

IN THE SUPERIOR COURT OF OCONEE COUNTY
STATE OF GEORGIA

SUZANNAH HEIMEL,)

Plaintiff,)

v.)

SHARON GREGG - DIRECTOR OF)
BOARD OF ELECTIONS and JAY)
HANLEY - CHAIRMAN OF BOARD OF)
ELECTIONS,)

Defendants.)

CIVIL ACTION NO. SUSR2024000058-LL

ANSWER AND CROSS-CLAIMS OF INTERVENOR
SUSAN NOAKES

Intervenor Susan Noakes (“Ms. Noakes”), by and through her attorneys, submits the following Answer to Plaintiff’s Application for Writ of Mandamus (the “Application”) and Cross-Claims. Ms. Noakes responds to the allegations in the Application as follows.

ANSWER

1. Unnumbered Paragraph 1 of the Application appears to state that Defendant Sharon Gregg took actions against Plaintiff, including those set forth in subparagraphs 1-3. Ms. Noakes lacks knowledge or information sufficient to form a belief as to the truth of the allegations that Defendant Sharon Gregg took actions against Plaintiff. Based on information and belief, Ms. Noakes admits that Plaintiff is a resident of Oconee County.

2. Regarding Unnumbered Paragraph 1, Subparagraph 1 of the Application, Ms. Noakes admits that the Oconee County Board of Elections (“the Board”) has continued to register voters after July 19, 2024. Ms. Noakes denies that the Board did not consider the 228 challenged voters set forth on the attachment but admits that the Board did not conduct hearings on those 228

challenged voters. The allegation that “per OCGA 21-2-229 this is a requirement” calls for a legal conclusion to which no response is required. To the extent a further response is deemed required, Ms. Noakes denies the allegation.

3. Regarding Unnumbered Paragraph 1, Subparagraph 2 of the Application, Ms. Noakes denies the allegations.

4. Regarding Unnumbered Paragraph 1, Subparagraph 3 of the Application, Ms. Noakes denies the allegations.

5. Unnumbered Paragraph 2 of the Application states that the Board received two lists on July 19, 2024, containing 232 challenged voters. Ms. Noakes lacks knowledge or information sufficient to form a belief as to the truth of these allegations. Ms. Noakes admits that the Board did not call a hearing within 10 business days after serving notice of the challenge, that the Board dismissed 230 of the challenges, and that the Board held a hearing on August 15, 2024 on two of the challenges. The allegation that the actions are in “violation of the OCGA Election code and job and responsibilities of the Elections Director and Board of Registrar” calls for a legal conclusion to which no response is required. To the extent a further response is deemed required, Ms. Noakes denies the allegation. Ms. Noakes lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Unnumbered Paragraph 2 of the Application.

6. Unnumbered Paragraph 3 of the Application states, “Such conduct is a threat to the registered voters of Oconee County.” This allegation is vague as to the specific “conduct” to which the allegation is referring and as to the meaning of “threat.” Unnumbered Paragraph 3 of the Application also states that “[s]uch conduct” “prevents [Plaintiff] from having confidence in the election rolls.” Ms. Noakes lacks knowledge or information sufficient to form a belief as to the truth of this allegation. Unnumbered Paragraph 3 of the Application also states, “It is in clear

violation of your duties as Director of Board of Election.” This allegation calls for a legal conclusion to which no response is required. To the extent a further response is deemed required, Ms. Noakes denies the allegation.

7. Unnumbered Paragraph 4 of the Application sets forth remedies which Plaintiff seeks and calls for a legal conclusion to which no response is required. To the extent a further response is deemed required, Ms. Noakes denies the allegation and denies that the Plaintiff is entitled to any of the requested relief or any other relief.

8. Unnumbered Paragraph 5 of the Application sets forth Plaintiff’s motive or intent. Ms. Noakes lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

9. Unnumbered Paragraph 6 of the Application sets forth Plaintiff’s threats of legal action, to which no response is required.

AFFIRMATIVE DEFENSES

Ms. Noakes asserts the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

Plaintiff’s claims are barred because they fail to state a claim for relief that can be granted.

SECOND AFFIRMATIVE DEFENSE

The relief Plaintiff seeks is barred by state law.

THIRD AFFIRMATIVE DEFENSE

Plaintiff’s claims are barred because the relief sought would be futile and fruitless, and thus she is not entitled to the extraordinary remedy of a writ of mandamus that she demands.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff’s claims are barred because she lacks the requisite clear legal right to relief in

order for a writ of mandamus to issue.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff’s claims are barred because relief sought would violate O.C.G.A. § 21-2-230(b)(1), which bars challenges of an elector within 45 days of an election.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff’s claims are barred by the doctrine of laches.

SUSAN NOAKES’S REQUEST FOR RELIEF

Having answered Plaintiff’s Application, Ms. Noakes requests that the Court:

1. Deny Plaintiff’s requested relief;
2. Dismiss Plaintiff’s Application with prejudice; and
3. Grant any relief this Court deems just and proper.

**INTERVENOR SUSAN NOAKES’S
CROSS-CLAIMS AGAINST DEFENDANTS**

Pursuant to O.C.G.A. § 9-11-65, Susan Noakes hereby files her Cross-Claims seeking a temporary restraining order (“TRO”) and permanent injunctive relief against Defendants Sharron Gregg, Director of the Oconee County Board of Elections and Registration, and Jay Hanley, Chairman of that Board, to prevent the Board’s future adjudication of elector challenges within the Georgia Code’s 45-day quiet period prior to the November 5, 2024 General Election.

CROSS-CLAIM ALLEGATIONS

Parties, Jurisdiction, and Venue

10. This is an action for injunctive relief.
11. Intervenor Susan Noakes is a resident and elector of Oconee County, Georgia.
12. At all relevant times, Defendant Sharon Gregg is and has been the Director of the Board of Elections and Registration in Oconee County (“the BOER” or “Board”).

13. At all relevant times, Defendant Jan Hanley is and has been the Chair of the Board.
14. At all relevant times, Plaintiff Suzannah Heimel (“Plaintiff”) is and has been an Elector in Oconee County, Georgia.
15. This Court has personal and subject matter jurisdiction over this action.
16. Venue in this matter is proper pursuant to O.C.G.A. §§ 9-10-30 and 9-10-93 because the parties reside or have members in Oconee County and a substantial part of the events giving rise the Ms. Noakes’s cross-claims occurred in that county.

Procedural Background

17. Plaintiff filed an Application for a Writ of Mandamus on September 4, 2024 (the “Application”) and a Motion for Emergency Injunction on September 12, 2024 (the "Motion") seeking to compel the Oconee County BOER to process challenges to the eligibility of approximately 230 Oconee County registered voters under O.C.G.A. § 21-2-230 based on the voters' purported inactivity or improper residence.

CROSS-CLAIM I: TEMPORARY RESTRAINING ORDER

18. Georgia law provides: “An interlocutory injunction is a device to keep the parties in order to prevent one from hurting the other whilst their respective rights are under adjudication There must be some vital necessity for the injunction so that one of the parties will not be damaged and left without adequate remedy.” *Lee v. Env’l Pest & Termite Control*, 271 Ga. 371, 373 (1999).
19. When determining whether to issue an interlocutory injunction, the trial court must consider whether (1) there is a substantial threat that the moving party will suffer irreparable injury if the injunction is not granted; (2) the threatened injury to the moving party outweighs the threatened harm that the injunction may do to the party being enjoined;

(3) there is a substantial likelihood that the moving party will prevail on the merits of their claims at trial; and (4) granting an interlocutory injunction will not disserve the public interest. Even though an interlocutory injunction is an extraordinary remedy, and the power to grant it must be prudently and cautiously exercised, the trial court is vested with broad discretion in making that decision. *Holland Ins. Group, LLC v. Senior Life Ins. Co.*, 329 Ga. App. 834, 841 (2014) (citations omitted).

