

Subject: [Document Released to Requester] Cherokee County, GA public records request #24-7019

Date: Monday, December 16, 2024 at 9:55:00 AM Eastern Standard Time

From: Cherokee County Open Records

To: AO Records

EXTERNAL SENDER

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

Cherokee County, GA Public Records

A document has been released for record request #24-7019 along with the following message:

I will continue to send documents as I receive them from the board and redact any private information.

Sincerely,
Anne Dover, Director

- 1225_001.pdf

[View Request 24-7019](#)

<https://cherokeecountyga.nextrequest.com/requests/24-7019>

Document links are valid for one month. After January 16, you will need to sign in to view the document(s).

Questions about your request? Reply to this email or sign in to contact staff at Cherokee County, GA.
Technical support: See our [help page](#)

Anne Dover

From: Julie R. Glade
Sent: Monday, December 9, 2024 3:01 PM
To: Anne Dover; Larry Hand; Glen Johnson; John Wallace; Scott Little
Subject: [EXTERNAL] Fwd: The Music has Stopped and Cherokee County has a New Board of Elections and Registration Chairman.pdf
Attachments: The Music has Stopped and Cherokee County has a New Board of Elections and Registration Chairman.pdf

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Oct 8 email, attachment mentions hand count, so responsive

----- Forwarded message -----

From: **Anne Dover** <adover@cherokeecountyga.gov>

Date: Tue, Oct 8, 2024 at 3:41 PM

Subject: The Music has Stopped and Cherokee County has a New Board of Elections and Registration Chairman.pdf

To: Julie Glade <j

Have you seen this?

Anne

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--

Julie R. Glade

[google.com](#)] [[voice.google.com](#)] [[voice.google.com](#)] [[voice.google.com](#)]

The Music has Stopped and Cherokee County has a New Board of Elections and Registration Chairman

They said "Counting the Ballots is Illegal", what about GA. Law ?



[CLER WRITER](#)

OCT 08, 2024

1

Share

Quick Survey Question Below 

The **Cherokee County Board of Elections and Voter Registration** has a track record with tremendous turnover since our group, *We The People*, started attending the county monthly meetings in 2021. There have been 3 Chairs and 10 Board Members on a 5 person board. Some members retired, some were relieved of service when the county was sued for the manner in which the board was appointed. One member was removed upon discovery they had **secretly moved out of the county**. The *Last Chair*, **Steve Divine**, resigned only a couple months prior to this upcoming Presidential Election.

Even with the turn over, *We The People* keep pressing for the county to properly certify and hand count the actual paper ballot to verify accuracy. The original excuse from the county to *not* conduct hand counts was, “*It is illegal to hand count the ballots.*” That is not true. It is legal to hand count the ballots. More on that law below...

In a [previous CLER Scorecards post](#), it was [reported that there was a motion by one of the Cherokee County Board of Election members, Rep. John Wallace, to conduct a partial hand count prior to certification](#). The motion was voted down. A request to revisit this motion with a newly formed board was denied. As of

Oct 7th meeting, Wallace pivoted and now awaits doing a **Risk Limiting Audit** count *AFTER* certification.

[Link to Oct. 7th, 2024 BOE Meeting](#)

It is unclear to *We The People*, when researching **Georgia Election Law**, why **Title 21-2-437** is not being adhered too. It seems like a Red Herring when discussion about *processing of the Absentee Ballots* keeps popping up, because nowhere in the law is it stated. The law states very thoroughly how the paper ballots are to be handled and processed. Check out the law for yourself. 🗨️

[Justia Law 21-2-437](#)

🗨️ Quick Survey Question Below 🗨️

Cherokee County has an excellent Elections staff, none of the vulnerabilities that have been cited occur at our county processing level. *Even with the excellent election staff, there are identified vulnerabilities cited in Georgia.* Hand counts will not prevent these incidents from occurring, but will provide a basis and a verifiable paper trail of the true result.

Proven Georgia Election Vulnerabilities:

- Illegal immigrant registration onto the voter rolls
- Foreign Interference
- Personal voter file information sold to ERIC
- Identity theft thru the Dept of Driver Services/voter roll registration
- Voters registered to 30 day limit hotels
- Duplicate Voting
- Manipulation of voter registered ID #s /some backdated
- Significant violations to NVRA (National Voter Registration Act) and HAVA (Help America Vote Act) - existing lawsuit United Sovereign Americans -vs- GA. Secretary of State.
- Vote deletions and added Absentee Ballots
- Absentee ballots cast, but never mailed
- Evidence of deceased voters voting

- Precinct manipulation
- Claims brought forward to the Ga State Election Board by Rossi, Moncla, Parikh, and Fulgram

With the most important election of our lifetime just 30 days away, the music has stopped and yet our election board members refuse to take action and safeguard the election. Per their Oath they are to prevent any fraud, deceit, or abuse. Providing a true and perfect of such elections. Faithfully performing their duties in accordance with Georgia law.

Please participate in the following CLER Scorecard survey question.

POLL

If members of the Cherokee Election Board are to represent the voting population of our county, do you want hand counts to be lawfully administered as described in Georgia Election Code 21-2-437?

Yes

No

10 VOTES

Anne Dover

From: Julie R. Glade
Sent: Tuesday, October 8, 2024 3:53 PM
To: Anne Dover
Subject: [EXTERNAL] Re: The Music has Stopped and Cherokee County has a New Board of Elections and Registration Chairman.pdf

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No, thanks for sending. I note that the turnover is largely due to We the People!

On Tue, Oct 8, 2024 at 3:41 PM Anne Dover <adover@cherokeecountyga.gov> wrote:

Have you seen this?

Anne

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--
Julie R. Glade

[e.google.com](#)] [[voice.google.com](#)] [[voice.google.com](#)]

Anne Dover

From: Julie R. Glade <jrglade@julieglade.com>
Sent: Monday, December 9, 2024 3:03 PM
To: Anne Dover; Larry Hand; Glen Johnson; John Wallace; Scott Little
Subject: [EXTERNAL] Fwd: fyi
Attachments: Precinct U.S. Const. Demand 10.8.24.pdf

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Oct 13 email, attachment mentions "hand count" and "hand-count" so its responsive

----- Forwarded message -----

From: **Anne Dover** <adover@cherokeecountyga.gov>

Date: Sun, Oct 13, 2024 at 1:25 PM

Subject: fyi

To: Julie Glade <jrglade@julieglade.com>, Larry Hand <lhand@larryhand.com>, Glen Johnson <gjohnson@cherokeecountyga.gov>

We received this. Already sent to Ann B. She has forwarded to the people with hearings next week.

Anne

Anne Dover, Director

Cherokee County Elections & Voter Registration

phone: 770-479-0407, [\[voice.google.com\]](tel:770-479-0407) ext. 0223

mobile: 470-505-3081 [\[voice.google.com\]](tel:470-505-3081)

e-mail: adover@cherokeecountyga.gov

193 Lamar Haley Parkway

Canton, GA 30114



<https://cherokeegavotes.com> [\[cherokeegavotes.com\]](https://cherokeegavotes.com)

State of Georgia



NOTICE AD LITEM DEMAND FOR REQUIRED ACCOUNTING OF PAPER BALLOTS AT ALL PRECINCT LOCATIONS AT THE GENERAL ELECTION ON NOVEMBER 5, 2024

October 8, 2024

To: All Respective County Election Offices in Georgia, USA

Sent by: GoReclaimGA, LLC, goreclaimgeorgia@gmail.com

RE: Demand for Required Accounting of Paper Ballots at Precinct Locations on November 5, 2024 General Election

Dear County Election Superintendents, Election Board Members, Official Designees, Precinct Chief Managers and Assistant Managers in all jurisdictions:

As the responsible recipient of this legal compliance demand letter for your county, we ask that you take heed to distribute it to at least the other responsible addressed county officials and personnel mandated to comply with Georgia Election Code and Constitution. By administering State law on Nov. 5, 2024, you will protect poll workers and citizens from injury.

Your county has utilized the ImageCast-X Dominion Voting System since the Presidential Preference Primary of March 2020. It is considered an optical scanning voting system with a **distinct paper ballot feature** per O.C.G.A. § 21-2-2(19.1). This maintains the human factor of all Georgia Elections to equally protect the expressed will of Georgia citizens.

The Georgia Supreme Court has judged O.C.G.A. § 21-2-437 to be in full force and effect. The State Law requires that poll managers duly certify votes ink-tallied directly from hand counted paper ballots at each precinct location before property transport. This is undeniably “required accounting” of O.C.G.A. § 21-2-420. Elections by paper ballot must also be conducted at constitutionally legislated places. The Precinct Election Location is based on legislated election jurisdictions within the State of Georgia. (O.C.G.A. § 21-2-2(27) & (28)). Poll managers must duly certify paper ballot vote totals of electors at each Precinct Election Location. This is the essential basis for County and State election certifications.

Egregiously, State election officials¹ and the Georgia Department of Law / State

¹ On Oct. 6, 2022, Blake Evans, State Elections Director, sent you the following Buzz Post memo: “Deciding to have poll workers hand count ballots at each polling location on election night is not something your poll workers should do.” He told you that “poll workers should not prolong the process of removing ballots from ballot boxes and sealing them in transport containers.” He directed you to do this “immediately after the polls have closed.” He refers to SEB Rule 183-1-12-.12, which cannot supersede law. [Link to Memo](#).

Attorney General² have distributed memorandums that advise you and other election officials to conduct elections in ways that are contrary to State law. Their counsel opposes direct judgments of the Supreme Court of Georgia. See *Rhoden et al. v. Athens-Clark County Board of Elections et al.*, 310 Ga. 266 (2020) and *Jones et al. v. Norris*, 262 Ga. 468 (1992).

Because we have indication that counties are following the guidance of State officials versus statutory law, this letter serves as your formal Notice and Demand to immediately comply with Georgia Election Law in preparation for the general election.

Unlawful election training and administration appears to be occurring in your constitutional jurisdiction. You are now receiving ample warning that your jurisdiction is subject to these State laws governing use of paper ballots at Precinct Election Locations and their post Election Day transparency in the impending November 5, 2024 general election.

We ask that you attend well and provide due care to prompt compliance with the **fully effective requirements of O.C.G.A. § 21-2-437 (a) and (b)**. To support rightful election transparency to county electors, **O.C.G.A. § 21-2-72 clearly requires that county election superintendents provide them with an ability to inspect and photocopy election records, including used paper ballots**. Records must be provided following Election Day, during usual business hours. No prohibitions exist.

Notice is hereby served that despite “memos” by officials of the State of Georgia, you remain responsible for your actions under both general State law and as subjects of the jurisdiction of the governing authority of your county (Ga Const. Art. IX (Home Rule)). **As a sworn county-level election official, you must follow State law regardless of what the other officials advise.** O.C.G.A. § 21-2-70 requires you (7) to make and issue such rules, regulations, and instructions, consistent with law... (8) to instruct poll officers and others in their [lawful] duties... (9) to certify the results to such authorities as may be prescribed by law, (10) to perform such other duties as may be prescribed by law, and (15) to swear an oath: to make a true and perfect return of such primaries and elections. O.C.G.A. § 21-2-94 & 95 require precinct managers and clerks to swear an oath to make [certify] a true and perfect return of election results at their respective precinct locations as well.

Notice is hereby served that all political power is inherent in We the People and that we have a right to lawfully instruct our government (Ga Const., Art. 1, § 2).

Notice is hereby served that when We the People provide lawful instruction in pursuance of the highest law, the U.S. Constitution and Georgia Constitution, good faith demands that such instruction be obeyed. We repeat, State officials have advised you contrary to black letter law and you are, by oath and duty, responsible for any acts that you conduct as an election official of your county. **You do not have power to regulate elections outside of State law.** Furthermore, any of your prior acts or agreements, not made in pursuant of the highest law,

² On Sept. 19, 2024, the Office of the Attorney General of the State of Georgia distributed a legal memo, stating on pg. 6: “Neither the statutes that prescribe the duties of poll officers after the close of polls for precincts using voting machines... nor the precincts using optical scanners... suggest that the General Assembly contemplated that a hand-count of the ballots would be part of the “required accounting.” This is false. Hand counting of paper ballots is a requirement of election law at all precinct locations. The clear requisite steps to precinct certification O.C.G.A. § 21-2-437 (a) and (b) is required accounting of O.C.G.A. § 21-2-420(a). [Link to 9.19.24 State AG Memo.](#)

are inferior and shall promptly yield to the people's lawful instruction. This is a general principle of law.

Some of the highest laws are as follows:

U.S. Const. Art. 1, § 4 (The Times, **Places** and **Manner of holding Elections** for Senators and Representatives, shall be prescribed in **each State** by the Legislature thereof),

U.S. Const. 14th Am. (failing to regulate elections constitutes state action **impacting the equal protection of citizens**). See *Gray v. Sanders*, 372 U.S. 368 (1963),

Ga Const. Art. 2, § 1, Par. 1 (elections shall be conducted in accordance with procedures **provided by law**), and

Federal Law: 52 U.S.C. § 10101 (e) **“vote” includes all action necessary to make a vote effective** including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and **having such ballot counted and included in the appropriate totals of votes cast** with respect to candidates for public office and propositions for which votes are received in an election.

Notice is hereby served that a constitutional and lawful election includes the counting of votes at a designated **place**, reflective of the U.S. Const. Art. 1, § 4. O.C.G.A. § 21-2-2 (27) **“Polling place”** means the room provided in each precinct for voting at a primary or election. (28) **“Precinct”** is synonymous with the term “voting precinct” and means a **geographical area**, established in accordance with this chapter, from which all electors vote at one polling place.

Notice is hereby served that former Code 1933 § 34–3101, which is current O.C.G.A. § 21-2-520 et seq. for election contests, provides by inference that an election may be invalidated for noncompliance with the requirements of law, if the election is not held at the proper time and **place** by persons qualified to hold the same, *McCluney v. Stembridge*, 206 Ga. 321, 326 (1950). **When the place has been fixed, an election held at a different place is absolutely void.** 29 C.J.S. Elections § 331. Required ministerial acts of election include the hand counting of paper ballots, the counting of votes, ink tallies, and certification of returns by precinct managers at the **fixed Precinct Election Location**.

Notice is hereby served that O.C.G.A. § 21-2-437, in compliance with the Georgia Constitution, prescribes by law the procedure for lawfully certifying elections at each of the over 2,700 voting precincts throughout the State of Georgia. This is **required accounting after polls close** and **before any transport** of sealed materials from the Precinct Election Location to the county election superintendent. It mandates that each chief precinct manager, after the poll closes, immediately coordinate with other poll workers to (per a): 1) count the total number of **“paper ballots,”** 2) read aloud the names of candidates marked or written on **“paper ballots,”** and 3) make account of every vote as read aloud from **“paper ballots”** on inked tally papers. **Only after administering the mandates of 1, 2, & 3 can poll officers duly certify**, as follows:

O.C.G.A. § 21-2-437 (b) When the vote cast for the different persons named upon the ballots and upon the questions, if any, appearing thereon, shall have been fully recorded in the tally papers and counted, **the poll officers shall duly certify** to the number of votes cast for each person and question and shall prepare **in ink** a sufficient number of general returns.

