup>th</sup> was the last day voters had to respond to their confirmation notices. If they did not respond they would be inactive. The Secretary of State decided they wanted to clean up the rolls before the November election. It does usually happen in the odd years, but it can happen anytime as long as the list maintenance concludes 90 days prior to an election.
- Chairwoman Silas read from the National Voters Rights Act section 2507 of Title 52. She summarized that we are not in a position to rule or to uphold a challenge because doing so would put us in violation of the National Voters Rights Act.
- Henri Asta responded despite the legal assurances from your attorney who assured us that if we provided the 5 things that we should have every confidence that they would be removed from the voter roll.
- Chairwoman Silas said she listened to the meeting and it was stated we would take at a minimum that is the information we would need to assess and or consider this type of challenge.
- Henri Asta said that we trusted the attorney's advice to us and his comments to us that is we provided this information that they would be removed from the voter roll.
- Daniel White (attorney) interjected that he advised the board last hearing after they indicated they would like certain information in order to consider them to be credible challenges. I was going by what is in the challenge statute and advising the Board, who is my client, what things would need to be presented under the statute. Since then we have gone back and we have received letters from others that are challenging this process under the NVRA and we have reviewed those things. When I give advice at these meetings it is to the Board.
- Eugene Williams stated that it is discouraging. I submitted this information on the 13<sup>th</sup> of July and if you had this information I would have appreciated you sharing that. It is unfair to walk in here and just hear this right now. I did review the NVRA they do not say you cannot remove voters, there are reasons. I don't have them in front of me but I have studied it. There are viable reasons. I wish the information would have been shared with it. I don't understand under 235b you cannot remove them until after November, can we still rule on them? All of my voters are registered to vote in Florida and Cobb County they shouldn't be allowed to be registered in two states. Does this supersede section 21-2-217 the rules for determining residency. On the SoS website the requirements are 1. You have to be a US citizen 2. You have to reside in the county you are registered. Requested the names and information be emailed to him.
- Chairwoman Silas apologized but reiterated that Janine and her staff are going above and beyond what is needed and what the Board has done. No motion has been made. And there is a procedure in the code to appeal any decision.
- Mr. Gartland suggested to stop and put this on hold until the next meeting until everyone is on the same page.
- Chairwoman Silas clarified that she doesn't think they can do that because under the voting rights act 90 days prior to an election we cannot remove individuals from the roll. We are at 92 days.
- Karyl Asta said she submitted 45 new challenges from NC and 32 voted in NC have all of those been addressed?
- Chairwoman Silas responded yes, those individuals will be removed from the voter rolls because they have voted.

- Karyl Asta asked if we table it they remain on the roll?
- Chairwoman Silas responded yes, but I don't think you want to do that because we can't convene a meeting and vote on this by the 10<sup>th</sup>. The 10<sup>th</sup> is the federal law that not within our power to change.
- Ms. Mosbacher suggested to reject the challenge of 29 voters of the 43 active voters due to section 225. There is a 3 person discrepancy as Ms. Asta has 32 who voted in another state that needs to be reconciled.
- Ms. Mosbacher said of the 161 challenges 83 are resubmitted, 78 are new, there are 43 remaining active of that total group. Of those 29 voted, those are the 29 she has referred to. The inactive voters we are not looking at canceling they are not on that list. We haven't made any motions but that is what the code provides.
- Eugene Williams commented there is no process in this county to capture people when they move out of the area. But every one of these people filled out a change of address form with the USPS. They sign it and indicate if it is permanent or temporary. It is mandated by the Postal Service that they must share it with you if you request that. People would volunteer to help with that. It is part of your mission statement to maintain accurate voter rolls. Requested all laws referencing be sent over as well as names of voters specifically removed.
- Chairwoman Silas said the NCOA form does not take people off the voter rolls. She thanked Mr. Williams for his time but stated they must conclude at this time as the room is needing to be used. In addressing Mr. Williams disappointment with not having materials in advance Chairwoman Silas said that he probably needs to talk to the legislature for them to spell out a process because again we created the five elements in the absence of the state legislature, the state election board and the Secretary of state making any kind of determination. We are here attempting to hear your challenges and do it in a fair and equitable way.
- Ms. Mosbacher moved to reject the challenge of electors presently reflecting as having a status of inactive, I show that to be 99 of the 161 because section 235 of the GA Election code expressly requires the Secretary of State to maintain a list of inactive voters and such elector is required to remain on that list until after the second November general election held after the registrant is placed on that list. Chairwoman Silas 2<sup>nd</sup>. The motion passes 4-1 with Mr. Gartland opposed.
- Ms. Mosbacher moved to reject the challenge of electors that are active and have not voted. There were 43 active and 29 of those voters who have voted in the new state. She moved to reject that challenge because of section 20507 D1B of title 52 (NVRA) which prohibits a state from removing a name of a registrant from the official list of eligible voters in elections for federal office on the ground that the registrant has change residence unless the registrant has failed to respond to a notice and has not voted or appeared to vote and if necessary correct their registrant's record in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for federal office that occurs after the date of the notice. I am reading that into the record but it is explicitly section 20507 D1B of title 52. I am rejecting the active voter challenges for the remaining voters on these challenges of the 161.
- Mr. Bruning 2<sup>nd</sup> asked, are you saying folks that have voted in the information provided can be removed? Ms. Mosbacher replied yes there are 29 people that we have record that they voted.
- Director Eveler asked are you saying if they are inactive and they voted they are not removed? Ms. Mosbacher stated I looked at the 43 active and 29 voted.
- Director Eveler stated that there are a number of inactive that voted. Ms. Mosbacher clarified the inactive ones we can't remove. Director Eveler stated that she doesn't necessarily agree with that, but if that's the position of the Board, ok.
- Ms. Mosbacher reiterated the inactive ones under 235 if they are marked inactive we cannot remove them. Only the 29 who are currently active.

- After further discussion and in the interest of time, Ms. Mosbacher withdrew the motion.

**Board Member Comments**

None

Next Scheduled meeting 9/12 3pm.

Meeting adjourned at 5:47pm.