20. This Court has “broad discretion” to enter an interlocutory injunction to “prevent irreparable damage to one of the parties and to maintain the status quo until a final determination is made.” *Treadwell v. Inv. Franchises, Inc.*, 273 Ga. 517, 519 (2001).

Substantial Threat of Irreparable Injury

21. There is a substantial threat that Ms. Noakes will suffer irreparable injury if the Court does not enjoin the Board from considering challenges to Electors between now and the November 5, 2024 General Election.
22. Indeed, the Board has recently considered and sustained challenges and placed dozens of voters in challenged status mere weeks before the General Election. Noakes Aff. ¶¶ 15-17. The Board is set to meet again on October 24, 2024, days before the General Election, to consider more challenges. *See* Exhibit 1, Oconee County BOER Minutes, 10/1/2024.
23. An injury is “irreparable” either based on its nature, as when the party injured cannot be adequately compensated in damages, or when the damages that may result cannot be measured by any definite pecuniary standard. *Blackmon v. Scoven*, 231 Ga. 307 (1973) (overruled on other grounds by *City of Atlanta v. Barnes*, 276 Ga. 449 (2003)).
24. Ms. Noakes and the voters in the community will be irreparably harmed if the BOER is permitted to continue considering challenges to electors between now and the General

Election and especially to sustain them because voters added to the challenge list will be forced to submit affidavits and additional proof of their eligibility to vote in the days preceding an election when voters should instead have certainty of their registration status without having to take extra onerous steps to defend their right to vote during this critical period.

25. Indeed, the Georgia Constitution expressly protects the right to vote:

Every person who is a citizen of the United States and a resident of Georgia as defined by law, who is at least 18 years of age and not disenfranchised by this article, and who meets minimum residency requirements as provided by law shall be entitled to vote at any election by the people. The General Assembly shall provide by law for the registration of electors.

Ga. Const. Art. II, Sec. I, Par. II.

26. The risk of improper disenfranchisement of Oconee County voters without sufficient time to remedy their erroneous challenge status before the 2024 General Election in fewer than 30 days thus constitutes a substantial threat of irreparable injury.
27. Ms. Noakes's and the public's trust in the electoral process will also be eroded if the BOER is permitted to continue to consider challenges to electors' eligibility this close to the General Election. The public policy disfavoring challenges to voters so close to an election is codified at O.C.G.A. § 21-2-230(b)(1): "Any challenge of an elector within 45 days of a primary, run-off primary, election, or run-off election shall be postponed until the certification of such primary, election, or runoff is completed." Accordingly, irreparable harm to voters and the public trust are highly likely if BOER continues to hold hearings or otherwise considers challenged electors from now until after the General Election results are certified.

**The Threatened Injury to Ms. Noakes Outweighs
Any Such Harm that the TRO Would Cause the Board**

28. The balance of the conveniences also favors Ms. Noakes. *Bijou Salon & Spa, LLC v. Kensington Enters., Inc.*, 283 Ga. App. 857, 860 (2007) (“[T]he trial court must balance the conveniences of the parties pending the final adjudication, with consideration being given to whether greater harm might come from granting the injunction or denying it.”) (quoting *Univ. Health Svcs. v. Long*, 274 Ga. 829-30 (2002)).
29. As discussed above, the potential harm to Ms. Noakes and the Oconee voters is constitutional in nature. If this TRO is not granted, Oconee voters face the potential of being improperly placed in challenged status, burdening them with extra steps to prove their eligibility during the critical period before an election, which includes the advance voting period, or else they risk losing their fundamental right to vote. *Democratic Party of Ga., Inc. v. Perdue*, 288 Ga. 720, 727 (2011) (acknowledging a fundamental right to vote pursuant to Georgia Constitution); *Favorito v. Handel*, 285 Ga. 795 (2009) (“The right to vote is fundamental, forming the bedrock of our democracy.”).
30. This significant, constitutional harm outweighs any such harm the TRO would cause the Board; in fact, freeing the BOER from any obligation to hear Section 230 elector challenges with fewer than 30 days to go before the General Election would free the Board’s time and resources to attend to its other pressing responsibilities regarding the upcoming election. Indeed, the General Assembly discussed the limited resources of county BOERs when the state legislators debated S.B. 189, the bill that added Section O.C.G.A. § 21-2-230(b)(1) to the Georgia Code. *See* Summary Transcript of House Floor Vote on S.B. 189 (Mar. 28, 2024), Constance Burton, Marcela Hawkins, Jack Lindsay, *Ga. State Univ. Law Review* (Exhibit 2). For example, Representative Draper described the loss of county BOER

resources spent on meritless voter challenges as "very harmful" and stated, "All of this takes time and resources away from them doing their jobs, and a system that barely has any time, resources, or willing personnel left." *Id.* at pp. 5-6.

31. Any interest the Board has in utilizing its regulatory power is trumped by the voters' fundamental constitutional right to cast their ballots.

Ms. Noakes is Substantially Likely to Prevail on the Merits

32. Section 230(b)(1) of Title 21, Chapter 2 of Georgia code provides:

Any challenge of an elector within 45 days of a primary, run-off primary, election, or run-off election shall be postponed until the certification of such primary, election, or runoff is completed.

33. As alleged above, the Board has considered and sustained a challenge of dozens of electors within the 45 days of the General Election.
34. Upon information and belief, the Board will be considering more challenges within the 45 days of the General Election.
35. Upon information and belief, considering Section 230(b)(1), the Georgia General Assembly intended the 45-day quiet period to apply to all Board actions related to challenges pursued under Section 230. This includes the Board's discussion, consideration, and sustaining of challenges during the 45-day quiet period, regardless of when the Board received these challenges.
36. Ms. Noakes has demonstrated a substantial likelihood of success on the merits of her claims seeking a permanent injunction because Ms. Noakes seeks to protect the fundamental, constitutional right of Oconee County registered voters to exercise the franchise by

obtaining a Court order that requires the BOER to follow the 45-day quiet period of O.C.G.A. § 21-2-230(b)(1).

37. Disenfranchisement from the November 5 General Election constitutes an irreparable injury; once Election Day has passed, challenged voters who do not have the resources or time to provide additional materials to support their eligibility would have no opportunity to participate in that election. There is no remedy at law that would compensate for that injury.
38. The balance of hardships shows that the burden on the BOER is light, as the relief sought would actually free the Board's resources to focus on preparation for the General Election. In contrast, disenfranchisement from the fundamental constitutional right to vote is obviously a significant hardship.
39. The public interest is served by enforcing Georgia Code and preventing late challenges to electors pursuant to O.C.G.A. § 21-2-230(b)(1). (*See below.*)

Granting the TRO Will Serve the Public Interest

40. Granting the requested TRO will serve the public interest. The public has a strong interest in the right of its qualified citizens to vote without unnecessary encumbrances. The public's perception of the electoral process is protected when the Board that is empowered with overseeing elections in Oconee County is made to follow Georgia law and not hear Section 230 Elector challenges within 45 days of the General Election. It would, in fact, offend public policy to permit the BOER to hear such challenges in violation of O.C.G.A. § 21-2-230(b)(1).