Notice is hereby served that O.C.G.A. § 21-2-437, last amended in 2021, has a long-standing legislative history tracing directly back to the Georgia Code of 1863, § 1234.

Notice is hereby served that it is established law that **paper ballots are part of the constitutional voting processes in Georgia**. O.C.G.A. § 21-2-2(1) "Ballots" means "official ballot" or "**paper ballot**" and shall include the instrument whether paper, mechanical or electronic by which an elector casts his or her vote." O.C.G.A. § 21-2-2(19.1) "Optical scanning voting systems" means a system employing **paper ballots**.

Notice is hereby served that the Supreme Court, State of Georgia has been clear on this issue:

1. *Rhoden v. Athens-Clarks Cnty. Bd. of Elections*, 310 Ga. 266 (2020). Ballots are fundamental to elections. The holding of Justice Bethel, with all participating Justices concurring, in October 2020, directly affirms the current force and effect of O.C.G.A. § 21-2-437 alongside the electronic system. The judgment includes this statement:

Voting system whereby voters utilized electronic ballot marking devices to make and confirm their selections for each office, and were then provided a printed paper version of their completed ballot to review and feed into an electronic tabulating device that optically scanned the paper, **was an election conducted with "paper ballots," and were subject to statutory provisions governing use of paper ballots;** optical scanning voting systems and electronic ballot markers were **technologies that assisted** elections boards in conducting elections **via paper ballots, and were not a substitute for paper ballots.** Ga. Code Ann. §§ 21-2-2(2.1), 21-2-2(19.1), **21-2-437**, 21-2-438.

Also,

On July 27, 2020, the superior court entered an order denying the appellants' requested relief and dismissing their petition. In that order, the superior court found that the election had been conducted **with paper ballots** with the **assistance** of an optical scanning voting system and electronic ballot marking devices, noting that these were simply "alternate systems for marking or employing **paper ballots**." The superior court thus determined that, under *Jones*, **O.C.G.A. §§ 21-2-437 (d)** and 21-2-438 (a) applied to this election... *Rhoden*, 310 Ga. 266 at 144. The Ga Supreme Court affirmed.

2. *Jones v. Norris*, 262 Ga. 468 (1992). Chief Justice Clarke of the Ga Supreme Court held that a "cardboard ballot "marked" by a punch is subject to statute providing, with respect to conduct of elections using paper ballots." In *Rhoden*, the Justices stated:

Our decision in *Jones* contemplates that **multiple technologies** for marking and counting paper ballots **can be used** in a given election and that the election should still be deemed to have been **conducted via paper ballots.**

Notice is hereby served that the Georgia Legislative Branch may only write law that does not abrogate the Georgia Constitution. State Election Board Rules, Election Office Memos/Bulletins, and advice of the State Attorney General are initiated from the Executive Branch. The **Executive Branch of government has no authority to write law or give directives that supersede the law as written.** Directives, SEB Rules, EOBs, and Legal Memos have no force and effect of State law.

Notice is hereby served that We the People intend to exercise our inherent right to regulate our internal government by inspection of **election documents** per the explicit provision of O.C.G.A. § 21-2-72. This statute unequivocally recognizes the right of Georgia county electors to both inspect and photocopy election documents, including used paper ballots, in the elections of their respective counties. They may present themselves to assert this right during usual business hours. There is no law or court order prohibiting this public election property transparency, which is long-considered as necessary and verifiable for constitutional legal action following an election.

Notice is hereby served that, per U.S. District Court Official Certified Transcripts, Mr. Bryan Tyson, Attorney for the Georgia Secretary of State, made the following statement:³

It is critically important that this Court recognize that **as a matter of law**, as a matter of practice **counties run elections in Georgia with assistance from the State.** We've had the *Fair Fight* decision that covered that. And ultimately, again in a post *Jacobson* world (*citing Jacobson v. Florida Sec. of State*, 974 F.3d 1236, 1256-58 (11th Cir. 2020), you can't bind the counties through the Secretary because **the counties have their own independent legal obligations for how they conduct elections.** *Curling v. Raffensperger*, 493 F.Supp.3d 1264, 1308-09 (pg 109) (11th Cir, 2020).

Notice is hereby served that an election **is absolutely void** when not held at the proper **time and place** by persons qualified to hold it. *Smiley v. Gaskin*, 115 Ga. App. 547 (1967), which held this, is an annotation of O.C.G.A. 21-2-9.⁴ As such, **the Nov. 5, 2024 general election will be void if qualified precinct managers do not lawfully certify general returns from ink tallies of votes from paper ballots at each Precinct Election Location per O.C.G.A. § 21-2-437.** Holding an election at the proper time and place is **essential to its validity.**

³ Fleetwood, S. (2024, January 23) Read The Court Transcripts From The Major Election Integrity Trial In Georgia. *The Federalist*.
<https://thefederalist.com/2024/01/23/read-the-court-transcripts-from-the-major-election-integrity-trial-in-georgia/>.

⁴ In most American jurisdictions the failure to comply with a statute establishing the time and place for elections is not regarded as a mere irregularity, *Gray v. Reorganized School District R-4 of Oregon County*, 356 S.W.2d 55 (Mo.1962), and the holding of an election at the time and place provided by law is **deemed essential to its validity.** *Smiley v. Gaskin*, 115 Ga.App. 547, 154 S.E.2d 740 (1967); *Davis v. Page*, 217 Ga. 751, 125 S.E.2d 60 (1962); *892 *Gann v. Harrisburg Community Unit School District*, 73 Ill.App.2d 103, 218 N.E.2d 833 (1966). As cited in *Kelly v. Vill. of Greenwood*, 363 So. 2d 887, 891–92 (La. 1978).

Final Notice is hereby served that you are bound by oath to: 1) Declare the law effective as written, 2) Administer the manual counting of paper ballots, tallying of votes thereon, and ensure certification of the general returns from ink tallies at each precinct location by poll managers per O.C.G.A. § 21-2-437, and 3) **Administer** the county elector's right to photocopy and inspect public election property, including used paper ballots per O.C.G.A. § 21-2-72.

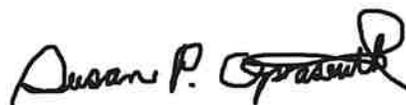
We the People rely on you to uphold State Law. Without your adherence, Georgia will forfeit its constitutional sovereignty in yet another election and our guarantee of a republican representative form of government in U.S. Const. Art. 4, § 4.

We give you until **October 11, 2024, 5:00 pm** to communicate with us by email your intent to comply with: 1) **O.C.G.A. 21-2-437**, including paper ballot vote count, tally, and certification at the precinct election locations and 2) **O.C.G.A. § 21-2-72**, including inspection and photocopy of the actual used paper ballots during usual business hours directly following Election Day. **Failure to reply will indicate to us that you have no intent to comply with these laws, as written, and plan to leverage the use of the electronic system to do so.**

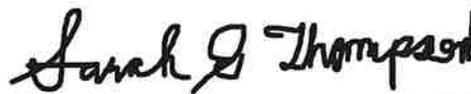
This is a serious matter involving the filing of documents in an attempted state and federal election. It includes votes by rightfully entitled citizens for the next U.S. President. When the votes have been fully recorded in the tally papers and counted from paper ballots, **poll officers must duly certify** to the number of votes cast for each person thereon. This must occur at Precinct Election Locations. Without general returns certified from paper ballots at Precinct Election Locations, there can be no lawful county or state certification.

If a lawsuit is commenced against you as a result of your willful negligence and intent to commit violations of law, you will be notified of the hearing date. You will be entitled to appear at the hearing and present any defense you have to claims impending or committed violations.

Respectfully submitted for your action,



Susan P. Opraseuth (Fulton County)
GoReclaimGA, LLC
8815 Windward Parkway
Alpharetta, GA 30005
goreclaimgeorgia@gmail.com/803-702-0387



Sarah Thompson (Bulloch County)
GoReclaimGA, LLC
8815 Windward Parkway
Alpharetta, GA 30005
goreclaimgeorgia@gmail.com/803-702-0387

Note: GoReclaimGA's mission is to exchange with, educate, and empower Georgia citizens toward constitutional and local political advocacy. We are not licensed attorneys.

Anne Dover

From: Julie R. Glade
Sent: Sunday, October 13, 2024 1:43 PM
To: Anne Dover
Cc: Larry Hand; s Glen Johnson;
Subject: [EXTERNAL] Re: fyi

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Report Suspicious

Glad we have a strong elections attorney who can decipher this material and advise accordingly.

Sent from Gmail Mobile

On Sun, Oct 13, 2024 at 1:25 PM Anne Dover <adover@cherokeecountyga.gov> wrote:

We received this. Already sent to Ann B. She has forwarded to the people with hearings next week.

Anne

Anne Dover, Director

Cherokee County Elections & Voter Registration

phone: 770-479-0407, ext. 0223

[[google.com](#)]

mobile: 470-505-3081

e-mail: adover@cherokeecountyga.gov

[193 Lamar Haley Parkway \[google.com\]](#)

[Canton, GA 30114 \[google.com\]](#)

<https://cherokeegavotes.com> [[cherokeegavotes.com](#)]

Anne Dover

From: Julie R. Glade
Sent: Monday, December 9, 2024 2:58 PM
To: Anne Dover; Glen Johnson; John Wallace; Larry Hand; Scott Little
Subject: [EXTERNAL] Fwd: Some background materials
Attachments: BOER FAQs from Ann B.pdf; Poll Watcher Policy real final.pdf; BOER Policy Campaigning at Polling Locations--signed.pdf

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Oct 7 email I sent to Glen with our policies and FAQ website section, which mentions "hand count" so it is responsive

----- Forwarded message -----

From: Julie R. Glade
Date: Mon, Oct 7, 2024 at 10:07 AM
Subject: Some background materials
To: Glen Johnson

Hello!

Here is some background for your reference.

Answers to FAQs--we have this on our website--the same questions and demands continue to keep coming up, so we thought we would post these fundamentals. Explains the law re why we can't just go to paper ballots and not use the machines, etc.

Policy against Campaigning at the polling location--staff had asked for specifics

Policy on Poll Watchers and Monitors (not sure, but may need some revision depending on what happens with the new SEB rules)--previously, our policy was to prevent poll watchers from approaching the BMDs and scanner to record the vote counts. Some poll managers enforced this, and some don't, so there was blowback in the public comments accusing us of changing our policy to restrict watchers, what are we hiding, etc.

There is language in the statute that prohibits view of "contents of" the equipment, so there is a question whether the counters are "contents". We elected to interpret this provision to mean material inside of the equipment, and worded the policy to allow watchers to observe poll workers if and when they approach the machines to review the counters (could see the counts "over the shoulder").

There are two Voter Challenge policies (section 229 and section 230). This is very dense reading and calls into play the National Voter Registration Act (NVRA). We have not had any challenges to voters in Cherokee this season, and we should not get any before the election. I won't bother you with that now, I can send these to you later when you have more time to digest it all---or if you want them now, just let me know.

Cherokee Board of Elections
Frequently Asked Questions

1. Does the law permit the Board to use hand-marked ballots instead of the machines? Only in *extraordinary* circumstances.
 - a. Under normal circumstances, NO:
 - i. O.C.G.A. § 21-2-300, which states that all voting be done uniformly across the state on ballot marking devices.
 - ii. Cost of providing paper ballots for every combination of ballot is prohibitive, especially in a primary. O.C.G.A. § 21-2-290 would require enough ballots for every active registered voter.
 - b. In *emergency* situations, the superintendent may switch to paper ballots, but it is a *very* high bar. O.C.G.A. § 21-2-379 (“not possible,” “impracticable” to use voting machines.) Athens-Clarke County attempted to use this statute to use hand-marked ballots when they felt that the BMDs did not provide enough privacy. The State Election Board issued them a \$2500.00 fine.
<https://www.gpb.org/news/2020/03/11/athens-clarke-ordered-stop-using-hand-marked-paper-ballots-immediately>
2. Does the law permit ballots to be hand-counted at the precincts? NO.
 - a. O.C.G.A § 21-2-420 states that poll workers post the number of ballots cast at a precinct on the door of the precinct and then “immediately deliver all required documentation and election materials to the election superintendent” who shall then count the votes.
 - b. O.C.G.A. § 21-2- 483, 485 states that the ballots shall be tabulated using machines. Potentially could count the ballots at precincts but must use machines.
 - c. O.C.G.A. § 21-2-492, 493, states that the ballots must be counted by the superintendent at one location.
 - d. State Election Board Rule 183-1-12-.12, which provides specific instructions for poll managers after polls close, including extensive chain of custody requirements. Does not provide for hand count of ballots. Does not provide for tabulation of ballots at precincts.

3. Does the QR Code comport with Georgia law requiring that the voter be able to read their choices?
 - a. YES. See Fulton County Judge Adams' decision, Voter Ga and Philip Singleton vs. State of Georgia, specifically pp. 4-6. (This is currently on appeal at the Georgia Court of Appeals. Voter GA is Garland Favorito's group.)
 - b. Cherokee County Judge McElyea quoted from Judge Adams' decision in her Order dismissing an emergency lawsuit filed in Cherokee County on November 8, 2022.
4. Can county boards of commissioners change the machines? Can purchase other BMDs. O.C.G.A. § 21-2-300(a)(3); 21-2-366 ("optical scanning voting systems conforming to the requirements of this part").
5. How often are audits required? Pre-certification audit of one contest in any election, primary, or runoff in which a federal or state-wide contest appears on the ballot. O.C.G.A. § 21-2-498 (amended by SB 129 (2023)).
6. Who has the authority to change the law? The General Assembly.
7. What could happen if the Cherokee BOER ignored/violated the law?
 - a. State Election Board could impose fines of up to \$5000/violation (see Athens-Clarke example, above). O.C.G.A. §21-2-33.1(a)(2).
 - b. Infraction could count towards a "takeover" of Board down the road. O.C.G.A. § 21-2-33.2(c).
8. What happens if I think a Board member is not qualified to sit on the Board?
 - a. Board of Elections has no independent authority to remove a member. HB 642 (2023); HB 803 (1991).
 - b. Only a superior court judge can remove a member for cause, after notice and hearing. HB 642, §3(c), O.C.G.A. § 21-2-212(a).
 - c. Citizen could also file a quo warranto action in Superior Court.
 - d. However, once a Board member has taken the oath, all votes remain valid as long as he or she remain on the Board, even if an intervening factor would give rise for their removal. See Gates v. Taylor County School District, 346 Ga. App. 248 (2018); O.C.G.A. §45-2-1.

CHEROKEE COUNTY BOARD OF ELECTIONS AND REGISTRATION

POLL WATCHER AND AUDIT MONITOR POLICY

The Cherokee County Board of Elections and Registration (BOER) adopts the following policy for Poll Watchers and Audit Monitors:

This policy is intended to provide guidance for poll workers, poll watchers and audit monitors in compliance with Georgia election laws, rules and regulations. The policy aims to properly balance the rights of voters to privacy and access to voting without interference; poll watchers' and audit monitors' interests in access to elections processes; and poll workers' duties to ensure secure and safe elections in compliance with elections requirements. These policy provisions constitute reasonable regulations as contemplated by OCGA §21-2-408 (d) to avoid interference with the conduct of the election, and accordingly, do not constitute material interruption or improper and material interference with poll watchers' and audit monitors' duties as described in OCGA §21-2-566 (as amended by HB 1207 once it becomes law).