CROSS-CLAIM II: PERMANENT INJUNCTION

41. Ms. Noakes realleges and incorporate paragraphs 1 through 36 as if they were fully set forth herein.
42. The BOER's above-described conduct of continuing to entertain elector challenges pursuant to Section 230 within 45 days of the General Election is ongoing and will likely continue into the future.
43. The Board's above-described conduct has caused Ms. Noakes and the public irreparable harm and injury and threatens to cause her and the public further imminent and irreparable harm and injury unless the BOER is immediately and permanently enjoined from considering Section 230 elector challenges within 45 days the General Election.
44. Ms. Noakes has no adequate remedy at law absent the requested injunction and would suffer substantially more from the denial of the injunction than the BOER would from the TRO's issuance.
45. Accordingly, Ms. Noakes is entitled to a temporary restraining order and a preliminary and permanent injunction enjoining the BOER from hearing elector challenges pursuant to Section 230 within 45 days of the General Election on November 5, 2024 and all subsequent elections.

* * * * *

WHEREFORE, Ms. Noakes requests the following relief from this Court for her Cross-Claims:

- The grant of a temporary restraining order prohibiting the BOER from hearing elector challenges based upon Section 230 until after the General Election on November 5, 2024 is certified;

- The grant of a permanent injunction prohibiting the BOER from hearing elector challenges based upon Section 230 within 45 days of any future election; and
- Any other relief this Court deems proper.

Respectfully submitted, this 4th day of October, 2024:

/s/ Jeremy Burnette

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Counsel for Susan Noakes

*motion for admission *pro hac vice* forthcoming

**IN THE SUPERIOR COURT OF OCONEE COUNTY
STATE OF GEORGIA**

SUZANNAH HEIMEL,)	
)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION NO. SUSR2024000058-LL
SHARON GREGG - DIRECTOR OF)	
BOARD OF ELECTIONS and JAY)	
HANLEY - CHAIRMAN OF BOARD OF)	
ELECTIONS,)	
)	
Defendant)	

CERTIFICATE OF SERVICE

I hereby certify that, on October 4, 2024, the foregoing was served upon the following persons by electronic mail and the Court's electronic service delivery to:

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heimels@yahoo.com
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Watkinsville GA 30677

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Jay Hanley
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Suite 200
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/s/ Jeremy Burnette
Jeremy Burnette (GA Bar No. 142467)

EXHIBIT 1



Oconee County

Board of Elections and Registration

Sharon Gregg, Director

Board Members:
Jay Hanley, Chair
Kirk Shook, Vice Chair
Ken Davis
Douglas Hammond
Shami Jones

October 1, 2024
Board Meeting Minutes
Draft

Members Present: Jay Hanley, Kirk Shook, Ken Davis, Shami Jones

Others Present: Sharon Gregg, Jennifer Stone, Susan Noakes, Harold Thompson, Caitlin May, Tarin Smith, Stephen Aleshire, Victoria Cruz, Kevin McHugh, Doug Hammond

Hanley called the meeting to order at 5:00 p.m.

Hanley stated after reviewing minutes from September 4, 2024 that the "others present" section needed to be updated. After corrections are made, upon motion by Shook and second by Jones, minutes from the September 4, 2024 meeting were unanimously approved.

Public Comment – Public comment was made by the following respectively: Victoria Cruz, Stephen Aleshire, Susan Noakes.

Unfinished Business – None

New Business

- a) Hanley brought forth an amendment from Attorney Haygood to be made to the voter challenge procedures. Hanley read aloud the addition to be made. The addition states that any challenges to voters under O.C.G.A. 21-2-228 could be handled administratively. This is to be added after the third paragraph in the previously approved procedure. Haygood stated that it gives an informal approach for challenges. Upon motion by Davis and second by Shook, the revised procedures were passed unanimously.
- b) Consideration of Hearing from the 21-2-230 voter challenge issued on 08/27/24 and probable cause determined on 09/04/24. Gregg stated that letters and a residency affidavit form as well as a cancellation form along with a link to the website were sent to challenged voters with no response. Gregg recommended to uphold the challenge. Gregg read each name of challenged electors. Cruz (the challenger) spoke about her

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Oconee County

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investigation into the research for the challenged voters. Voters are to remain in a challenged status through the General election unless they cure their residency.

- c) Challenges were made to voters under O.C.G.A. 21-2-230 challenging their residency. The following challenges were submitted for the board to determine probable cause:
- a. Challenge submitted on 9-8-24 by Victoria Cruz – 2 names were read and probable cause was determined on both voters. Upon motion by Shook and second by Jones, vote unanimously passed.
 - b. Challenge submitted on 9-10-24 by Victoria Cruz – 9 names were read and probable cause was determined on all voters. Upon motion by Shook and second by Jones, probable cause was determined by a vote of 3 to 1.
 - c. Challenge submitted on 9-10-24 by Stephen Aleshire – 5 names were read – 1 voter has already cancelled their registration. Upon motion by Shook and second by Jones, probable cause was determined on 3 of the voters. Vote unanimously passed. The board determined no probable cause was found and no further evidence was submitted by the challenger. Upon motion by Shook and second by Davis, vote unanimously passed that probable cause was not determined.
 - d. Challenge submitted on 9-11-24 by Victoria Cruz – 11 names were read and probable cause was determined on all voters. Davis made motion to not find probable cause on 3 of the voters, but later withdrew the motion. Upon motion by Shook and second by Jones, vote unanimously passed.
 - e. Challenge submitted on 9-10-24 by Stephen Aleshire – 11 names were read and probable cause was determined on 9 of the voters. 2 of the voters have already cancelled or showed no record. Upon motion by Shook and second by Davis, vote unanimously passed that probable cause was determined.
 - f. Challenge submitted on 9-16-24 by Stephen Aleshire – 11 names were read and probable cause was determined on 9 of the 11 voters. Upon motion by Shook and second by Jones, vote unanimously passed that probable cause was determined. Of the 2 remaining, Mr. Aleshire withdrew 1 of the names because of lack of verifiable evidence. Jones stated she had personal knowledge that the other voter had in fact moved. Upon motion by Shook and second by Davis, vote unanimously passed that probable cause was determined on the remaining voter.



Oconee County

Board of Elections and Registration

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- g. Challenge submitted on 9-18-24 by Stephen Aleshire – 10 names were read and probable cause was determined on 8 of the 10 voters. Upon motion by Shook and second by Davis, vote unanimously passed that probable cause was determined. Of the remaining 2, probable cause was not determined. Upon motion by Davis and second by Shook, vote unanimously passed that probable cause was not determined.
- h. Challenge submitted on 9-19-24 by Stephen Aleshire – 4 names were read and probable cause was determined on 3 of the 4 voters. 1 of the voters was a duplicate. Upon motion by Shook and second by Jones, vote unanimously passed that probable cause was determined on the 3.
- i. Challenge submitted on 9-19-24 by Stephen Aleshire – 9 names were read and probable cause was determined on 8 of the 9 voters. Upon motion by Shook and second by Jones, vote unanimously passed that probable cause was determined on 8 of the voters. Of the remaining 1, probable cause was not determined due to lack of information. Upon motion by Davis and second by Shook, vote unanimously passed that probable cause was not determined.
- j. Challenge submitted on 9-19-24 by Victoria Cruz – 1 name was read and probable cause was determined on the voter. Upon motion by Jones and second by Shook, vote unanimously passed that probable cause was determined.

Director's Report

- a) Gregg reviewed status of Logic and Accuracy testing on all equipment to be used in the November 5, 2024 General election. Testing is 95% complete and all have proven accurate.
- b) Gregg gave Absentee by Mail update. As of 09-30-24, 999 civilian absentee ballots have been requested and 106 UOCAVA ballots have been requested.
- c) Gregg recommended update for the SEB Rules be tabled due to pending litigation.
- d) Gregg gave voter registration totals as of 09-30-24. As of 09-30-24, there are a total of 34051 registered voters in Oconee County.
- e) The challenged voters hearing was set for 10-24-24 at 5:30. Upon motion by Davis and second by Shook, vote to set hearing date passed unanimously.



Oconee County

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Upcoming Events

- a) October 1, 3 Poll Worker Training
- b) October 7, 2024 Voter registration deadline/ First day to mail civilian absentee ballots
- c) October 11, 2024 Advance Voting Training
- d) October 15 through November 1, 2024 Advance Voting
- e) October 25, 2024 Last day to receive absentee applications for the November General Election.
- f) November 5, 2024 General Election
- g) November Board meeting TBD – Board discussed certification meeting date and time. The meeting was set for 11/8/24 at 5:30. Upon motion by Shook and second by Jones, vote to set meeting date passed unanimously.

Executive Session – Upon motion by Shook second by Jones, motion was made to go into executive session at 6:39 pm. Upon motion by Shook and second by Davis the board adjourned back into regular session at 6:49 pm.

There being no further business, on motion by Shook and second by Davis, the meeting adjourned at 6:54 pm.

EXHIBIT 2

3.28.24 House Floor Vote

SPEAKER BURNS [00:00:04] Mr. Clerk will you read the caption to the Senate Bill 189. 1-8-9.

HOUSE CLERK [00:00:14] Senate Bill 189, by Senator Burns of the 23rd, Brass of the 28th, Anavitarte of 31st, Moore of the 53rd and others. Be titled an act to amend chapter two, Title 21 of the Official Code to Georgia Annotated relating to primaries and elections generally so as to provide that the text portions of the ballots produced by ballot marking devices shall be counted for vote tabulation and recount purposes. This bill, having been referred to the Committee on Government Affairs, that Committee recommends this bill do pass by committee substitute.

SPEAKER BURNS [00:00:57] Chairman LaHood is recognized to present the bill. I have a lot of people strolling around. So if you're a member, I suggest you find your seat. Members, please take your seats or take your conversations to the anteroom. Chairman LaHood is recognized to present Senate Bill 189, so Representative LaHood.

REPRESENTATIVE LAHOOD [00:01:55] Thank you, Mr. Speaker, and members, I've got a House sub to Senate 189 and this is an election integrity package, that includes Senate Bill 189 that crossed over from the Senate. And it also includes a sub to House Bill 976 and a few other measures, and I'll just run through it. The highlights. So this bill does several things. It ensures that parties have have ballot access, and at least 20 other states will have access to the ballot in Georgia for the presidential race. It clarifies and further defines residency requirements for voter registrations, it further defines voter registration challenges and probable cause, it provides for the option of limited use of hand marked paper ballots in local races that impact 5000 or fewer voters.

REPRESENTATIVE LAHOOD [00:03:00] It eliminates the QR code on ballots for the purpose of official vote tabulation by 2026. It requires the timely processing and reporting of mail in ballots. The Mail-In ballots will be required to be processed and reported. Those that have been collected by the Monday ahead of the election, immediately prior to the election, will be required to be, reported out by 8 p.m. on election night.

REPRESENTATIVE LAHOOD [00:03:27] Section nine includes language from House Bill 17. That's Chairman Alan Powell's language on chain of custody. Section ten requires the timely processing and reporting of votes cast during the early voting period. And those shall be required to be reported and processed, by 8 p.m. on election night. In section ten, lines 548 through 568 include Chairman Shaw Blackmon's language from House Bill 426 relating to open records. Section 11 relates to pre-certification, pre-certification and verification of optical character recognition verification audit that is an alternative to the QR code and what this will do, it's a pilot program that will begin as soon as this November. And it will count every single ballot, before the election is certified using the text portion reading the text portion of the ballot.

REPRESENTATIVE LAHOOD [00:04:36] Section 12 is an amendment brought to us, by a Democrat member. It relates to... Allows flexibility on dates of local elections to fill vacancies. Mr. Speaker, that's a summary of the bill. And, it's getting late and we have a lot of work to do. And so, if there's—

SPEAKER BURNS [00:05:02] You have a couple of questions for you.

REPRESENTATIVE LAHOOD [00:05:03] I'll take a couple of questions.

SPEAKER BURNS [00:05:06] Representative Jasmine Clark to your left has a question.

REPRESENTATIVE CLARK [00:05:09] Thank you, Mr. Speaker. Mr. Gentleman, do you yield?

REPRESENTATIVE LAHOOD [00:05:10] Yes, ma'am.

REPRESENTATIVE CLARK [00:05:11] Section six of the bill talks about hand marked paper ballots. And I'm very curious, which counties have less than 5000 registered electors?

REPRESENTATIVE LAHOOD [00:05:22] Okay. So, thank you for the question and how this will work, and this may not be for an entire county. There are some counties with fewer than 5000 voters, but this could be for one county commission seat where their district is 5000... Impacts 5000 or fewer voters. And we have situations where, where that does occur. And this is optional for the local government to, petition the state election board to use the hand marked paper ballots in those limited cases.

REPRESENTATIVE CLARK [00:05:54] Can I ask a follow up question to that? The current ballot scanners that we have that we use in the state that are normally used to read the QR codes that we use on our ballots. Are those ballot scanners able to read the text or go back and forth? Because presumably we would be using those same scanners in larger elections. Do they have that capability now? And if they don't, how are counties supposed to pay for the ability to actually use these ballots?

REPRESENTATIVE LAHOOD [00:06:26] Are you referring to the optical character recognition? Okay. So the exact same scans that that are used to scan the the ballots when we cast her votes? Those same scanners will be used in optical character recognition tabulation.

REPRESENTATIVE CLARK [00:06:42] All right. Thank you for that.

SPEAKER BURNS [00:06:45] I have another question, and we have some speakers signed up. Just for your information. Chairman Tarvin, on your right in the back is recognized for a question.

REPRESENTATIVE TARVIN [00:06:57] Does the gentleman yield? Excuse my questions. I've got about three, but I understand it removes the Secretary of State as the, from the election board, is that correct?

REPRESENTATIVE LAHOOD [00:07:07] That's correct.

REPRESENTATIVE TARVIN [00:07:08] We got some messages that might be in... that compels the investigation of the Secretary of State by name. And if they cooperate. Is there anything in this bill that says that?

REPRESENTATIVE LAHOOD [00:07:18] So we are. This bill does remove the Secretary of State from the election board, understand? And it does change the notification requirements of the board when they have a meeting to address emergency rule changes.

The secretary will now be one of the parties notified since he will not be a member of the board. And, but I believe your question was, does this—.

REPRESENTATIVE TARVIN [00:07:41] We've got some, correspondence that says it compels that he be investigated by name, Raffensberger, and that he cooperate with investigation. I didn't see that in the bill. Do you?

REPRESENTATIVE LAHOOD [00:07:54] It's not in the bill.

REPRESENTATIVE TARVIN [00:07:55] Thank you so much, sir.