I. Qualifications

- A. Poll watchers and audit monitors must be designated, credentialed and trained by their local party according to the procedures and time frames set forth in OCGA §21-2-408 (a), (b), (c), (e) in order to qualify to serve as a poll watcher.
- B. The written designation of poll watchers and audit monitors shall contain a certification under oath that the named poll watchers have completed the training required by OCGA §21-2-408(e). Absence of this certification shall disqualify the poll watcher or audit monitor.
- C. Candidates in an election may not serve as poll watchers. OCGA §21-2-408(e).

- D. Poll watchers shall wear badges issued by the elections office at all times while serving as a poll watcher. OCGA §21-2-408(d).
- E. Poll watchers must appear only at their assigned polling or counting locations on the dates of these assignments. Poll watching at polling or counting locations not previously assigned, or on dates not previously assigned, will not be allowed.

II. Poll Watcher Provisions

A. As a general rule, poll watchers may observe the election processes as described herein so long as they do not interfere with the poll workers or voters. SEB Rule 183-1-12-.11. Poll watcher activities are subject to the discretion of poll managers on duty. OCGA § 21-2-408(d).

- i. In light of some voters' concerns that voting equipment can be hacked with simple tools, such as a ball point pen, a poll manager's ability to ensure ballot security is paramount. Accordingly, regardless of the provisions set forth herein, poll managers may restrict any poll watcher activities if the restriction is necessary to ensure that the election staff can properly monitor the polling activities and safeguard the elections process.
- ii. The need to secure and monitor the activities generally conducted in an enclosed space is of the utmost concern. The enclosed space of a precinct begins at the poll pads and includes the voting area.

B. OCGA §21-2-408(d) (as amended by HB 1207 once it becomes law) states that poll watchers shall be allowed to sit or stand as close as is practicable to the observed activity to allow the poll watcher to see and hear the poll worker being observed. Examples of sitting or standing too close to be practicable include but are not

limited to, sitting or standing: 1) so close to a poll worker, voter, BMD or scanner that the poll watcher's presence interferes with a poll worker's duties, a voter's privacy or a voter's access to voting; or 2) at a location that would allow the poll watcher access to information or the voting process that is prohibited.

C. Permitted Activities

- i. Poll watchers may be permitted in the enclosed space for the purpose of observing the conduct of the election and the counting and recording of votes. OCGA §21-2-408(d).
- ii. Poll watchers may accompany and observe poll managers or their designees as they record the vote counter information on BMDs and scanners: 1) so long as voters are not using the voting machines; and 2) at the direction of the poll manager and in conjunction with poll workers' routine duties (and not solely upon request of the poll watcher).
- iii. Poll watchers may view documents listed in OCGA §21-2-72 unless otherwise restricted by statute. Such review shall be done in the presence of an Elections Office employee and only when the document is not otherwise in use.
- iv. Poll watchers shall immediately report observed infraction or irregularities to the Elections Office, not to the poll manager on site. OCGA §21-2-408(d).

D. Prohibited Activities---Poll watchers are prohibited from:

- i. Watching a voter cast a ballot or otherwise interfering with a voter's privacy. OCGA §21-2-568.1.
- ii. Talking to voters in the enclosed space. OCGA §21-2-408(d).

- iii. Attempting to influence, intimidate or block voters. OCGA §21-2-408(d); OCGA §21-2-566.
- iv. Interfering with election staff, poll workers, their duties or the election process. OCGA §21-2-408(d); OCGA §21-2-566.
- v. Intimidating poll workers or election staff. OCGA §21-2-408(d); OCGA §21-2-566.
- vi. Committing violations set forth in OCGA §21-2-566 (as amended by HB 1207 once it becomes law)
- vii. Viewing the list of electors, and therefore viewing poll pads or other documents that contain lists of electors. OCGA §21-2-408(d).
- viii. Viewing information that is restricted by OCGA §21-2-225(b)
- ix. Using photographic or other electronic monitoring or recording devices. OCGA §21-2-408(d).
- x. Using cellular telephones. OCGA §21-2-408(d).
- xi. Viewing the contents of voting machines. OCGA § 21-2-72.
- xii. Viewing records or items that compromise security OCGA 50-18-72(a)(25)(A)(iv), (v). Seals applied to voting equipment consist of security measures and therefore cannot be viewed by poll watchers.
- xiii. Participating in any form of campaigning that is prohibited by Georgia election laws and Cherokee County BOER policies within 150 feet of the polling place. OCGA §§ 21-2-

408(d), -413(d), -414(a). Topics that are prohibited include but are not limited to:

- A. candidates;
- B. campaign issues;
- C. slogans or messages;
- D. party platforms or ideals;
- E. any issue that appears on the ballot in the form of a referendum or question to the voters;
- F. the election process, except to ask reasonable questions of poll workers related to poll watcher duties to observe the process. OCGA §21-2-408(d).

xiv. Ignoring or violating the poll manager's directions or requirements. OCGA §21-2-408(d).

Violations of this policy after due warning may result in removal from the polling or counting location, submission of complaints to law enforcement or charges filed with the State Elections Board. OCGA §21-2-408(d).

III. Audit Monitoring

- A. Audit monitors will be provided a monitoring area that will allow them to observe auditing instructions and the auditing process.
- B. Audit monitors may not use photographic or other electronic monitoring or recording devices during the auditing process. OCGA §21-2-568.2.
- C. Audit Monitors may not interfere with the auditing process, intimidate auditors or attempt to influence auditors.
- D. Audit monitors may not view records, contents or items listed in the Prohibited Activities section above.

E. Violations of this policy after due warning may result in removal from the auditing location, submission of complaints to law enforcement or charges filed with the State Elections Board.

Adopted May 6, 2024

Steve Divine, Chair

Julie Glade, Vice Chair

Sheree Giardino, Secretary

John Wallace, Board Member

Larry Hand, Board Member

**CHEROKEE COUNTY BOARD OF ELECTIONS AND REGISTRATION
POLICY AGAINST CAMPAIGNING
IN OR NEAR POLLING LOCATIONS**

This policy is adopted in response to requests from election staff for guidance and clarification on what is considered prohibited campaign material on or near polling locations. Several incidences of campaigning and use of campaign slogans have arisen in the 2024 election cycle that warrant this guidance and clarification.

OCGA §21-2-414 prohibits the distribution or display of any campaign material within 150 feet of the outer edge of polling locations, within a polling location, or within 25 feet of any voter standing in line to vote at a polling location. The Election Code defines “campaign material” to include paraphernalia referring to a candidate on the ballot; a referendum on the ballot; or a political party whose nominee appears on the ballot. O.C.G.A. § 21-2-2(3.1).

Pursuant to these statutes, prohibited campaign material includes but is not limited to:

Photos, clothing, signs, flags, banners, stickers, buttons or similar displays, whether worn or carried by a voter or located on the voter’s vehicle, that depict or reference a candidate, an issue on the ballot, the Republican or Democratic Parties, or any other political party or political body that has a candidate on the ballot.

Campaign material need not reference a candidate or party’s name to constitute prohibited campaigning, if the material communicates a party- or candidate-specific slogan. Examples include references to:

- Make America Great Again, or MAGA
- Brandon, such as Let’s Go Brandon or Dark Brandon
- Woke, such as Don’t Vote Woke, or Vote Woke
- Aviator sunglasses that reference the election or 2024
- Paper Please (e.g., when the use of paper ballots is an issue included on the current ballot for voters to vote on)

Additionally, material that speaks to issues that are on the ballot shall also be prohibited. (For example, if sports betting is a topic for voters' input, a t-shirt referencing sports betting would be prohibited)

Material that references associations that do not have a candidate on the ballot is not prohibited. Examples:

Black Voters Matter Moms
for Liberty
National Rifle Association (NRA)

This list is not intended to be exhaustive, and items not listed above could be considered campaign material depending on the circumstances. Allowing or disallowing such items will be subject to the discretion of the Elections Director.

Voters appearing at the polling location with campaign material shall comply with the poll manager's directions. The voter shall be asked to completely cover the campaign messaging (e.g., by closing a jacket, turning a t-shirt inside out, removing buttons, leaving hats in the vehicle, etc.). Voters who arrive in vehicles showing campaign material shall be asked to cover or remove the material, or leave the vehicle at least 150 feet away from the polling location (and at least 25 feet away from the any voters in line).

If a voter refuses to comply with the poll manager's requests, the voter shall be allowed to vote, but the poll manager shall inform the voter that he or she shall be reported to the State Election Board for a possible violation. The poll manager shall record the voter's name, address, and details of the situation.

Interactions involving a voter's failure to comply with the poll manager's requests shall be reported to the Elections Director as early in the interaction as possible. Poll managers shall approach these interactions with professionalism and courtesy.

Adopted May 6, 2024



Steve Divine, Chair


Julie Glade, Vice Chair

Sheree Giardino, Secretary


John Wallace, Board Member
Larry Hand, Board Member

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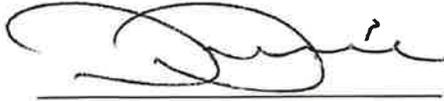
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Adopted May 6, 2024



Steve Divine, Chair



Julie Glade, Vice Chair



Sheree Giardino, Secretary



John Wallace, Board Member



Larry Hand, Board Member

Anne Dover

From: Julie R. Glade <[REDACTED]>
Sent: Monday, December 9, 2024 2:53 PM
To: Anne Dover; Glen Johnson; John Wallace; Larry Hand; Scott Little
Subject: [EXTERNAL] Fwd: Precertification Audit

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----- Forwarded message -----

From: Scott Little
Date: Thu, Oct 3, 2024 at 7:37 AM
Subject: Re: Precertification Audit
To: LARRY HAND <[REDACTED]>
Cc: John Wallace <[REDACTED]>, Anne Dover <[REDACTED]>
Glade <[REDACTED]>, Glen Johnson <[REDACTED]>

I think that it's wise to see where the rulings land and then assess. That will hopefully allow time for everyone to weigh in on the best solution.

On Oct 2, 2024, at 9:47 PM, LARRY HAND <[REDACTED]> wrote:

Let's continue to talk about this through the month. We could make a decision at the November meeting.

Sent from my iPhone
Larry Hand
[REDACTED]

On Oct 2, 2024, at 6:09 PM, John Wallace <[REDACTED]> wrote:

Julie:

I agree with your thinking on the matter, but I would like to see if barring any legal changes if we could settle on a small randomly selected number that the Board could count that day.

John

On Wednesday, October 2, 2024 at 05:55:29 PM EDT, Julie R. Glade

This has been a longstanding tension between the desire to verify the votes and the feasibility of doing so pre-cert. When the SEB approved the 'reasonable inquiry' rule that requires that we meet by Friday at 3pm to review documents, I had wondered if a very small number of ballots could be counted (by the Board) DURING this meeting since the BOE and the staff had to hassle with the meeting anyway—perhaps that would be the only activity we would accomplish at that meeting. The idea being that if we and staff have to be there anyway, it's not extra time that the BOE would impose on the staff. It's certainly still an imposition but mandated by the state.

I think this only works under certain circumstances:

1— A court requires us to comply with this new rule— If not, the rule could be seen as illegal, and we would not be complying, And therefore not conducting that Friday at 3 PM meeting.

2— If we end up having this meeting, I think 5000 ballots is too many. We audited a little over 9000 in a recent RLA and it took all day. It would have to be a much smaller number for five of us to be able to do it in a couple of hours, as well as to give the staff a break with respect to putting it together

One question is whether or not a small number of ballots helps with respect to Anne's concerns. I don't know the answer to that question.

I think it would be wise for us to hold off on making a decision on this until the dust settles with the court cases. It's very likely that we will receive direction from the courts, and at this point we simply don't know what that's going to be. I would hold off on making a decision on this at our October meeting, and work on it together by email, with the final decision on November 4. Otherwise, we could be spinning our wheels without knowing where this whole thing is going to land.

Sent from Gmail Mobile

On Wed, Oct 2, 2024 at 3:38 PM Anne Dover <adover@cherokeecountyga.gov> wrote:

Dear Board Members:

At the request of board chair elect, Glen Johnson, I am writing to you to express my concerns regarding a precertification audit.

On Wednesday, November 6th at 8:30 a.m. all Cherokee County elections team members will be involved in the canvassing and computation of the November 5th General Election returns, per OCGA 21-1-493. I am posting the code section below for reference. These canvassing and computation duties are **essential** to the certification of the election. This process must take place for us to have the necessary paperwork ready for the certification board meeting on Tuesday, November 12th as

Monday, November 11th is a State and County Holiday. During this process we are comparing machine tapes, recap sheets, number of registered voters, investigating any discrepancies, processing any late arriving UOCAVA ballots, investigating provisional ballots and securing over 500 pieces of election equipment still at the polling locations. We could possibly even be planning a runoff election. Because of the new SEB rule requiring us to have this paperwork completed by 3 p.m. for BOER review, our time to complete this process is even shorter. Furthermore, this rule makes no sense because we can accept UOCAVA, and provisional ballot cures up until 5 p.m. on that Friday after the election. So, any paperwork you are reviewing will not be final.

In my opinion, it is not in the best interest of Cherokee County Elections to conduct a pre-certification audit. Should you require this of the elections team, you will be putting the proper certification of this election in jeopardy. John mentioned to me in a previous conversation that we would just have to work harder. Working hard simply isn't the issue. We work extremely hard. Time is the issue. We need time and we need to be as rested as we can to make sure the certification paperwork is correct and in proper order for your review prior to signing those certification documents. Might I remind you that no one even attending our last hand count audit and the time before that there was a handful of people. The people in opposition of the Dominion voting equipment are not going to be satisfied with audits, they have stated this time and time again. They want the equipment gone.

One more caveat to this is the SEB rule requiring the hand count of the ballots in the scanner boxes election night and/or the day after. Should this rule stand, this is another duty that will require us to stray from our canvassing and computation duties. This counting of ballots would also take place in our multipurpose room where we currently conduct audits.

Please let this email stand as my record in opposition of this proposal. I prefer to answer any board questions or concerns via a group email rather than in front of a crowd of people at the board meeting as when I share my opposition publicly it puts me and my team in the crosshairs, and I prefer not to be in this position. It is stressful and quite honestly, I worry about our safety as people are becoming more and more passionate about their cause.

I would also like to point out that BOC Chairman Johnston has stated that he doesn't see the need for precertification audits. He supports

additional auditing at the time we conduct the required audit, which we have always done.

Great care is given when conducting an audit. This is not something we just haphazardly throw together. Should the BOER decide to move forward with a precertification hand count, the following will be needed:

1. Notification of the parties and assignment of monitors.
2. A location where the public can view with adequate tables and chairs in case we are counting ballots in our multipurpose room.
3. Transporting/chain of custody of ballots should we be unable to use our multipurpose room.
4. Misc. forms and signage for the tables.
5. Misc. office supplies and laptop.
6. Proper Oaths signed by audit teams and monitors.
7. Software/system for logging audit results.
8. (2) Ballot Custodians - deliver ballot boxes to audit team tables.
9. (2) Ballot Librarians - maintain chain of custody.
10. Auditing Teams – this would need to be determined depending on how many ballots are to be counted.