REPRESENTATIVE LAHOOD [00:08:00] Mr. Speaker, if there's no other questions I'll yield the well.

SPEAKER BURNS [00:08:01] I have some questions, but we do have some speakers. The gentleman has yielded the well. The wisdom of the Rules Committee, they've limited discussion on this bill. We'll, of course, hear from those opposed they have up to 30 minutes. Up to 30 minutes. Representative Draper is recognized to speak to the bill. Give the lady in the well your attention, please.

REPRESENTATIVE DRAPER [00:08:25] Thank you, Mr. Speaker. Good evening. I rise this evening in opposition to SB 189. This election bill has one bill number. But the truth is, it is a lot of different election bills put into one package. And there are some good bits in this bill. And there are some neutral bits in this bill, and there are some really bad bits in this bill, too. Bad parts that are based on lies and fear mongering and that are going to stretch our election administrators to their absolute limits. And deny people their right to vote.

REPRESENTATIVE DRAPER [00:09:04] I cannot believe that we are still bending over to accommodate election deniers, conspiracy theorists, and unindicted coconspirators when it comes to election policy. I can't believe that we are justifying sloppy and rushed policy choices by saying we need to bring more confidence to our elections, when you know just as well as I do that there is a very vocal minority out there who will never be confident in the process, so long as their candidate is not the winner. You know, the policy of not negotiating with terrorists. I wish we had a policy of not creating laws to placate conspiracy theorists. And one of the biggest conspiracy theories that I have heard, not only out there, but repeated by members, is that our voter rolls aren't clean and that we need to challenge voters in order to clean the rolls. Because what this bill does is it makes it easier to challenge a person's eligibility to vote. And it makes it more likely that voter challenges successfully kick a voter off the rolls. That's what's in section five of page eight of this bill. And we will hurt more eligible voters than we will help with this section. So in opposing SB 189 today, I'm going to make three points. First, I'm going to explain to you that this idea of unclean rolls is false and intended to justify taking action that is not justified. Second, I'm going to show you how mass voter challenges are being weaponized.

REPRESENTATIVE DRAPER [00:10:54] They do not clean the rolls, but they do hurt both eligible voters and election administrators.

REPRESENTATIVE DRAPER [00:11:01] And third, I am going to tell you that the real motivation behind these making these voter challenges easier, I'm going to tell you what that is. So let's start at the top. This narrative that we have unclean voter rolls is false. Did you know that election offices are constantly going through voter list maintenance?

REPRESENTATIVE DRAPER [00:11:30] It's required by both federal law and by Georgia law, and it helps ensure that only eligible voters are voting. Election offices are always adding new registrants on or taking ineligible voters off. Election officials utilize high quality data from various sources, including the Georgia Department of Public Health, the Social Security death Master File and the Department of Corrections to cancel records belonging to deceased individuals and those with felony convictions.

REPRESENTATIVE DRAPER [00:12:05] When someone dies, there is a process for removing them from the rolls. When someone moves and registers elsewhere, there is a process for removing them from the rolls. In odd years, election officers go through a supremely robust list maintenance process, where they remove voters from the rolls who have been inactive for a minimum period of time. Last year, we removed half a million voters from the rolls in Georgia, and that was without a single voter challenge being placed. The list maintenance process that already exists strikes an important balance between taking people off the rolls when there's actual quality evidence that they are no longer active or eligible to vote, and protecting Georgia voters' right to vote, protecting them from being taken off the rolls arbitrarily or erroneously. And that balance is everything. Because again, we are talking about someone's fundamental right to vote, a vote, a right that is so precious that people have shed blood for it. People have died for it. And so here the key question is about regular list maintenance. Is it working? Is taking people off the rolls on regular intervals working?

REPRESENTATIVE DRAPER [00:13:38] And the answer is yes. There are folks here who want to pretend we have a massive problem with our rolls, and that if there is a name of a dead person on the rolls, that's a real security risk. But set aside the fear mongering and the logical leaps, and the facts reveal that actual voter fraud in Georgia is infinitesimally small. So the Heritage Foundation actually keeps track of voter fraud. And between criminal investigations, criminal convictions, excuse me. Judicial findings, official findings, civil penalties and diversion programs. They have found that there were 21 instances of voter fraud in Georgia since 1997. Let that sink in. So. In fairness, that information may not be completely up to date. Today, it was just reported that the first vice chair of the Georgia Republican Party voted illegally nine times while he was under felony probation. But let's add those nine. And let's say there was 30 cases in Georgia in 27 years, with millions of Georgians voting in every statewide election. When people say our rolls are unclean and that that is a problem and that that's going to have a material effect on our elections, they're trying to scare you because there's simply no evidence of it, and it shouldn't dictate our policy. Plus, our election officials are already handling it. They're already conducting that list maintenance at that regular planned interval. And to the extent that a challenger finds a person on the rolls who has died or that has moved, that person was going to come off the rolls anyway, with or without that voter challenge.

REPRESENTATIVE DRAPER [00:15:34] So the idea that we need some busybody Joe Schmo to come out with his own voter list of challenges to the counties that the rolls will stay clean?

REPRESENTATIVE DRAPER [00:15:44] That's crazy. It has never been about cleaning the rolls. It's about causing chaos. So let me paint a picture for you that's perhaps relatable. Let's say that we're making Thanksgiving dinner. And we're serving ten dishes, turkey, sides, rolls, all the pies. You've got everything timed perfectly because your guests are going to be over at four, and you've only got two ovens.

REPRESENTATIVE DRAPER [00:16:13] And then your mother in law comes over early.

REPRESENTATIVE DRAPER [00:16:17] And she starts telling you how she would do things because she thinks that she knows best, and she prefers that you make the stuffing outside of the turkey, and she likes to make her rolls with a different kind of flour, and she insists that you should go to the store to pick up the canned cranberry sauce, and all of a sudden your food is getting burned. You don't have enough space in the oven.

REPRESENTATIVE DRAPER [00:16:40] And you realize you forgot to defrost the turkey. The process was working. It always worked. It was going to be a delicious meal.

REPRESENTATIVE DRAPER [00:16:48] And then your mother in law messed it up with all her ideas. And that's what mass voter challenges are doing with our election offices. They're causing chaos. They are forcing election offices to process voters out of order, out of priority, because some people do not have an understanding of how list maintenance works. Or maybe they're just pretending not to understand how list maintenance works. But hopefully you do understand how it works now.

REPRESENTATIVE DRAPER [00:17:21] So let's move on to the second point. Voter challenges don't do anything to clean the rolls, but they do hurt voters and they hurt election administrators. Last year when I spoke in opposition to SB 222, the bill that prohibits election offices from seeking outside funding, I stood up at this dais, and I warned this body that the weapon... About the weaponization of the voter statute, voter challenge statute, and I told this body that the challenge statute was no longer being used for its intended purpose. The idea behind voter challenges is to allow a person with personal knowledge of a voter's ineligibility to flag that voter for the county. Right? So example, you know that your neighbor has moved to Florida to retire. They moved a year ago. But then you go to your precinct in Georgia and you see them voting. So through the voter challenge statute, you can alert your county office to look into your neighbor. And to be clear, no one takes issue with that kind of use of the voter challenge statute. But that is not how the voter challenge statute is being used today. Rather, it is being weaponized against voters in specific counties, against election administrators and specific counties, and, yes, against taxpayers in specific counties. Which specific counties. Counties with large numbers of Democrats. How is it being weaponized? Challengers are challenging hundreds and sometimes thousands of voters at one time. There's no regard for individual circumstances. They don't know the people that they are challenging. They don't know where they live or what their situation is. Most of the time, they're using a list they have purchased from the National Change of Address Registry. And since two oh, excuse me, since 2021, we've seen hundreds of thousands of voter challenges flood counties like Chatham, Cobb, DeKalb, Fayette, Forsyth, Fulton, Gwinnett, mass challenges. Mass, meritless voter challenges. And I do mean meritless because overwhelmingly, these challengers are not providing sufficient evidence to withstand the threshold of kicking someone off the voter rolls.