OCGA 21-1-493

- *(a) The superintendent shall, after the close of the polls on the day of a primary or election, at his or her office or at some other convenient public place at the county seat or in the municipality, of which due notice shall have been given as provided by Code Section 21-2-492, publicly commence the computation and canvassing of the returns and continue until all absentee ballots received by the close of the polls, including those cast by advance voting; provided, however, that such votes cast by advance voting shall be tabulated and the results reported by no later than 8:00 P.M. on such day or within one hour of the closing of all polls in such county, whichever occurs later, and all ballots cast on the day of the primary or election have been counted and tabulated and the results of such tabulation released to the public and, then, continuing with provisional ballots as provided in Code Sections 21-2-418 and 21-2-419 and those absentee ballots as provided in subparagraph (a)(1)(G) of Code Section 21-2-386 from day to day until completed. For this purpose, the superintendent may organize his or her assistants into sections, each of whom may simultaneously proceed with the computation and canvassing of the returns from various precincts of the county or municipality in the manner provided by this Code section. Upon the completion*

of such computation and canvassing, the superintendent shall tabulate the figures for the entire county or municipality and sign, announce, and attest the same, as required by this Code section.

- **(b)** *The superintendent, before computing the votes cast in any precinct, shall compare the registration figure with the certificates returned by the poll officers showing the number of persons who voted in each precinct, or the number of ballots cast. If, upon consideration by the superintendent of the returns and certificates before him or her from any precinct, it shall appear that the total vote returned for any candidate or candidates for the same office or nomination or on any question exceeds the number of electors in such precinct or exceeds the total number of persons who voted in such precinct or the total number of ballots cast therein, such excess shall be deemed a discrepancy and palpable error and shall be investigated by the superintendent; and no votes shall be recorded from such precinct until an investigation shall be had. Such excess shall authorize the summoning of the poll officers to appear immediately with any primary or election papers in their possession. The superintendent shall then examine all the registration and primary or election documents whatever relating to such precinct in the presence of representatives of each party, body, and interested candidate. Such examination may, if the superintendent deems it necessary, include a recount or recanvass of the votes of that precinct and a report of the facts of the case to the district attorney where such action appears to be warranted.*

Sincerely,

Anne

Anne Dover, Director

Cherokee County Elections & Voter Registration

phone: 770-479-0407, [\[voice.google.com\]](#) ext. 0223

[\[google.com\]](#)

mobile: 470-505-3081 [\[voice.google.com\]](#)

e-mail: adover@cherokeecountyga.gov

[193 Lamar Haley Parkway \[google.com\]](#)

[Canton, GA 30114 \[google.com\]](#)



<https://cherokeegavotes.com> [cherokeegavotes.com]

<image001.png>

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Julie R. Glade

[ce.google.com](#)] [[voice.google.com](#)] [[voice.google.com](#)] [[voice.google.com](#)]

Anne Dover

From: Julie R. Glade <jglade@cherokee.ga.gov>
Sent: Monday, December 9, 2024 2:43 PM
To: Anne Dover; Glen Johnson; Larry Hand; John Wallace; Scott Little
Subject: Fwd: Fw: [EXTERNAL] documents BOE 2023
Attachments: Orgchart_FY2021September_2021.pdf; <https://cherokeegavotes.com/wp-content/uploads/2022/08/GENERAL-CONDUCT-OF-THE-PUBLIC-IN-MEETINGS-revised-07202022.pdf>; Hb8031991.pdf; Did Cherokee Co. Election Attorney Repeatedly Lie To Board Before Audit Vote.pdf; BREAKING Cherokee County Election Board Attorney Threatens Board Members With \$5kVote Fine, Defeats Hand Recount Vote For May 24 Primary.pdf; 2013 Bylaws.pdf

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I received this email from Judy Griffin when she was working on responses to the prior ORR, a couple attachments state "hand count" so this is responsive

----- Forwarded message -----

From: Judy Z. Griffin
Date: Mon, Sep 23, 2024 at 8:25 AM
Subject: Fw: [EXTERNAL] documents BOE 2023
To: Julie Glade <jglade@cherokee.ga.gov>

[Sent from Yahoo Mail for iPhone \[overview.mail.yahoo.com\]](#)

Begin forwarded message:

On Tuesday, January 10, 2023, 3:47 PM, Anne Dover <adover@cherokeega.com> wrote:

From: Geoff Morton <gmorton@cherokeega.com>
Sent: Tuesday, January 10, 2023 1:42 PM
To: Anne Dover <adover@cherokeega.com>
Subject: FW: [EXTERNAL] documents BOE 2023

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County

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Geoffrey E. Morton, P.E.

County Manager

Cherokee County Board of Commissioners

1130 Bluffs Parkway | Canton, GA 30114

Direct: 678-493-6000 [voice.google.com] | Fax:
678-493-6013 [voice.google.com]

Email: gmorton@cherokeega.com
www.cherokeega.com



From: Ann O'Mara

Sent: Tuesday, January 10, 2023 1:33 PM

To: adavis@jarrard-davis.com; cragdale@cherokeega.com; Benny Carter
<bcarter@cherokeega.com>; Harry B. Johnston <hjohnston@cherokeega.com>;
rweatherby@cherokeega.com; swest@cherokeega.com; Geoff Morton
<gmorton@cherokeega.com>

Subject: [EXTERNAL] documents BOE 2023

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Julie R. Glade

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Content of Act/Resolution

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LOCAL AND SPECIAL ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1991

LOCAL AND SPECIAL ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1991

1991 Vol. 2 -- Page: 3830

Sequential Number: 080

Short Title: CHEROKEE COUNTY -- BOARD OF ELECTIONS AND REGISTRATION; CREATION.

Law Number: No. 105

Origin: (House Bill No. 803).

Type: AN ACT

To create a board of elections and registration for Cherokee County and provide for its powers and duties; to provide for the composition of the board and the selection, qualification, and terms of its members; to provide for resignation, succession, and removal of members and for filling vacancies; to provide for oaths and privileges; to relieve certain boards and officers of certain powers and duties and provide for the transfer of certain items to the newly created board; to abolish a certain board and officers; to provide for meetings and procedures; to provide for the elections supervisor and the powers and duties of such elections supervisor; to provide for board employees and their compensation; to provide for expenditures of public funds for certain purposes; to provide for compensation of the members of the board and elections supervisor; to

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provide for offices and equipment; to provide for the board's performance of certain functions and duties for certain municipalities; to provide for the meaning of certain terms; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the Cherokee County Board of Elections and Registration. The board shall have the powers and duties of the former Cherokee County Board of Elections relating to the conduct of primaries and elections and shall have the powers and duties of the board of registrars relating to the registration of voters and absentee balloting procedures.

- **Section 2.** (a) The board shall be composed of five members, each of whom shall be an elector and resident of Cherokee County.
- (b)
 - (1) Two members shall be appointed by the chairman of the county executive committee of the political party whose candidate at the last preceding regular general election held for the election of Governor, received the largest number of votes in this state for Governor, and two members shall be appointed by the chairman of the county executive committee of the political party whose candidate at such election received the next largest number of such votes; provided, however, each of such appointments shall have been ratified by a majority of the members of each of such respective executive committees voting at a regularly scheduled meeting of such executive committee or a meeting duly called and held for such purposes. In the event such appointments are not ratified by a majority of the members of such executive committees at least 60 days preceding the date on which such members are to take office, then the members of the respective executive committees may elect such members by a two-thirds majority of the membership of such executive committees at a regularly scheduled meeting or at a meeting duly called and held for such purposes. In the event the members of said executive committees fail to elect such members at least 30 days preceding the date on which such members are to take office then such member

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shall be appointed in accordance with the provisions of subsection (b) of Section 3 of this Act.

- (2) The person serving as chief registrar of Cherokee County, or his successor, in office on January 1, 1991, shall serve as the fifth member of the board until June 30, 1993. Effective July 1, 1993, the fifth member of the board shall be appointed by a majority vote of the other four members of the board. The initial appointed fifth shall be appointed not later than July 1, 1993. Any successor to such fifth member shall be appointed within 30 days of the party appointed members taking office. The fifth member shall be deemed to be a member at large and shall be the chairman of the board. Any appointment made under the provisions of this paragraph shall also be entered upon the minutes of the governing authority. The appointment of the member at large shall not be governed by the provisions of subsection (b) of Section 3 of this Act.
- (c) The first party appointed members of the board shall be appointed for initial terms of office beginning July 1, 1991, and ending December 31, 1994. The first appointed fifth member succeeding the chief registrar shall be appointed for an initial term beginning July 1, 1993, and ending December 31, 1994. After the initial terms of office, successors to members whose terms are to expire shall be appointed to take office on the first day of January immediately following the expiration of a term of office and shall serve for terms of four years each and until their successors are duly appointed and qualified.
- (d) No person who holds public office, whether elective or appointive, shall be eligible to serve as a member of the board during the term of such office, and the position of any member of the board shall be deemed vacant upon such member's qualifying as a candidate for elective public office or appointment to public office.

- **Section 3.** (a) The appointment or election of each member shall be made by the respective appointing or electing authority's filing with the clerk of the Superior Court of Cherokee County an affidavit which states the name and residential address of the person appointed or elected and certifies that such member has been duly appointed or elected as provided in this Act. The affidavit for the member who has been appointed as chairman of the

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board shall also specify that member's chairmanship. The clerk of the superior court shall record each of such certifications on the minutes of the court and shall certify the name of each such member to the Secretary of State and provide for the issuance of appropriate commissions to the members and chairman within the same time and in the same manner as provided by law for registrars.

- (b) If any appointing or electing authority does not, in conformity with this Act, certify an appointment or election to the board within 30 days after the beginning of a term of office or within 30 days after the creation of a vacancy in that office, then the judge of the Probate Court of Cherokee County shall immediately fill that vacancy by making the appointment thereto and shall certify it as provided in this section. Any person appointed to fill a vacancy shall serve out the unexpired term of office.

Section 4. Each member of the board shall be eligible to succeed himself or herself without limitation and shall have the right to resign at any time by giving written notice of his or her resignation to the appointing or electing authority and to the clerk of the Superior Court of Cherokee County. Each member shall be subject to removal from the board by the governing authority of Cherokee County at any time, for cause after notice and hearing, in the same manner and by the same authority as provided for removal of registrars.

Section 5. Except as provided in subsection (b) of Section 3 of this Act, in the event a vacancy occurs in the office of any member of the board by removal, death, resignation, or otherwise, except by expiration of term, the respective appointing or electing authority which appointed or elected the member whose position is vacant shall appoint or elect a successor for the remainder of the unexpired term. The clerk of the superior court shall be notified of interim appointments or elections and record and certify such appointments or elections in the same manner as the regular appointment or election of members.

Section 6. Before entering upon his or her duties, each member of the board shall take substantially the same oath as required by law for registrars. Each member of the board shall have the same privileges from arrest as registrars.

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Section 7. On July 1, 1991, the election superintendent of Cherokee County and the board of registrars of Cherokee County shall be relieved from all powers and duties to which the board succeeds by the provisions of this Act; and they shall deliver thereafter to the chairman of the board, upon his or her written request, the custody of all equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining to such powers and duties. Also, at such time, the election superintendent of Cherokee County and the board of registrars and the office of chief registrar of Cherokee County shall be abolished.

- **Section 8.** (a) The board shall be authorized to organize itself, elect its officers, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise take such action as is appropriate to the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law.
- (b) Action and decision by the board shall be by a majority of the members of the board.
- **Section 9.** (a) This board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction. The board shall hold regular monthly meetings to be held at the county courthouse. Any special, called meetings, held pursuant to the bylaws adopted by the board, shall be held only after written notification of the time and place of the holding of such meeting has been communicated in writing to the person designated by the county governing authority to provide public information. All meetings of whatever kind of the board shall be open to the public.
- (b) The board shall maintain a written record of policy decisions that shall be amended to include additions or deletions. Such written record shall be made available for the public to review.
- **Section 10.** (a) The board shall be responsible for the selection and appointment of an administrative director to be known as the elections supervisor to administer and supervise conduct of elections, primaries, and registration of electors for the county. The elections supervisor shall serve at the pleasure of the board. The board shall act within 60 days of its members taking

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office under this Act to retain or appoint an elections supervisor who shall be hired by the board from a job description drawn by said board.

- (b) In the event the board fails to appoint or retain an elections supervisor to fill a vacancy within the time specified in subsection (a) of this section, an acting elections supervisor who shall fill temporarily such vacancy shall be appointed by the governing authority to serve until the board fills the vacancy.

Section 11. The board shall be authorized to employ such full-time and part-time employees, including a full-time chief clerk, as the board shall deem necessary. The governing authority of Cherokee County shall have the right to approve the hiring of any such employee.

Section 12. With the consent of the governing authority of Cherokee County, the board of elections and registration shall be authorized to expend public funds for the purpose of distributing sample ballots, voter information booklets, and other material designed to inform and instruct adequately the electors of the county with regard to elections. No material distributed by the board shall contain or express, in any manner or form, any commentary or expression of opinion or request for support with respect to any political issue or matter of political concern.

Section 13. Compensation for the members of the board, employees of the board, and the elections supervisor shall be fixed by the board with the approval of the governing authority of Cherokee County. Such compensation shall be paid from county funds.

Section 14. The governing authority of Cherokee County shall provide the board and the elections supervisor with proper and suitable offices and equipment.

Section 15. The board is authorized to perform for any municipality located wholly or partially within Cherokee County any functions and duties which election superintendents and boards of registrars are authorized by general law to perform on behalf of municipalities under such conditions as provided by general law.

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Section 16. The words "election," "elector," "political party," "primary," "public office," "special election," and "special primary" shall have the same meaning ascribed to those words by Code Section 21-2-2 of the O.C.G.A., unless otherwise clearly apparent from the text of this Act.

Section 17. This Act shall become effective on July 1, 1991, except that for purposes of making initial appointments to the board, it shall become effective upon May 1, 1991.

Section 18. All laws and parts of laws in conflict with this Act are repealed.

NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION

Notice is given that there will be introduced at the regular 1991 session of the General Assembly of Georgia a bill to create a board of elections and registration for Cherokee County and provide for its powers and duties; to provide for the composition of the board and the selection, qualification, and terms of its members; to provide for resignation, succession, and removal of members and for filling vacancies; to provide for oaths and privileges; to relieve certain boards and officers of certain powers and duties and provide for the transfer of certain items to the newly created board; to abolish a certain board and office; to provide for meetings and procedures; to provide for the elections supervisor and the powers and duties of such elections supervisor; to provide for board employees and their compensation; to provide for expenditures of public funds for certain purposes; to provide for compensation of the members of the board and elections supervisor; to provide for offices and equipment; to provide for the board's performance of certain functions and duties for certain municipalities; to provide for the meaning of certain terms; to provide for effective dates; to repeal conflicting laws; and for other purposes.

This 18th day of Jan. 1991.

/s/ Steve Stancil Honorable Steve Stancil Representative, 8th District

GEORGIA, FULTON COUNTY

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Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Steve Stancil, who, on oath, deposes and says that he is Representative from the 8th District, and that the attached copy of Notice of Intention to Introduce Local Legislation was published in the Cherokee Tribune which is the official organ of Cherokee County, on the following date: January 23, 1991.

/s/ Steve Stancil Representative, 8th District

Sworn to and subscribed before me,

this 29th day of January, 1991.

/s/ Connie S. Guzzetti
Notary Public, Clayton County, Georgia
My Commission Expires Oct. 26, 1993
(SEAL)

Approval Date: Approved April 4, 1991.

[Previous](#)

[Next](#)



Anne Dover
Director

2782 Marietta Hwy., Suite 100
Canton, Georgia 30114
Phone: 770-479-0407

Board of Elections & Registration

GENERAL CONDUCT OF THE PUBLIC IN MEETINGS

- 1) Anyone who wants to speak must first complete a sign-in sheet. This sign-in sheet will be available thirty (30) minutes prior to the convening of the Board Meeting. The speaker's full name and address is required. Speakers will be given three (3) minutes to comment. Thirty (30) minutes will be allotted for public comments. Citizens may submit additional concerns in writing to the members of the Board.
- 2) Speakers should be aware that their public commentary may be broadcast live, filmed, photographed or recorded.
- 3) All comments and questions to the Board of Elections and Registration shall be addressed to the Board as a whole and not to an individual Board Member.
- 4) All cell phones and other communications devices shall be turned off or switched to silent mode.
- 5) All meeting attendees must be silent during the meeting while business is conducted.
- 6) All meeting attendees must conduct themselves in a respectful manner.
- 7) Personal attacks and derogatory or inappropriate remarks are not permitted.
- 8) All meeting attendees shall refrain from discussing politics or expressing disdain towards a particular party.
- 9) No meeting attendees shall interrupt the person speaking.
- 10) The Board will not permit anyone to become personally abusive of individual Board Members or employees.
- 11) Any person who willfully violates these guidelines may forfeit the remainder of their speaking time and/or may be escorted from the meeting.
- 12) The Board will not respond to comments or questions posed by citizens in their presentations but will take those comments and questions under advisement.

The Georgia Record

Johns Creek Post



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Did Cherokee Co. Election Attorney Repeatedly Lie To Board Before Audit Vote?

Staff August 2, 2022 22 Comments



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GA Election Series #20

On Monday August 1st, The Cherokee County Board of Elections met in Canton, Georgia to consider a non-partisan request by the Republican county chairman to audit the Governor and Secretary of State's (SOS) race from the 2022 primary. Over 200 people filled the new Bluffs Parkway auditorium to capacity. The vast majority of those there supported the audit of those controversial Republican primary races. The board and Elections Director Ann Dover previously conducted an audit of the 2022 runoff and have been more supportive of election transparency than most other Georgia counties.

Cherokee residents had lobbied hard for the audit and were hopeful a motion to conduct it would pass. However, attorney Ann Brumbaugh was allowed to make a variety of false and intimidating statements in a six minute attack on the very board that employs her. Brumbaugh, who formerly worked for the SOS office and State Election Board is now under contract to the Cherokee County board. After her attack, the board voted 3-1 for a motion made by Rachael Kinsey to deny the audit. Only board member Mike Byrd opposed the motion.

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We are providing the audio of Brumbaugh's comments so you can make your own decision but we have found twelve false or deceptive statements that intimidated the board into voting against an audit.

These statements with an explanation of their deceptive nature are:

1. "You have no unsealed ballots to vote on" - The board was voting to submit a court order to make sealed ballots public, not to vote on unsealed ballots.
2. "This is going to become a contested case" - Brumbaugh has no way to know that unsealing the ballots may become contested unless she has inside information on corrupt plans and activities to block election transparency in Cherokee County.

-10%

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3. "We are in active litigation and therefore, you cannot audit those ballots" - The board can vote to request a court order to unseal ballots and then conduct an audit whether or not there is active litigation, which is irrelevant.
4. "The SOS office has tremendous power over this body (Cherokee board of elections)" - Georgia counties are legally responsible for county election results, not the SOS. The SOS office has no power over a superior court order to unseal ballots.
5. "They [SOS office] have the power to assess \$5,000 per ballot fines" - The State Election Board only has power to assess a \$5,000 fine for a violation of law and has no power to assess fines to those obeying a court order to unseal ballots so that an audit can be conducted.
6. "If they find that this body committed too many violations in too short of time you all can be gone and the SOS office and the SEB can put a single person in to run elections in Cherokee County" - Voting to request a court order to unseal ballots and conduct an audit does not violate Georgia election law. Fulton County is still operating their elections despite several violations of Georgia election law.

-56%

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7. "There were no significant problems. The machines worked." - A hand count of the DeKalb District 2 Commission 2022 primary proved that candidate Michelle Long Spears was shorted over 3,000 votes, candidate Marshall Orson was credited with over 1,400 votes

he did not actually receive, the voting system failed to count over 1,800 votes and the system selected the wrong winners. In Fulton County the voting system initially credited withdrawn candidate Linda Arnold with 3,317 votes even though her name was never printed on any Fulton ballot!

8. "There is an absence of factual basis to conduct an additional audit". The voting system failures described above in DeKalb and Fulton counties form a factual basis to conduct an audit. In addition, audit monitors in Cobb County found that the system may have added 15% more votes to Secretary of State Brad Raffensperger's totals than what he actually received. That is one of the two races the board was requested to audit.

9. "There has been no allegations that those machines stopped working on May 24" - On the contrary, the [pending litigation](#) that Brumbaugh referenced contains the exact allegations that the machines did not work correctly as mentioned above. She had to know that since she referenced it.

10. "There is no point to audit ballots that have already been audited"- No Election Day or mail-in ballots were ever audited for the Cherokee County 2022 Primary. Only the in-person selection summaries from the Oak Grove advance voting location were audited. That is why the audit is needed.

11. "There is no reason to conduct an additional audit" - Secretary Raffensperger purchased an unverifiable QR coded voting system against the will of many Georgians and the [U.S. District Court subsequently ruled](#) on Oct. 11, 2020 the system violates two Georgia laws. The secretary appealed the decision and continued to use the system for the 2022 primaries. After Open Records Requests (ORR) were filed for ballot copies on the May 24, 2022 election night, his office falsely threatened counties to prevent them from fulfilling those ORRs. He then certified results of his own election that vastly exceeded his poll projections. The voting system gave him 51% of the vote when he had only polled between 18 and 39%. Those coupled with the voting system failure are reasons to conduct an audit on the SOS race. Voters must have a complete, honest, transparent election to re-establish their trust in the system.

12. "There are significant legal risks to this board should they go forward with this audit" - There is actually more risk in not going forward with the audit since litigation has been filed against the county to unseal the ballots just exactly as the Cherokee County Elections Board was trying to do on its own. If the audit is conducted, it resolved pending litigation.

Brumbaugh, a Democrat from DeKalb County and former Obama campaign contributor, was hired by the Republican majority Cherokee County Election board and [paid in part with "Zuckerbucks"](#) funded by the Center for Technology and Civic Life (CTCL). [The movie Rigged 2020](#) documents how Facebook's Mark Zuckerberg and his wife Priscilla Chan spent \$330 million to create CTCL and essentially rig the 2020 election. They hired CTCL policy director David Plouff, a former Obama campaign manager who authored the book entitled: "A Citizens Guide to Beating Donald Trump". Their money bribed counties to accept partisan "get out the vote" efforts, drop boxes for ballot harvesters and technical resources to control election systems. If counties did not comply they were obligated to return any money accepted. Now we know that the same money was also used to partly fund a Georgia attorney who is covering up another potentially rigged Georgia election.

On Monday, Brumbaugh [violated her oath of office](#) to "honestly, justly and uprightly conduct myself", She also appears to have clearly violated [State Bar Rules 3.3 \(a\)](#) that require her to not "knowingly make a false statement of fact to a tribunal, not "knowingly fail to disclose a material fact to the tribunal" and not "To be directly adverse to the position of the client".

So here is our message to the Cherokee County Election Board: When an election attorney makes a dozen false or misleading public statements in six minutes to intimidate the board into defying the will of the people it is time for a new election attorney who can better represent the people of Cherokee County in an honest, just and upright manner that is not adverse to their interests.

- **BREAKING: Cherokee County Election Board Attorney Threatens Board Members With \$5k/Vote Fine, Defeats Hand Recount Vote For May 24 Primary**
- **Rivian Lays Off 6% Of Workforce, Close To 1k Jobs**

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22 comments on “Did Cherokee Co. Election Attorney Repeatedly Lie To Board Before Audit Vote?”

Susan says:

August 2, 2022 at 5:40 pm

This sounds like a lot of nonsense to me. They can't win if they don't cheat and it's obvious if you are so scared of an audit and lie, then you have got to be afraid of what an audit would show. Time to run these cheaters right out of town. If she is a lawyer I would be surprised. She sounds like a lawyer from a 5 and dime. How embarrassed to have this one as a daughter

[Reply](#)

Kevin says:

August 2, 2022 at 5:58 pm

Good Heavens. We all know that women shouldn't be lawyers and this is a PRIME example.

She should be drawn and quartered.

[Reply](#)

D3F1ANT says:

August 2, 2022 at 6:46 pm

Democrats and RINOs are on the "correct" side of the political landscape, and so are allowed to lie, cheat, and steal (and worse) to run circles

Democrats and RINOs are on the "correct" side of the political landscape, and so are allowed to lie, cheat, and steal (and worse) to run circles around good-hearted, patriotic Americans.

[Reply](#)

Fed up says:

August 2, 2022 at 6:47 pm

who at Cherokee Elections hired her or recommended her?

[Reply](#)

Anonymous says:

August 2, 2022 at 6:47 pm

Time to report her to the Bar

[Reply](#)

Michael says:

August 2, 2022 at 6:56 pm

Keep up the pressure on this sleezy crook who can't live up to her oath!

[Reply](#)

Teresa Havens says:

August 2, 2022 at 7:41 pm

The election integrity attorney needs to be disbarred for lying to this board repeatedly in just 6 minutes. Fire her and any monies paid by taxpayers to bring about the fair election results of all the candidates needs to be her fine in addition to jail time.

[Reply](#)

Boyd says:

August 2, 2022 at 8:54 pm

The BOE needs to reconvene and let the audit proceed and the BOC needs to abandon the "machines" and go back to holding elections on paper with no need for any machines!

[Reply](#)

Lyudmila says:

August 2, 2022 at 11:48 pm

12 . 12 . "Cherokee Co Elections Attorney Ann Brambo is a scammer! And this is the main point !

[Reply](#)

Joey says:

August 3, 2022 at 12:15 pm

4045278700

Georgia state bar use your fingers n file a complaint use this doc as your template

[Reply](#)

Gary Chaffee says:

August 3, 2022 at 12:21 pm

She did lie and needs to spend alot of time in prison.

[Reply](#)

Gary Chaffee says:

August 3, 2022 at 12:28 pm

Why would the Cherokee County BOE hire an Obama contributor and democrat from Dekalb County???

[Reply](#)

Francis Nadspal says:

August 3, 2022 at 12:31 pm

Why would a Republican controlled Board hire a Dekalb Democrat attorney to represent them?? ho put this shyster up for nomination??

[Reply](#)

Monte Bores says:

August 3, 2022 at 4:15 pm

Well, I hope we-the-people get to vote on the final policy of guidelines for future elections that they come up with. I certainly don't expect it to be a bit more voter friendly than the BOE members were to us during that meeting.

[Reply](#)

Richard Jordan says:

August 3, 2022 at 6:44 pm

Mike Byrd was responsible for hiring the Dekalb County Democrat Attorney. As a long time friend (former friend) I ask Mike why and who recruited her to represent the people of Cherokee County. He stated, "we knew she was highly qualified as the best attorney to protect the BOE in Election Integrity issues" Ann Dover stated that, "the attorney was hired because we had a public input comment from a lone elector who stated he could sue the BOE." So, they "lawyered up" to protect themselves. Ann Dover stated that she just wants to get through the next few years before retiring so she can receive her full pension benefit compensation. Why not purpose to represent the Electors to ensure integrity!

[Reply](#)

lildeb says:

August 3, 2022 at 7:39 pm

To anyone who has read SB202, it is obvious that Brumbaugh's comments were astonishingly misleading and without merit.

Secretary of State no longer is a participating member of the State Election Board, he is an ex officio, nonvoting member so it is not him who can order fines or removals. Upon the request of the SBOE, the SOS will participate in investigations.

The Cherokee BOE has done nothing that would prompt a fine or removal of the board as they must have, violated State Board Regulations and rules for at least two elections within a two-year period, demonstrated nonfeasance, malfeasance, or gross negligence in the administration of the elections.

Requesting the unsealing of ballots to perform an audit of the sealed paper ballots isn't a crime, nor does it go against rules or regulations. If the County Elections board can't ask a judge to unseal the ballots, in order to verify an election, who can? Brumbaugh's legal position on the unsealing of the ballots was pure idiocy!

[Reply](#)

Natalie says:

August 3, 2022 at 10:16 pm

I hope all other counties in GA keep all these points in mind and do the right thing...allow a hand count of the ballots. Hopefully they'll see through all the lies made by this attorney.

[Reply](#)

Susan W. says:

August 4, 2022 at 7:34 am

So what happens now? The Chairman of the CCRP says it's over, sit down and shut up and vote for the R nominees in November. I won't be renewing my party membership again.

[Reply](#)

Trevor Waltho says:

August 4, 2022 at 6:08 pm

Enough of this complaining, someone go after her bond or the board of election bond and sue them! Don't take this crap any more. THEY ARE STILLING OUR COUNTRY AND FREEDOMS. These attorneys are no better than used car salesman!!

[Reply](#)

Tim says:

August 7, 2022 at 7:18 am

They let someone scare them into not doing their rightful duty?don't they of all people know the rules and regulations of their own jobs?this is crap!

[Reply](#)

Anonymous says:

August 18, 2022 at 9:21 am

Consider why this Republican county BOE hired her. It was all for show. As was the risk limiting audit. Why the show? Who is hiding what?

[Reply](#)

Tom Lyle says:

August 21, 2022 at 1:54 pm

The contest cites evidence collected from a VoterGA monitoring team during a June 6 Cobb Co. hand count audit. The team monitored most Election Day ballots in the Vinings 04 precinct and found Raffensperger received about 53% of the Republican Election Day SOS votes while the Dominion voting system awarded him 68.4% of those votes. Thus, the Dominion software attributed about 15% more votes to Raffensperger's electronic totals than the actual paper ballots seem to show. Since county tabulators are prepped centrally

under the jurisdiction of the SOS office and vulnerable to a single point of attack, there is a significant risk that all tabulators statewide awarded extra votes to Raffensperger which helped him avoid an expected runoff.

CISA has kept under wraps for almost a year a report from University of Michigan computer scientist J. Alex Halderman claiming the Dominion ImageCastX has vulnerabilities that could be exploited. The report was sealed by Federal Judge Amy Totenberg in the Curling v. Raffensperger case that has been ongoing since 2019.

ZUCKER BUCKS NOTICE GEORGIA NUMBER 1 45 Million Dollars. Who in Georgia took that 45 Million? Where is the investigation into this ?