REPRESENTATIVE DRAPER [00:19:55] Let me give you just one example of a meritless challenge. Exactly one year ago. An educated, sophisticated voter in Fulton County and her entire family had their right to vote challenged. They were names on a list of many names that were indiscriminately supplied to the county on a mass challenge form.

REPRESENTATIVE DRAPER [00:20:18] And what made that challenge stand out, in particular, is that the voter was literally a sitting member of the Fulton County Board of Elections. She was actually the Fulton County GOP nominee to the board. So needless to

say, that challenge was thrown out. And we can all agree that the challenge in that case was objectively a waste of time and a mockery of the process. And I want to be clear about something. Just because a mass challenge isn't successful at kicking voters off the roll, it doesn't mean it's not harmful. It is harmful. It's not harmful. It is harmful.

REPRESENTATIVE DRAPER [00:20:57] It's very harmful. And that's a feature, not a bug for the people who are filing these things. So let me explain to you what happens when someone files a mass meritless voter challenge. The county receives the voters list. The challenge list, one. Two.

REPRESENTATIVE DRAPER [00:21:17] They have to stop the work that they're doing, whatever it is. Preparing ballots, training poll workers, checking inventory, registering voters. They have to stop that work that they are doing by law to deal with the challenges within days of receiving it.

REPRESENTATIVE DRAPER [00:21:33] Three. They have to notify the challenged voter by mail to tell them that they have been challenged, and that there will be a hearing within ten days of the notice to determine whether the voter will keep their right to vote. Four. Then the staff spends time to prepare for the hearing. They must research each individual... The individual challenged voter. They have to consider any evidence the voter submits.

REPRESENTATIVE DRAPER [00:21:59] And then they have to speak with witnesses. They have to reach out to administrators. All of this takes time and resources away from them doing their jobs, and a system that barely has any time, resources, or willing personnel left. Five. Then they have to hold a hearing.

REPRESENTATIVE DRAPER [00:22:16] These hearings. Separate from their regular board hearings, have been known to last for hours. And six. After considering the evidence, the election board makes a decision on the challenged voters. So again, regardless of whether the voter is kicked off the rolls or not, and let me reiterate, because most of the time they are not. You now have scared voters by telling them that they are challenged and you have ground election day administration functions to a halt. We had an opportunity this year to fight back against meritless voter challenges. We had an opportunity to do what was right, to stand up for our hard working election officials, and to stand up for voters and the fundamental right to vote. And what we are doing instead is the opposite, with SB 189. We are making voter challenges easier to bring and easier to sustain. So that leads me to my third and final point. Why are we passing a bill that will make further challenges easier to bring and easier to sustain? What is the real motivation behind this provision?

REPRESENTATIVE DRAPER [00:23:29] Have you ever heard of Eagle AI? Unless you're a big election nerd like me, I'm guessing, probably not. But you need to learn about it, because it's a big part of what election deniers and conspiracy theorists... It's a big part of why they're supporting this bill. Many of those same folks support Eagle AI. It's a tech company that was founded right after the 2020 election. Key supporters include Georgia serial registration challenger Jason Frazier and former President Trump lawyer Peter Mitchell.

REPRESENTATIVE DRAPER [00:24:07] Don't Google the company to find its website. You won't find it. They keep a pretty low profile, but they've been working for years on a tool to streamline the voter challenge process. The tool pulls data off the internet, which,

by the way, is low quality data, far less reliable from what our election offices have. And that data is used during the list maintenance process, right? So the tool will flag a voter because they have a missing comma in their name, or they have an initial instead of a middle name. It will flag the voter if they're deceased. And these are either insignificant issue, or they are issues that would have been picked up during the regular list maintenance process. And by using the software with just a couple of clicks, any amateur sleuth can compile a list of mass voter challenges, and an email will be generated with the correct language so they can send that mass voter challenge right to their election office. So it is a scam and it is a racket, and it's going to cause the number of voter challenges before the 2024 election to explode.

REPRESENTATIVE DRAPER [00:25:23] And what are we doing with SB 189? We're adding kerosene to that fire.

REPRESENTATIVE DRAPER [00:25:30] The eyes of the country will be watching Georgia in the months leading up to November. Are we going to be a state that leads with truth and facts, or are we going to bow down to lies and obstruction?

REPRESENTATIVE DRAPER [00:25:43] Don't say that you don't see this coming because it is coming. And if you vote yes. SB 189 you are choosing the grifters over Georgians.

REPRESENTATIVE DRAPER [00:25:53] Mr. speaker, I yield the well.

SPEAKER BURNS [00:25:57] The lady has yielded the well. Representative Romman is recognized to speak to the bill.

REPRESENTATIVE ROMMAN [00:26:07] Thank you, Mr. Speaker. Colleagues, today I rise in strong opposition to Senate Bill 189. My colleague has very succinctly presented a lot of the concerns with this bill, and I want to stress on some of them. Almost every year we do this. Almost every year we come to the chamber, and around this time we rush through a bill related to voting because it's great for election season.

REPRESENTATIVE ROMMAN [00:26:33] But the problem is, it is terrible for our democracy. The reality of the situation is we cannot govern by algorithm. We cannot govern by what our social media feeds are telling us. Time after time after time, these bills come forward and we can literally walk to a different part of the building and speak to the stakeholders relevant to these bills. But instead of doing that, we're instead choosing to govern by algorithm. I don't need to play into the stereotypes that all of you have about other countries around the world, but one of the bedrocks of our country is our belief in our electoral system. And election experts have looked at billions of ballots, studied multiple races and have found no evidence of systemic voter fraud. And when there was systemic voter fraud, we've caught it.

REPRESENTATIVE ROMMAN [00:27:32] We can't keep coming here as elected officials. People trust us. People look to us as authoritative figures. And when we lean into these conspiracies, when we lean into this rhetoric, we are telling people that what you are seeing, what some random person who's gonna lose nothing tweets out, is true. The internet is a beautiful thing. It is an incredible thing and it's brought us together. It has... It's expose us to multiple perspectives. But the reality situation is our job requires us to sift through all of that noise and come to the truth. We have access to these stakeholders, and we can go talk to them today in our counties, in our cities, and in our building.

REPRESENTATIVE ROMMAN [00:28:16] And I've come up here before to explain it to y'all. We cannot keep mandating these unfunded requirements by our counties. This is impacting counties around the entire state. It doesn't matter what party it is. The professionals who are doing this work, the people who are as apolitical as you can get these days, are the ones bearing the brunt of all of this. Just so y'all know, my voter file was purged. My voter file was purged. If you look me up right now, it says that the first time I voted was in 2020. And I've got the selfies to disprove that. And the reason is that people kept trying to go through the voter log over and over and over again, and I got caught in that. That's how data sets work. The more times you run it, the more likely you are to run into mistakes. And so when we keep enabling these challenges, when we keep enabling these people who literally can just send out a tweet or write a blog post or post a podcast, or put out a YouTube video, and instead of going, you know what? I hear what this person is saying. Let me go do the hard work of verifying whether or not what they're saying is true.