Total CTCL Grants by State

State Total CTCL Grants Population (2020) Per Capita

GA	45,013,990	\$ 10,711,908	\$ 4.20
TX	38,621,136	\$ 29,145,505	\$ 1.33
NY	25,811,323	\$ 19,835,913	\$ 1.30
PA	25,011,085	\$ 13,002,700	\$ 1.92
CA	21,800,648	\$ 39,538,223	\$ 0.55
NJ	21,340,276	\$ 9,288,994	\$ 2.30
MI	16,862,654	\$ 10,077,331	\$ 1.67
FL	16,040,950	\$ 21,538,187	\$ 0.74
WI	10,108,644	\$ 5,893,718	\$ 1.72
OH	7,518,652	\$ 11,799,448	\$ 0.64
NC	7,188,264	\$ 10,439,388	\$ 0.69
MN	7,169,406	\$ 5,707,390	\$ 1.26
KY	7,114,078	\$ 4,505,394	\$ 1.58
MO	6,802,914	\$ 6,154,913	\$ 1.11
MD	6,195,787	\$ 6,177,224	\$ 1.00
IL	5,646,844	\$ 12,812,508	\$ 0.44
SC	5,373,219	\$ 5,118,425	\$ 1.05
AZ	5,169,724	\$ 7,151,502	\$ 0.72
IA	4,436,775	\$ 3,190,369	\$ 1.39
VA	\$ 3,733,823	8,631,393	\$ 0.43
MS	3,703,777	\$ 2,961,279	\$ 1.25
NM	3,263,077	\$ 2,117,522	\$ 1.54
MA	2,923,321	\$ 7,029,917	\$ 0.42
WA	2,849,931	\$ 7,705,281	\$ 0.37
NV	2,671,515	\$ 3,104,614	\$ 0.86
ME	2,573,157	\$ 1,362,359	\$ 1.89
OK	2,490,055	\$ 3,959,353	\$ 0.63
AL	\$ 2,451,843	5,024,279	\$ 0.49
KS	2,230,628	\$ 2,937,880	\$ 0.76
MT	2,096,878	\$ 1,084,225	\$ 1.93
IN	2,043,365	\$ 6,785,528	\$ 0.30
CT	1,871,932	\$ 3,605,944	\$ 0.52
OR	1,572,146	\$ 4,237,256	\$ 0.37
AR	1,306,012	\$ 3,011,524	\$ 0.43
LA	1,128,000	\$ 4,657,757	\$ 0.24
CO	748,724	\$ 5,773,714	\$ 0.13
ID	712,289	\$ 1,839,106	\$ 0.39
DC	617,613	\$ 689,545	\$ 0.90
RI	581,865	\$ 1,097,379	\$ 0.53
HI	490,985	\$ 1,455,271	\$ 0.34
NE	404,585	\$ 1,961,504	\$ 0.21
TN	382,962	\$ 6,910,840	\$ 0.06
UT	295,611	\$ 3,271,616	\$ 0.09
ND	261,052	\$ 779,094	\$ 0.34
SD	255,231	\$ 886,667	\$ 0.29
NH	213,502	\$ 1,377,529	\$ 0.15
VT	77,269	\$ 643,077	\$ 0.12
AK	50,000	\$ 733,391	\$ 0.07

Total: 327,227,517 \$ Average: 0.87 \$

Note: Wyoming and West Virginia were not listed in CTCL's Form 990, so they presumably didn't receive any grants.

Source: Grant data from CTCL 2020 Form 990, Schedule I. Population data from U.S. Census Bureau.

George Soros just named Lord Mark Malloch-Brown as president of Open Society Foundation. Brown is the former CEO of Smartmatic, the company deeply tied to voter fraud company Dominion Voting Systems.

Nothing to see here. Biggest left wing donor in the world promotes Lord Mark Malloch-Brown / Dominion machines to President of Open Society (the biggest Non Profit organization promoting left wing BLM, Stacey Abrams, Antifa, Left wing Attorney General and much more. Dominion Machines are directly tied to left wing Soros. NO CORRUPTION HERE. NOTHING TO SEE HERE

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Cherokee County, Georgia Board of Elections and Registration

Rules of Procedure, Regulations, and By-Laws of the Cherokee County Board of Elections and Registration

Preamble

The Cherokee County Board of Elections and Registration, to fulfill its obligations under the law to the citizens of Cherokee County, does hereby establish and adopt the Rules of Procedure, Regulations and By-Laws of The Cherokee County Board of Elections and Registration.

Article 1: Name

As provided by law, H.B. no. 803 Act no. 105 signed April 4, 1991, the name of this body is "The Cherokee County Board of Elections and Registration." ("The Board").

Article 2: Purpose

The Board shall have jurisdiction over the conduct of primaries and elections and the registration of electors in Cherokee County.

Article 3: Members

The Board shall be composed of five members, each of whom is an elector and a resident of Cherokee County and is appointed as provided by law in H.B. 803 Act no. 105.

Article 4: Officers

The officers of The Board shall be a Chairman, Vice-Chairman and Secretary. The officers shall be elected by the members of The Board by majority vote and shall serve a term of four years or until their successor is elected and qualified. The officers shall perform the duties prescribed by these rules in Article 5.

Article 5: Duties of Officers

Chairman:

It shall be the duty of the Chairman to preside over the monthly meetings of The Board and all other special called meetings, to appoint committees as necessary to accomplish the work or goals as directed by The Board, to work with all committees when requested to do so by the Chairman of the committee. The Chairman of The Board shall have the authority to call meetings of The Board as he shall deem necessary to set goals, plan or accomplish work and shall be in charge of press releases to keep the public informed through the news media as directed by The Board. The Chairman shall be a voting member of The Board and shall have the same privileges as all other members to make and second motions.

Vice-Chairman:

It shall be the duty of the Vice-Chairman to serve as assistant to the Chairman and shall perform the duties of the Chairman in his absence.

Secretary:

It shall be the duty of the Secretary to keep a complete and accurate record of all the work of The Board, to take notes and write the minutes of all regular and called meetings, to write letters when directed to do so by the Chairman, to furnish copies of approved minutes to be kept in the Elections and Registration Board Office for public record.

Special Committees:

It shall be the duty of the Chairman of all special committees appointed by the Chairman of this board to have planning meetings and to work as necessary to complete the project in a timely manner to meet the required schedule, to keep records and to report accomplishments, percentage complete and expected completion date at each regular board meeting until completed, and to request assistance as needed.

Article 6: Meetings

The Board shall hold regular monthly meetings at the Albert L. Stone Election Building. Said meetings shall be held on the first Monday in each month at 9:30 AM in the County Conference Room. Special meetings may be called by the Chairman, by the Vice-Chairman if the Chairman is incapacitated or out of county, or at the request of two (2) board members. All meetings must be open and written notice must be given to the person designated by the county governing authority to provide public information and all meetings shall be advertised in compliance with the Georgia Open Meeting Law. A quorum shall consist of three members. Any member of The Board failing to attend two (2) consecutive regular meetings without prior proper notification to the Chairman or Vice-Chairman shall be replaced. The Board will give written notification to the member involved in this action and replacement will take place in accordance with H.B. no. 803 Section 5.

Article 7: Special Meetings

The Board shall hold special meetings as required.

Article 8: Employees

The employees of The Board shall be the Elections and Registration Supervisor who shall be appointed by and serve at the pleasure of The Board, and such other clerical and professional personnel as may be required to fulfill the responsibilities and functions of The Board (H.B. no. 803 Section 10).

Article 9: Responsibilities

(A) **The Board:** The Board shall be responsible for providing policy and direction to the Elections and Registration Supervisor concerning the conduct of primaries and elections, the registration of electors and the general operation of the Elections and Registration Office. (H.B. 803).

(B) **Elections and Registration Supervisor:** The Elections and Registration Supervisor, as director of the voter Elections and Registration Office, shall be responsible for the day-to-day operations of the office and the direct supervision of its employees, the preparation for and conduct of all primaries and elections and the registration of electors in Cherokee County. Specific duties of this position are enumerated in a Job Description.

(C) **Administrative Support:** The governing authority of Cherokee County shall be responsible for providing office and storage space, budget, funds necessary to conduct all primaries and elections, voter registration, compensation of poll officers, custodians, and other assistants and employees required. Expenditures for polling places, purchase of ballots and all other election supplies The Board considers necessary to operate this office as required by Georgia Law. Maintenance of voting equipment and all other expenses arising out of the performance of the duties of The Board of Elections and Registration per Georgia Code 21-2-71 and H.B. no. 803, Act no.105.

(D) **Supervisory Relationships:** Supervisory relationships are as shown on an Organizational Chart which is to be revised as needed under direction of The Board.

Article 10: Parliamentary Authority

The rules contained in **Robert's Rules of Order**, newly revised, shall govern The Board in all cases to which they are applicable and in which they are not inconsistent with these rules or any provision of law.

Article 11: Amendments

These by-laws may be amended by a majority vote of The Board at any regular meeting at which notice of such change of or amendment to the rules was given at least five(5) working days prior to such meeting. If no notice was given, the proposed changes to the rules shall be voted upon at the next or a subsequent regular meeting after their introduction.

Article 12: Conflict of Rules

To the extent that any rule herein shall conflict with any provision of law, such rule shall be void and all other rules shall have full force and effect.

Revised by the by the Cherokee County Board of Elections and Registration at its regular meeting February 4, 2013.

Cherokee County, Georgia Board of Elections and Registration

**Rules of Procedure, Regulations, and By-Laws of the Cherokee County
Board of Elections and Registration**



Randy Gravley, Chairperson



Cindy Castello, Vice Chairperson



Helmut Baxter, Board Member



Frankie Shepherd, Board Member



Donald Sams, Board Member

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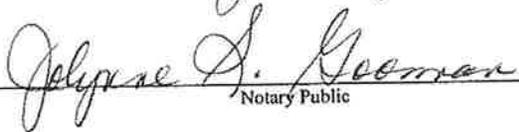
STATE OF GEORGIA – County of Cherokee

Before me, the undersigned; a Notary Public, this day personally came **Otis Brumby III**, who, being duly sworn, according to law, says that he is the **General Manager** of *Times Journal, Inc.*, publishers of the *Cherokee Tribune*, official newspaper published in said county and State, and that the publication, of which the annexed is a true copy, was published in said paper on the 23rd day(s) of January, 2013, and on the _____ day(s) of _____ 20____, as provided by law.



Subscribed and sworn to before me this

23rd day of January, 2013



Notary Public

My commission expires Sept. 15, 2014



CHEROKEE COUNTY ELECTIONS & REGISTRATION NOTICE OF BY-LAW CHANGE

This is to notify all interested parties that the Cherokee County Board of Elections is making a by-law change in accordance with HB 803 section 9 (adopted 1991).

The change to Article 6 shall read: The Board shall hold regular monthly meetings at the Albert L. Stone Elections Building. Said meetings shall be held on the first Monday in each month at 9:30 AM in the County Conference Room.

Anne Dover

From: Julie R. Glade ·
Sent: Monday, December 9, 2024 2:45 PM
To: Anne Dover; Glen Johnson; Larry Hand; John Wallace; Scott Little
Subject: [EXTERNAL] Fwd: No, Georgia Officials will NOT be Hand Counting Votes on Election Night

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Not sure why, but I received this Sept 24 email from Coalition for Good Governance, mentions "hand count"

----- Forwarded message -----

From: Coalition for Good Governance <marilyn-uscgg.org@shared1.ccsend.com>
Date: Tue, Sep 24, 2024 at 5:18 PM
Subject: No, Georgia Officials will NOT be Hand Counting Votes on Election Night
To: <



[View as Webpage \[h9bm7cjab.cc.rs6.net\]](#)



NO ONE WILL BE "HAND COUNTING" VOTES IN GEORGIA!

September 24, 2024

That's right. Despite recent media reports, Georgia poll workers will **not** be "hand counting" votes on Election Night—an unwise process that would indeed take many hours. In fact, poll workers are *neither permitted nor*

required to hand count votes under the new poorly drafted  **rule** [\[h9bm7cjab.cc.rs6.net\]](#). This rule to account for all ballots cast can help **reduce** certain "election rigging" conspiracy lies and canvassing delays. The key points are summarized here, with detail provided in FAQ's below.

-Misleading Language: The reckless use of the term “*hand counting ballots*” is fueling unnecessary hyper-partisan rancor and confusion. The truth? Votes will be counted only by *scanner/tabulators* at polling places, just as they have been since 2020. “Hand counting ballots” is widely understood to mean manually counting the *votes* on the ballots, --not the simple chain of custody requirement in this rule.

-What the New Rule Actually Requires: Poll workers are required to count the number of *ballots* before ballots and memory cards are delivered to the central Election Office on Election Night. They are *not* counting the votes on those ballots—*just the number of ballots*.

-A Quick Process: Counting the *number of ballots* takes about one to two seconds per page. With fewer than 600 ballots on average per precinct in the November 2022 election, the entire process for a similar turnout would take about 10 to 15 minutes—not “hours, weeks, or months,” as some activists

and media figures have claimed.  [See our demonstration. \(It's boring!\)](#)
[\[h9bm7cjab.cc.rs6.net\]](http://h9bm7cjab.cc.rs6.net)

-Will Not Delay Election Night Results Reporting: Poll managers are permitted to send the memory cards and a copy of the poll tapes to the central office for swift uploading/reporting prior to sending the ballots and reconciliations. This allows the ballot accounting team to work at an unhurried pace to increase accuracy.

-Reduces Excuses to Delay Canvass or Certification: By exposing errors and discrepancies on Election Night in a public process and resolving them in the canvass, last minute pre-certification surprise claims of a discrepant canvass are avoided.

-Chain-of-Custody Control: This step is a basic chain-of-custody measure used in many states to ensure all ballots at the polling place make it securely to the Election Office. Without this step, poll workers could be unfairly blamed if the number of ballots delivered doesn't match the poll tape total.

-Trustworthy Competent Poll Workers: There's no reason to allege or suspect poll workers will cause delays in accounting for all the ballots before they leave for the night. The process is straightforward and manageable, even with several hundred ballots to account for.

-Rule Quells Some Conspiracy Lies: A tired old Georgia conspiracy lie is that fake ballots and votes are “inserted” in the tallies. This step creates an irrefutable public record of the original ballot count.

-No Discussion of Hand Counting Votes: Hand counting all votes on every ballot would indeed be slow, error-prone, inefficient, and violate the

law, but that's not on the table. The new rule doesn't even address vote counting itself.

-No Objections from General Assembly: The proposed Rule was provided in August to the House Governmental Affairs Committee and the Senate Ethics Committee charged with election legislative matters, for their review as required by law. Neither committee raised objections or offered comments, further indicating that this procedure did not cause concern or exceed the Board's authority.

-Help Fight Disinformation: Hyper-partisanship is fueling the uninformed fight over this administrative rule to improve chain-of-custody and transparency. Although the rule is poorly drafted and communicated, do your part to fight dangerous disinformation efforts that escalate political tensions.

THE DETAILS IN FAQ'S

Q: How did this issue become so controversial?

From 2002 to 2020, Georgia used paperless touchscreen voting systems, and over those two decades, traditional skills and procedures like chain of custody for paper ballots and paper ballot accounting were largely lost.

The Secretary of State has done little to re-establish formal, standardized procedures. The State Election Board also failed to create timely, comprehensive rules to impose standard chain-of-custody disciplines and canvassing requirements. In today's hyper-partisan climate, these long-delayed rules naturally raise suspicion.

The term "hand counting" was weaponized by both political sides to mislead the public, making them think votes would be manually counted—resulting in tedious, error-prone delays—even though that's not the case. Former President

Trump made matters worse by  [issuing a misleading press statement.](#)
[\[h9bm7cjab.cc.rs6.net\]](#)

Q: What exactly does the rule [h9bm7cjab.cc.rs6.net] require?

A: At least three poll workers must "count the total number of ballots removed from the scanner" and document the count. This total is then reconciled with the number of voters who cast ballots and the number of ballots issued by the Ballot Marking Devices (BMD). Any discrepancies must be resolved and documented. This rule has nothing to do with counting votes, despite media reports stating otherwise. There is no requirement (or even permission) for laborious hand counting of votes.

Q: Is this an unusual procedure?

A: Not at all. Accounting for voted ballots at the close of the polls is a common chain-of-custody practice in many states. While having three poll workers perform independent counts is overkill in the new rule, it's not a major problem. They can work assembly-line style, counting stacks of ballots previously counted by their colleagues.

Q: Won't this take a lot of time to count the ballots?

A: No. One person can count 500 sheets of paper in under 12 minutes. With a team of poll workers dividing the task, it will take just a few minutes. [See this video as an example. \[h9bm7cjab.cc.rs6.net\]](#)

Q: Will this delay the reporting of results?

A: Not at all. For years, poll managers have been allowed to send memory cards for uploading results before other polling place materials are organized and sent to the central office. This rule doesn't cause any delay in reporting as reporting is a separate function.

Q: Will this lead to unnecessary unsealing of the ballot box?

A: No. The ballot box is already being unsealed as part of the standard process to transfer ballots to a secure transfer container for delivery to the office. This is the appropriate time to confirm the number of ballots and ensure proper documentation, in case there are discrepancies. Better to identify discrepancies while workers, ballots and equipment are still at the polling place.

Q: Why is this rules being made so late?

A: Poll workers' manuals have routinely instructed that, upon closing the polls, they must "confirm the number of ballots being delivered to the election office." Until now, no specific instructions were given on how to do that. The Secretary of State didn't provide guidance, and county officials raised questions in recent months. While the triple count may be excessive, the State Election Board stepped in to fill the gap and ensure uniform compliance with the chain-of-custody requirement, although it is quite close to the election.



Q: Why can't poll workers just rely on the counter on the scanner?

A: In a perfect world, they could. But common errors in Georgia include:

- Test ballots left in the scanner and mixed with real ballots.
- Valid ballots left in the scanner's write-in or emergency bins.
- Ballots stuck in hard-to-reach parts of the scanner box get left behind.

These unaccounted-for ballots create discrepancies during audits and recounts, which then fuels false claims of rigging. Plus, Georgia's system has another

flaw—a voter could surreptitiously print three identical ballots from the touchscreen machine, which only records one. All three could be cast if voters are not closely watched. This rule aims to catch such discrepancies on Election Night, when they can be timely resolved, not weeks later.

Q: *If discrepancies are found, won't that delay certification?*

A: No, just the opposite. Finding discrepancies on Election Night allows six more days to resolve them before certification, rather than discovering them at the last minute, which may cause board members to hesitate to finalize the canvass at the last minute. Investigating the discrepancies early means dealing with them before the ballots, machines, and poll workers are dispersed.

Q: *Last night I heard Georgia leaders' say again on cable news that this will delay counting in metro areas because there will be hundreds of thousands of ballots and only three workers to count them. Is this true?*

A: No, it is inaccurate. The rule only applies to Election Day precincts, not early voting, and the average number of ballots per precinct in November 2022 was less than 600. There are no restrictions on how many workers can assist with ballot accounting. The votes are counted by machine, and this rule only deals with ballot reconciliation, not vote counting. It doesn't delay results reporting.

Recommended Reading: For a fact-filled objective look at the recent rule-making controversies at Georgia's SEB, we recommend Lawfare's review of the

situation expertly written by Anna Bower,  ["Will Georgia's New Election Rules Allow Trump to Steal the Presidency?" \[h9bm7cjab.cc.rs6.net\]](#) We think her objective approach will help calm nerves and counter a lot of misinformation.

 [Please join our list to receive news and explainers \[h9bm7cjab.cc.rs6.net\]](#) as we go into this intense countdown to Election Day.

If you have more questions, please contact us:

Marilyn Marks
Executive Director
Coalition for Good Governance
Marilyn@uscgg.org
704 292 9802 [\[voice.google.com\]](https://voice.google.com)

About Coalition for Good Governance

Coalition for Good Governance is a non-profit, non-partisan organization dedicated to protecting voters' rights to secure, fair, and transparent elections

with verifiable outcomes. The Coalition works to ensure that every voter can cast a completely secret ballot and have confidence in the accuracy and integrity of election results.

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Julie R. Glade

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40 Capitol Square SW
Atlanta, Georgia 30334-1300

CHRISTOPHER M. CARR
ATTORNEY GENERAL

www.law.ga.gov
(404) 656-3300

ATTORNEY-CLIENT PRIVILEGED INFORMATION

September 19, 2024

MEMORANDUM:

TO: John Fervier
Chairman
State Election Board

FROM: Elizabeth Young
Senior Assistant Attorney General

RE: Request for Comments on Proposed Rules in Advance of September 20,
2024 State Election Board Meeting

This memorandum is in response to the Board's request for comments from our office regarding the proposed rules to be considered by the Board at its September 20, 2024 meeting.

As an initial matter, this office does not typically engage in a broad review of an agency's proposed rules to ensure that the agency's proposed rules are consistent with law. As an administrative board with rulemaking authority, it is the Board's obligation to formulate its proposed rules to be consistent with law and conducive to the fair, legal and orderly conduct of primaries and elections. O.C.G.A. § 21-2-31(2). The Board should evaluate the legality of any proposed rule prior to publication and voting. Should the Board desire specific legal advice concerning any proposed rule or action, the Board should seek such advice in writing addressed to this office. This office cannot search through email correspondence to which it is simply copied to determine whether or not the Board has made a passing comment to seek legal advice on any particular topic. In addition, seeking unspecified comment on any proposed rule is unhelpful. In its request for legal advice, the Board should specify the matter upon which it seeks legal advice and ask a specific question to be answered through the Chair. This is the best manner in which to seek advice and allows this office to answer those questions on which the Board needs advice and avoids any misinterpretation of the Board's request and allows for an efficient and deliberate response.

In the instant matter, in an effort to assist the Board, we make this limited exception to our usual practice to offer the following expedited comments upon the rules proposed for

consideration at the September 20 meeting based on the Board's request. We make this exception here because a review of the proposed rules reveals several issues including that several of the proposed rules, if passed, very likely exceed the Board's statutory authority and in some instances appear to conflict with the statutes governing the conduct of elections. Where such is the case, and as outlined below, the Board risks passing rules that may easily be challenged and determined to be invalid.

Please note the following:

As a general matter, the passage of any rules concerning the conduct of elections are disfavored when implemented as close to an election as the rules on the September 20 agenda. The United States Supreme Court in *Purcell v. Gonzalez* recognized that “[c]ourt orders affecting elections, especially conflicting orders, can themselves result in voter confusion and consequent incentive to remain away from the polls. As an election draws closer, that risk will increase.” 549 U.S. 1, 4-5 (2006). Federal courts have thus generally refrained from enjoining state election laws in the months prior to an election. *See Merrill v. Milligan*, 142 S. Ct. 879 (2022) (Kavanaugh, J., concurring); *see also League of Women Voters of Florida, Inc. v. Fla. Sec’y of State*, 32 F.4th 1363 (11th Cir. 2022) (*Purcell* applies when voting was set to begin in less than four months). The Board itself has utilized the *Purcell* principle in defense of certain Senate Bill 202 provisions. *See In re Ga. Senate Bill 202*, 622 F.Supp.3d 1312, 1343-44 (N.D. Ga. 2022) (“[State Defendants, which include the members of the State Election Board] argue that the Court should withhold relief under the *Purcell* doctrine and the Eleventh Circuit’s application of that doctrine in *League* because in-person early voting for the general election will begin in mid-October, and a late change to the law will pose a significant risk of voter confusion and harm to the electoral process.”). Thus, the Board should also consider how the passage of any rules well-within the period where courts have agreed that *Purcell* applies may affect the application of the principle in the future.

I. The Board’s general rule-making power is limited to rules that do not exceed or conflict with the Georgia Election Code.

“[T]he General Assembly is empowered to enact laws of general application and then delegate to administrative officers or agencies the authority to make rules and regulations necessary to effectuate such laws.” *Jackson v. Composite State Bd. of Med. Examiners of Ga.*, 256 Ga. 264, 265 (1986). The test of validity of an administrative rule is twofold: (1) is it authorized by statute, and (2) is it reasonable? *Georgia Real Estate Comm. v. Accelerated Courses in Real Estate, Inc.*, 234 Ga. 30, 32-33 (1975).

The Board’s power to adopt rules is solely derived from statutes passed by the General Assembly. The General Assembly has granted the Board authority to promulgate rules and regulations as will be conducive to the fair, legal, and orderly conduct of primaries and elections, *see* O.C.G.A. § 21-2-31(2); and further to promulgate rules and regulations to obtain uniformity in the practices and proceedings of superintendents, registrars,

deputy registrars, poll officers, and other officials, as well as the legality and purity in all primaries and elections. O.C.G.A. § 21-2-31(1).

However, a broad grant of statutory authority to promulgate rules is not an unlimited grant of authority. *See Ga. Real Estate Comm'n v. Accelerated Courses in Real Estate, Inc.*, 234 Ga. 30, 32-33 (1975) (administrative rules must be both authorized by statute and reasonable) (discussing *Eason v. Morrison*, 181 Ga. 322 (1935)). Only the General Assembly has the constitutional authority to legislate. *See HCA Health Services of Ga., Inc. v. Roach*, 265 Ga. 501, 502 (1995). Although the General Assembly may grant “administrative authority to promulgate rules for the enforcement of the General Assembly’s enactments” to agencies like the Board, the agency’s authority can only extend to “adopt rules and regulations to carry into effect a law already passed” or otherwise “administer and effectuate an existing enactment of the General Assembly.” *Id.* Thus, a regulation that adds extra requirements or procedure where the statute speaks plainly on a matter is inconsistent with the statute and may likely be subject to a legal challenge. *See Dep’t of Hum. Res. v. Anderson*, 218 Ga. App. 528, 529 (1995) (agency regulation that added a requirement before a modification order of child support took effect was inconsistent with the clear authority of the statute).

Operating where there is *no* statute is also similarly impermissible: while agencies have implied powers “as a reasonably necessary to execute the express powers conferred,” *Bentley v. State Bd. of Med. Examiners of Ga.*, 152 Ga. 836, 836 (1922), the Supreme Court of Georgia has recently warned that “for a government entity whose authority on the relevant point is purely a creature of statute, the absence of statutory authority is the absence of legal authority to act.” *Camp v. Williams*, 314 Ga. 699, 709 (2022) (Bethel, J., concurring). *See also Gebrekidan v. City of Clarkston*, 298 Ga. 651, 654 (2016) (“[T]he General Assembly speaks through its silence as well as its words; the broad scope and reticulated nature of the statutory scheme indicate that the legislature meant not only to preclude local regulation of the various particular matters to which the general law directly speaks, but also to leave unregulated ... the matters left unregulated in the interstices of the general law.”).

Thus, the Board’s authority to promulgate rules and regulations is limited to the administration or effectuation of the statutes in the Georgia Election Code. The Board should therefore take all precaution to ensure that any rule adopted and promulgated by the Board neither conflicts with nor expands any statute; otherwise, the Board runs substantial risk of intruding upon the General Assembly’s constitutional right to legislate. When such intrusion occurs, the Board rule is highly likely to be ruled invalid should it be challenged.

Finally, to the extent that a proposed rule merely mirrors the language of a statute without more, it does not accomplish anything. To the extent that a rule mirrors a statute but adds or alters the statute’s requirements, the rule will likely be subject to an easy legal challenge.

II. Proposed Rules

There are several proposed rules before the Board that appear to either impermissibly conflict with or otherwise expand the scope of Georgia statutes.

1. Proposed Rules 183-1-12-.01 and 183-1-12-.19

These rules seek to change the form of the ballots and require that the Secretary of State and the counties post “freely accessible link[s]” to a list of electors prior to advance voting and maintain such data files for free download for a minimum of ten consecutive years, respectively. Thus, the proposed rules seek to direct actions that are, by statute, within the purview of the Secretary of State. *See* O.C.G.A. § 21-2-50(a)(1), (15); O.C.G.A. § 21-2-225(c). As such, the proposed rules do not fall within the Board’s regulatory power under O.C.G.A. § 21-2-31 thus very likely exceeds the Board’s scope of authority to promulgate.

2. Proposed Rule 183-1-13-.05

This rule seeks to expand the enumerated locations where poll watchers may be designated beyond those places identified in the statute. O.C.G.A. § 21-2-408(c), which the original rule, Ga. Comp. R. & Regs. 183-1-13-.05, tracks almost exactly, specifically provides that poll watchers may be designated by the superintendent to serve in “the check-in area, the computer room, the duplication area, and such other areas as the superintendent may deem necessary to the assurance of fair and honest procedures in the tabulating center.” Under the canon of statutory construction “*expression unius est exclusio alterius*” (“the mention of one thing implies the exclusion of another”), a list of items in a statute is presumed to exclude items not specifically listed, and the omission of additional locations from the statute is regarded by the courts as deliberate. *See, e.g. Barnes v. State Farm Fire & Cas. Co.*, 2024 Ga.App. LEXIS (Aug. 26, 2024).

The proposed rule goes beyond the statutorily-designated list of places a superintendent may decide to place poll watchers and instead supplants the superintendent’s discretion with the Board’s own. This too does not carry into effect a law already passed by the General Assembly but rather expands upon the statute; the rule, if adopted, would then very likely be subject to legal challenge as invalid.

3. Proposed Rule 183-1-14-.11

This rule goes beyond merely administering or effectuating an existing statute by adding additional requirements that would make it inconsistent with the statute. The proposed rule purports to require that absentee ballots be mailed “by United States Postal Service or other delivery service which offers tracking[.]” However, the General Assembly did not specify the use of tracking for the mailing of absentee ballots. *See* O.C.G.A. § 21-2-

384(a)(2) (“[T]he board of registrars or absentee ballot clerk shall *mail or issue* official absentee ballots to all eligible applicants....”) (emphasis added).

The proposed rule further requires that county boards of registrars maintain as public record the tracking records for each ballot mailed to the electors. However, the Board has no authority to promulgate rules regarding the classification or retention of documents. *See* O.C.G.A. § 21-2-31 (promulgate rules for the fair, legal, and orderly conduct of elections). Thus, promulgation of the rule would very likely go beyond the scope of the Board’s authority and be subject to challenge as invalid

4. Proposed Rule 183-1-12-21

This rule seeks to expand on the reporting requirements set forth in O.C.G.A. § 21-2-385(e). The statute already provides a fairly detailed process by which county boards of registrars or absentee ballot clerks must report information regarding the ballots issued, received, or rejected during the advance voting period. *See* O.C.G.A. § 21-2-385(e). The proposed rule seeks to go beyond the statute to require, among other expansions, additional information regarding the substance of the ballots (i.e., the number of political party or nonpartisan ballots cast). However, the General Assembly did not include that information as information that must be reported pursuant to O.C.G.A. § 21-2-385(e). Accordingly, the rule, if promulgated, would similarly likely go beyond the scope of the statute and the Board’s authority.