REPRESENTATIVE ROMMAN [00:29:30] Instead we go, I'm going to lean into that, and I'm just going to do what everyone's telling me to do. We have a responsibility to push back on lies, not turn them into legislation. I'm very serious about this. Election integrity is so important. But what we don't realize is by continuing to lean into election integrity this way, we're actually eroding election integrity.

REPRESENTATIVE ROMMAN [00:29:58] When you keep telling people that our voter rolls are wrong. That our machines are hackable, that our elections aren't secure, there's massive voter fraud. Instead of doing the thing that we've done for centuries, which is the peaceful transfer of power, you are enabling forces in our communities and our country that are dangerous and fundamentally a threat to us. Frankly, I'm surprised that people who care so much about security continue to make us less secure because once again, social media algorithms have put us in bubbles, information bubbles that mandate that we take these positions.

REPRESENTATIVE ROMMAN [00:30:41] We can literally walk to the Secretary of State's office and have a conversation with him. We can literally walk to different parts of our government agencies and have conversations with them.

REPRESENTATIVE ROMMAN [00:30:55] That is our job. And what this bill does is it tells people, no. Not only have we not been doing our jobs, but in fact government is fundamentally evil and corrupt.

REPRESENTATIVE ROMMAN [00:31:09] Sorry, y'all. We're part of government. Whether you like it or not.

REPRESENTATIVE ROMMAN [00:31:13] Our job is to make the system better, not continue to score political points every single year at the expense of our democracy.

REPRESENTATIVE ROMMAN [00:31:24] And I know this sounds hyperbole or whatever the case may be, but so far the voter challenges from Forsyth, to Gwinnett. From Fulton to DeKalb. From Hall to Clayton. These voter challenges have continued to be baseless. And yet we have election officials wasting precious time, 60 to 70 hour weeks for months just to get through these voter challenges. You don't think that's precious time required to prepare for the next set of elections, to update our systems, to clean up the voter registration rolls? So we keep enabling this incredibly undemocratic process, instead of reminding people

that this is what makes us who we are as a nation. Incredible. It's like we've forgotten that. It's like we've forgotten one of the most fundamental things that's incredible about our country. We have... We've been peacefully transitioning power for centuries. But you don't think that this constant tripping, you know, it's like a death by a thousand cuts. That's what these bills do. It's a death by a thousand cuts. You don't think that's going to have an impact? You don't think that plays a part in the psyche of our constituents who want to believe in our democratic processes, but they hear from their elected officials, oh, I'm sorry. That might not be the case? We have got to end the cycle.

REPRESENTATIVE ROMMAN [00:32:52] Enough is enough. Again, experts have reviewed billions of ballots over the years. There has not been evidence of systemic voter fraud. But if we keep doing this, and this is not an exaggeration, because I'm hearing it from more and more people who say, well, my elected official said it's happening.

REPRESENTATIVE ROMMAN [00:33:17] Even when I know that elected official knows it's not true. Even when they've privately told me, I know this is not true. But our constituents don't know that. Our constituents aren't in these halls with us where we're kind of like, you know, I don't really support this, but I'm just gonna have to vote for it because it's election year. They're not in these halls with us, and they are hearing what we are saying to them and what we're signaling to them. And I promise you, if we keep legislating by algorithm, I don't know what that future is going to look like.

REPRESENTATIVE ROMMAN [00:33:52] And so I really urge people to get out of this, like partisan element of when it comes to elections, I know this is politics, I know this how this works. But of all the things, I really think elections should be the place where we say enough is enough. Because I would sincerely hate. Sincerely hate, for us to get to a point where we can't even hold elections anymore without it constantly, consistently being a problem. And where frankly, my biggest concern is that people completely disbelieve in the system moving forward, and it's going to become harder for us to hold elections. We've had election workers threatened. We have had, voters intimidated. This has happened all within the past four years, which our memories are not that short. And so I urge you today, one, from a procedural perspective, this bill doesn't work, but from the perspective of protecting our democracy, right, and our peaceful transfer of power. We cannot keep doing this. We owe it to our constituents to sift between what's right from wrong and not governed by algorithm. Thank you, Mr. Speaker, I yield the well.

SPEAKER BURNS [00:34:59] The lady's yielded the well. Representative Cannon, you have about three... a little over three minutes remaining of the time.

REPRESENTATIVE CANNON [00:35:09] Thank you, Mr. Speaker. Members, I rise in concern about lines 94 through 96, which apparently were added to this measure, which address those who do not have a permanent home as to where they register to vote.

REPRESENTATIVE CANNON [00:35:26] Let's be clear, Georgia has strict voter ID laws.

REPRESENTATIVE CANNON [00:35:32] So for individuals who are unhoused, it's already difficult enough for them to prove who they are.

REPRESENTATIVE CANNON [00:35:39] Many times, they have an expired license and rely on a voter ID card that we're not even able to use in order to vote. I ask, why do we even call it a voter ID card, if you can't use it as an ID to vote?

REPRESENTATIVE CANNON [00:35:58] Secondly, Georgia has no homeless voting rights statute. It really has no provisions that protect those who are homeless in general.

REPRESENTATIVE CANNON [00:36:10] That's why the National Coalition for the homeless and Aids created the "You Don't Need a Home to Vote" campaign.

REPRESENTATIVE CANNON [00:36:20] As of now in Georgia, you could list the address of a place where you usually stay, or a map or coordinate nearby where you feel comfortable. And that makes sense because you could be unhoused in any part of any county. This bill makes it really confusing because now it says any person of this state who is homeless shall put their permanent address as the registrar's office of the county in which the person resides. How does that make sense? That everyone in Fulton County who is unhoused would put the government center's address? It just simply does not make sense. I recommend that we look at the National Law Center on Homelessness and Poverty, and reclaim that voting is a common right. Even when you are unhoused.

REPRESENTATIVE CANNON [00:37:20] Lastly, I'll recommend that everyone take a look at the film called Riggs.

REPRESENTATIVE CANNON [00:37:27] I hosted a film screening of it in my district. It outlined how one individual did thousands of voter challenges, and when he was met with one of those individuals whose vote he challenged, a military professional who had to go out of state for our state's military, when he was face to face with that person and asked, "would you apologize for challenging this man's right to vote?" He refused. Today, I think we need to refuse to vote to this bill because it allows for the increase of voter challenges, and it does not make sense for those who are unhoused. I will be voting no, and I recommend that you vote no to this measure.

REPRESENTATIVE CANNON [00:38:16] Thank you, Mr. Speaker. I yield the well.

SPEAKER BURNS [00:38:20] The lady as yield of the well that completes those opposed to the bill's time. Representative Anderson is recognized to speak in favor of the bill. I hope you won't take it, but you have up to 30 minutes.

REPRESENTATIVE ANDERSON [00:38:35] I will not take that, Mr. speaker. Thank you for recognizing me. Colleagues, as I was sitting there listening to the, the previous speakers, my, my discussion in favor of this bill has evolved a little bit. My original intent was to talk only about the sections that were not discussed, which would be the, like section one, which further separates the powers between the executive and legislative branch by removing the Secretary of State as an ex-officio member of the board, and then also to define how in section two, how the... The emergency rules and regulations that come before the board that that because of that separation, Secretary is added to the list of notification. As well as other provisions in this bill.

REPRESENTATIVE ANDERSON [00:39:29] But, hearing the discussion we just had, I wanted to actually turn to the bill itself and look at the context and the content of what the bill has. A lot of discussion was had about section five regarding challenges. And let's look at section five. I'm going to start at line 179 where we start adding, some language to current code. Lines 179 through 184 defines the probable causes that can be used for challenges. Lines 184 through 189... Actually through 195, excuse me. Then defines what he calls insufficient probable cause for challenges. So I contend that what we have done is we've defined how you can challenge and defined the parameters of those challenges can

be found insufficient. Looking at line 190 through 192, any challenge of an elector within 45 days of the primary runoff... Primary election, or runoff election, shall be postponed until the certification of that primary election or run or runoff is completed. This prevents last minute challenges from delaying elections.

REPRESENTATIVE ANDERSON [00:40:54] It prevents last minute challenges from causing you, as well as a, as a candidate from having to deal with those kind of issues and for the electors having to deal with that. And then 193 through 195. Any challenge or elector who is deemed eligible pursuant to the residency or the determination provided for in paragraph eight, ten, or 11 of subsection A? It goes on to basically this referencing section four of the bill. We just had some discussion about section four regarding homeless. Section four provides a mechanism for the homeless to actually have the opportunity to vote. That has been left up to local jurisdictions up to this point. We're defining that in code. And then it also goes further to define how people's residency is determined. And this is something that takes the most amount of time in dealing with challenges. How do you determine the actual residency of those challenges? Colleagues, I contend that our bill actually makes the process of challenging more difficult, and it actually is designed to clarify clarify what constitutes a valid challenge, clarify what constitutes an invalid challenge. And with that, Mr. Speaker, I'll yield the well, and ask for everyone's favorable consideration.

SPEAKER BURNS [00:42:23] Gentleman's yielded the well. That completes the discussion on the bill. We do have a minority report. Excuse me, is there any objection to the previous question being ordered? Chair hears none. The previous question is ordered. Now we're ready for our minority report. Representative Stacy Evans is recognized for up to 20 minutes.

REPRESENTATIVE EVANS [00:42:47] Thank you, Mr. Speaker, and good evening, colleagues. I rise in opposition to Senate Bill 189. Just wanted to talk about some of the points we heard from the pro side of the ledger here. The first thing we heard was, okay, we heard a lot about section five, but let's talk about the rest of the bill and all these great things that are in the bill. Well, I would love to be able to vote on all those parts by themselves because there is good in this bill, as was said, there were there are neutral parts in the bill I love. Would love, Mr. Speaker, if we could vote on those things separately. But our House rules don't allow us to amend or pull out parts. And instead all this was mashed together, so we have no choice but to vote on it as a whole, considering all of its parts. And that includes section five. So I wish we could. I do agree that there are good parts in this bill. We heard, hey, we're preventing these last-minute challenges. 45 days. Anything that's done within 45 days and of election, we're going to, we're going to put that to the side. And you deal with that after. I'm not really comforted by that, for two reasons.

REPRESENTATIVE EVANS [00:44:07] Number one. Does that mean we pile all this up and we deal with it right after the election, and all those folks that wanted to deny elections and find all these reasons why the election is not valid and all these voters, were not qualified, we're going to spend all that time calling the election into question unless and until all those voter challenges are resolved? So that's not very comforting to me. The other thing is that, you know, if you... If you study the election code, like probably most of us in here don't, there is no systemic list maintenance allowed 90 days before an election by federal law. 90 days, not 45 days. And in a state like ours, where we have a good early voting period, you're getting pretty close anyway.

REPRESENTATIVE EVANS [00:44:56] So I'm not comforted by that. And I'll leave you with this. Why, ladies and gentlemen, I Was here once before and I left for a couple of years, and I came back. Every year since I've been back, we have done an election bill. We have given new rules, new regulations, new unfounded mandates.

REPRESENTATIVE EVANS [00:45:19] Unfunded mandates to our local election boards and said, you figure it out. You figure it out. We're not going to give you any more money. We're going to try to put limits on who you can even higher. We wanted to do that today. You figure it out. How about we wait and see if some of this is working? We have... we have come down here and pass bills that affect elections, like I said, every year that I can remember, and every time we do it, the proponents of those pieces of legislation come to this well and say, this is going to secure our elections.

REPRESENTATIVE EVANS [00:45:55] We are going to have the most secure, the most fair elections that you can ever have. And then the next year we have to come back and open up the code again. So are you lying then or are lying now? Is it now going to be the most secure, or are we going to come back next year and do it again? More unfunded mandates for our county elected officials. How about we see. And I'll also say this. You know, I got a five-year-old. He was down here earlier, couldn't stay very long as he was trying to pull out the microphones and wanted to climb on the chairs. But they have a game they play in his class called fiction or nonfiction. The teacher describes a scenario, and the kids have to say fiction or nonfiction. How about next time somebody calls you with a conspiracy theory, or their idea about why this voter's not eligible to vote? How about you pause for a second and ask yourself. Fiction or nonfiction? And if you think it sounds like fiction, how about instead of rushing down here to write another law to appease somebody in your district who wants to spread fiction?

REPRESENTATIVE EVANS [00:47:01] How about you say you know, ma'am or you know, sir? I don't think that's true.

REPRESENTATIVE EVANS [00:47:08] We've done audit after audit. We've done study after study. Our elections are secure. There is no widespread voter fraud.

REPRESENTATIVE EVANS [00:47:18] How about you tell them that? I think we would be able to make a lot better use of our time if we were to tell our constituents when things are fiction, instead of writing another bill to appease those that want to spread lies. Thank you, Mr. Speaker, and I yield the well.

SPEAKER BURNS [00:47:38] The lady has yielded the well and that completes the minority report. And then we're going to chair this time. Chairman and representative. Chairman LaHood is recognized for the chair's time.

REPRESENTATIVE LAHOOD [00:47:53] Thank you, speaker. And, I'll be real brief. One of the speakers that opposed the bill mentioned that... He used the word "crazy" to describe this bill and some of the ideas in this bill. What's crazy to me is the idea that anybody in this chamber would be okay with a fraudulent vote. That's like your legal vote.

REPRESENTATIVE LAHOOD [00:48:14] Anybody's legal vote. We don't have a government by the majority.

REPRESENTATIVE LAHOOD [00:48:20] We have a government by the majority who participate. We want to increase participation, and to do that we need to increase the

confidence of our voters. That's exactly what this bill does. Fraud makes folks not matter. What this bill does is ensure that your legal vote does matter. Mr. speaker, I encourage everyone in here to vote yay for the integrity of our elections. And with that, Mr. Speaker, I yield the well.

SPEAKER BURNS [00:48:50] The gentleman has yielded the well. That completes a discussion on Senate Bill 189. Is there any objection to withdrawing the committee? Substitute jurors? None. The committee substitute is withdrawn. Is there any objection to adopting the substitute offered by the Committee on Rules? Chair hears none. The Rules Committee substitute is adopted. Is there any objection to agree to the record of the committee which was favorable to the passage of the bill? Chair hears none. The report of the committee is agreed to.

SPEAKER BURNS [00:49:17] This bill now pass. All in favor of the passage of the bill will vote yes. All those opposed will vote no and the clerk will unlock the machine. Have all members voted. All members voted. If so, the clerk will lock the machine. On the passage of Senate Bill 189, the Yays are 101. The nays were 73. The bill, having received the requisite constitutional majority, is therefore passed.