5. Proposed Rules 183-1-12-.12(a)(5) and 183-1-14-.02(8), (13)

These rules refer to the process of hand-counting ballots on Election Day and during the advance voting period, respectively, to produce a vote total to compare to the ballot count produced by the ballot scanners. Crucially, these Proposed Rules purport to amend provisions to allow for hand-counting ballots at the precinct-level, which would appear to occur prior to submission to the election superintendent and consolidation and tabulation of the votes. *Compare* Ga. Comp. R. & Regs. 183-1-12-.12(a) (“After the Polls Close”) *with* Ga. Comp. R. & Regs. 183-1-12-.12(b) (“Consolidation of Results”); Ga. Comp. R. & Regs. 183-1-14-.02(8) (“At the close of voting on any day *during the advance voting period*...); Ga. Comp. R. & Regs. 183-1-14-.02(13) (“The ballot scanner and ballot containers shall then be secured *until time for the tabulation of votes*.”).

However, the statutes upon which these rules rely do not reflect any provision enacted by the General Assembly for the hand-counting of ballots prior to tabulation.

For example, O.C.G.A. § 21-2-483 details procedures *at* the tabulation center: in primaries and elections in which optical scanners are used, after the seal on each container of ballots is inspected and verified as not having been broken, the container with the ballots is opened, the ballots are removed, “and the ballots shall be prepared for processing by the *tabulating machines*.” O.C.G.A. § 21-2-483(c) (emphasis added).

Then, “[u]pon completion of the tabulation of the votes, the superintendent shall cause to be completed and signed a ballot recap form[.]” O.C.G.A. § 21-2-483(d). O.C.G.A. § 21-2-436 is similarly inapplicable; that statute contemplates the duties of the poll officers after the close of polls in precincts in which *paper ballots* are used, not ballot scanners or voting machines.

O.C.G.A. § 21-2-420(a) does provide that “the poll officials in each precinct shall complete the required accounting and related documentation for the precinct and shall advise the election superintendent of the total number of ballots cast at such precinct and the total number of provisional ballots cast.” However, neither the statutes that prescribe the duties of poll officers after the close of the polls for precincts using voting machines, *see* O.C.G.A. § 21-2-454, nor the precincts using optical scanners, *see* O.C.G.A. § 21-2-485, suggest that the General Assembly contemplated that a hand-count of the ballots would be part of the “required accounting.”

There are thus no provisions in the statutes cited in support of these proposed rules that permit counting the number of ballots by hand at the precinct level prior to delivery to the election superintendent for tabulation. Accordingly, these proposed rules are not tethered to any statute—and are, therefore, likely the precise type of impermissible legislation that agencies cannot do. *See HCA Health Services of Ga., Inc., supra.*

We hope that this expedited informal analysis is helpful to the Board. Should there be further questions directed to this office as described herein, we will endeavor to assist the Board further.

cc: Mrs. Sara Tindall Ghazal (via email correspondence)
Dr. Janice W. Johnston (via email correspondence)
Mr. Rick Jeffares (via email correspondence)
Mrs. Janelle King (via email correspondence)
Mr. Michael Coan (via email correspondence)

Anne Dover

From: Julie R. Glade <jr.glade@cherokee.ga.gov>
Sent: Monday, December 9, 2024 2:30 PM
To: Anne Dover; Larry Hand; Glen Johnson; John Wallace; Scott Little
Subject: [EXTERNAL] Fwd: FW: Additional Hand Counts after the General Election
Attachments: Additional Hand Counts after the RLA MEMO 093024.docx

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Oct 22 email and attachment, mentions "hand counts". ORR technically asks for the phrase "hand count"

Seems responsive 🙌

----- Forwarded message -----

From: <[redacted]>
Date: Tue, Oct 22, 2024 at 1:37 PM
Subject: FW: Additional Hand Counts after the General Election
To: Anne Dover <adover@cherokeega.com>, <[redacted]>, Julie Glade <jr.glade@cherokee.ga.gov>, LARRY HAND <[redacted]>, Scott Little <[redacted]>

Attached is my email of October 1 discussing my proposal for additional hand counts after the RLA for the General Election. I would appreciate your opinion as to whether or not we should do this or something similar to this.

If we are going to do this then there will need to be some advance work to determine which down ballot races will be considered and a spreadsheet will need to be prepared to be used to choose the races to be counted.

Thanks.

Larry Hand

From: [REDACTED]
Sent: Tuesday, October 01, 2024 12:04 PM
To: Anne Dover <adover@cherokeega.com>; Julie Glade
LARRY HAND <[REDACTED]>, Scott Little <
Subject: Additional Hand Counts after the General Election

To All

I would like for us to continue the hand counts that have been done after the elections since 2020 when paper ballots were first produced. Attached is my proposal for the next election. As I stated in my proposal, quality control processes should be ongoing and should not just stop because of previous good results.

Thanks.

Larry Hand

--
Julie R. Glade

[REDACTED]
[voice.google.com] [voice.google.com] [voice.google.com] [voice.google.com]

Additional Hand Counts after the RLA
September 30, 2024
Larry Hand

The state election statute has required a hand count of a sample of ballots for the top race for each election since paper ballots were available beginning in 2020. This is referred to as the Risk Limiting Audit (RLA). The RLA is scheduled several days after the County Election Certification is completed.

Since 2020, the BOER has done additional hand counts of the same top race (as the SOS required) after each RLA was completed and, in one case, the Cherokee BOER did a 100% hand count of the 2023 Canton Mayor's race before certification when there was no state law requirement for an RLA. In the three hand counts that I have been involved in, there have been zero discrepancies between the machine count and the hand count. I understand that in earlier hand counts there were very few, if any, also. However, quality control processes should be ongoing and should not just stop because of previous good results.

The RLA is based on statical sampling methods, see definition below:

“In [statistics](#), [quality assurance](#), and [survey methodology](#), **sampling** is the selection of a subset or a **statistical sample** (termed **sample** for short) of individuals from within a [statistical population](#) to estimate characteristics of the whole population. The subset is meant to reflect the whole population and statisticians attempt to collect samples that are representative of the population. Sampling has lower costs and faster data collection compared to recording data from the entire population, and thus, it can provide insights in cases where it is infeasible to measure an entire population.”

It is my understanding that the SOS chooses the RLA ballots to be hand counted using a random sampling method to choose a “ballot batch” or “ballot batches”. The ballot batch(es)” amount to a relatively small sample of the top race in an election and, if after the batch(es) is/are hand counted with no irregularities, the SOS does not require further hand counting. This would seem to give a very reasonable assurance that the top race has no irregularities, and no further hand counting is necessary. From my research of sampling methods, I believe that counting about 5% of randomly selected ballots would be a reasonable sample size, with additional ballots counted if significant errors are found.

I do recall that a recent change to the statute may allow the SOS to designate one or more additional races to be hand counted but I believe we will still have resources available to count additional ballots as has been done in the past.

With this in mind, I would like to suggest that, after the RLA, the BOER use the extra time for hand counts to count one or more additional randomly selected down ballot competitive races after the coming general election. Using the method of counting we used in previous hand counts, all ballot batches will be available as part of the RLA and the only additional effort would seem to be the determination of the possible down ballot competitive races, preparation of the list of races in a computer/spreadsheet to be used for the random selection process, and the preparation of the large-print sheets of paper that are placed on the counting tables to direct the ballots for each candidate involved. I would suggest that we continue the selection of addition races until we have assigned counting assignments to all the available addition counting teams to keep them busy for the single day (or more) that the workers are available.

Anne Dover

From: Julie R. Glade
Sent: Monday, December 9, 2024 2:16 PM
To: Anne Dover; John Wallace; Glen Johnson; Larry Hand; Scott Little
Subject: [EXTERNAL] Fwd: SEB Rules - APPEAL DENIED!!!!
Attachments: Elections Appeal Order.pdf

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Eternal Vigilance Action in the attachment, Oct 22 email, so responsive

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From: **Anne Dover** <adover@cherokeecountyga.gov>
Date: Tue, Oct 22, 2024 at 4:11 PM
Subject: SEB Rules - APPEAL DENIED!!!!
To: Julie Glade

Anne

Anne Dover, Director

Cherokee County Elections & Voter Registration

phone: 770-479-0407, [\[voice.google.com\]](#) ext. 0223

mobile: 470-505-3081 [\[voice.google.com\]](#)

e-mail: adover@cherokeecountyga.gov

193 Lamar Haley Parkway

Canton, GA 30114



<https://cherokeegavotes.com> [cherokeegavotes.com]



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Julie R. Glade

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SUPREME COURT OF GEORGIA
Case No. S25M0259

October 22, 2024

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

REPUBLICAN NATIONAL COMMITTEE et al. v. ETERNAL
VIGILANCE ACTION, INC. et al.

Upon consideration of the Petitioners' motions as well the briefs filed by the parties and the amicus curiae, the Petitioners' Motion for Emergency Supersedeas is DENIED. The Petitioners' Motion for an Expedited Appeal is also DENIED. When the appeal is docketed in this Court, it will proceed in the ordinary course.

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Theresa S. Bane, Clerk

Anne Dover

From: Julie R. Glade
Sent: Monday, December 9, 2024 2:18 PM
To: Anne Dover; Larry Hand; John Wallace; Scott Little; Glen Johnson
Subject: [EXTERNAL] Fwd: Fw: Update on SEB Rule

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Also responsive, Oct 28 email, Eternal Vigilance Action

----- Forwarded message -----

From: Anne Dover <adover@cherokeecountyga.gov>

Date: Mon, Oct 28, 2024 at 8:40 PM

Subject: Fw: Update on SEB Rule

To: Glen Johnson <gjohnson@cherokeecountyga.gov>

<johnwallace@cherokeecountyga.gov>, Ann Brumbaugh <abrumbaugh@cherokeecountyga.gov>, Larry Hand
John Wallace

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From: Bell, Aaron <abell@sos.ga.gov>

Sent: Monday, October 28, 2024 8:37 PM

To: Bell, Aaron <abell@sos.ga.gov>

Cc: McKinnon, Nicholas <nmckinnon@sos.ga.gov>; Marlin, Cierra <cmarlin@sos.ga.gov>; Phelps, Jasmin <jphelps@sos.ga.gov>

Subject: [EXTERNAL] Update on SEB Rule

Election Officials,

Please see the latest update from our General Counsel Charlene McGowan:

We have received questions regarding whether counties are still required to hold the 3:00 PM Friday Certification Meeting as provided for in SEB Rule 183-1-12-.12(f)(1) following Judge Cox's order in *Eternal Vigilance Action v. State of Georgia*, which enjoined certain SEB Rules. While you should consult with your county attorney on that issue, our reading of the Court's order is that it only explicitly enjoins paragraph (f)(6) of SEB Rule 183-1-12-.12, and that the remaining provisions are still effective. The safest course of action for counties is to still hold a certification meeting by 3:00 PM on Friday, November 8, 2024. The meeting should be for the limited purposes stated in (f)(1) and (4), namely, to "conduct a review of precinct returns" and "compare the total number of ballots cast to the total number of unique voter ID numbers" for each precinct. We understand that not all returns will be complete by 3:00 PM, so counties should do their best in reviewing what is available at the time.

Charlene S. McGowan

Best,



Aaron Bell
Election Support and Training Specialist
Georgia Secretary of State | Elections Division

Phone: 470-432-0565 [\[voice.google.com\]](#) [\[voice.google.com\]](#) | Email: abell@sos.ga.gov

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- Absentee Voter File:** <https://mvp.sos.ga.gov/s/voter-absentee-files> [\[mvp.sos.ga.gov\]](#)
- Authentication Services:** <https://sos.ga.gov/page/great-seal-authentication-administrative-services> [\[sos.ga.gov\]](#)
- Election Data & Statistics:** <https://sos.ga.gov/election-data-hub> [\[sos.ga.gov\]](#)
- Military & Overseas Voting (UOCAVA):** <https://sos.ga.gov/page/military-and-overseas-voting> [\[sos.ga.gov\]](#)
- Order Voter Registration Lists & Files:** <https://sos.ga.gov/page/order-voter-registration-lists-and-files> [\[sos.ga.gov\]](#)
- Qualifying for Public Office:** <https://sos.ga.gov/candidate-qualifying-elected-office> [\[sos.ga.gov\]](#)

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Julie R. Glade

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Anne Dover

From: Julie R. Glade
Sent: Monday, December 9, 2024 2:13 PM
To: Anne Dover; John Wallace; Larry Hand; Scott Little; Glen Johnson
Subject: [EXTERNAL] Fwd: Update on SEB Rules
Attachments: Court Order 10162024.pdf

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Oct 17 email also mentions Eternal Vigilance Action, so is responsive to the ORR

There are a couple of emails from Ann B but that is privileged so not responsive

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From: Anne Dover <adover@cherokeecountyga.gov>
Date: Thu, Oct 17, 2024 at 4:59 PM
Subject: Update on SEB Rules
To:

Election Officials,

Below is a message from SEB Chairman John Fervier and SOS General Counsel Charlene McGowan that was just posted on the Buzz:

On October 16, 2024, Fulton Superior Court Judge Thomas A. Cox, Jr., issued a Final Judgment and Injunction Order in the case of Eternal Vigilance Action, Inc. v. State of Georgia, et al., Civil Action No. 24CV011558, which declared unlawful 7 new rules or amendments to existing rules recently promulgated by the State Election Board (the "Challenged Rules"). The Court's Order enjoined the State Election Board from "enforcing, requiring compliance with, or otherwise utilizing" the Challenged Rules. The Challenged Rules include following rules and amendments:

Rule 183-1-12-.02(c.2) (adding a definition of "certify the results of a primary, election, or runoff")

Rule 183-1-12-.12(f)(6) (requiring elections documents be provided to board members)

Rule 183-1-14-.02(18) (requiring a signature and photo ID at the time an absentee ballot is delivered in person to an absentee ballot drop location)

Rule 183-1-14-.02(19) (requiring video surveillance and recording of absentee ballot drop boxes)

Rule 183-1-13-.05 (poll watcher access for tabulating center)

Rule 183-1-12-.21 (county participation and totals reporting)

Rule 183-1-12-.12(a)(5) (requiring hand count of ballots at the precinct)

The Court's Order further requires that the SEB inform all state and local officials that these rules & amendments are void and are not to be followed. Accordingly, counties are not required to comply with the new rules & amendments for the 2024 General Election. Rather, counties should only follow the rules as they previously existed and without the most recent amendments by the SEB. The Secretary of State's office will be re-publishing the affected rules on its website in compliance with the Order to provide clarity.

Any guidance previously distributed by the SOS Elections Division regarding these rules & amendments should be disregarded.

A copy of the Order will be emailed to all county elections directors (attached). Other litigation remains pending and we will provide additional updates when available.

Best,

Aaron Bell

Election Support and Training Specialist

Georgia Secretary of State | Elections Division



Phone: 470-432-0565 [voice.google.com] | Email: abell@sos.ga.gov

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Julie R. Glade

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