



## GEORGIA SENATE DEMOCRATIC CAUCUS

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### SENATE JUDICIARY COMMITTEE ELECTION LAW STUDY SUBCOMMITTEE MINORITY REPORT

The undersigned members of the Senate Judiciary Committee Election Law Subcommittee offer the following report to express our disagreement with the Chairman's Report.

We are writing this report as a response to the Senate Judiciary Committee Election Law Study Subcommittee for a number of reasons. Despite the claims made in the report, there is no actual evidence of fraud or any significant irregularities. Many supposed issues come from people who are watching election counting for the first time. It is a complicated process, and it's not surprising that some people were confused about the process. There is absolutely room to better educate poll watchers and everyone that wants to watch democracy in action.

However, there was a lot of patently false information presented by people that should and do know better. Pushing false narratives is never a good policy, and doing so is even more detrimental after such a close and emotional election. The most concerning issue is how the signers of the majority report accepted these false narratives, not only without criticism, but appeared to be perpetuating them themselves. This process has not been good for the legitimacy of this body, and continuing to behave in this manner will do nothing but further reduce the legitimacy of the Georgia Senate, and by extension the laws it passes, in the eyes of Georgians. That is not acceptable.

Firstly, a lot of concerns have been raised about ballot chain of custody. Obviously, that is critically important. However, chain of custody was maintained and documented. The "suitcases" full of ballots were the official ballot transport boxes that the ballots should have been and were transported in. Boxes were regularly opened and counted, and counted ballots were properly stored back in the boxes. A voting center is a hectic place by nature, so it is not surprising that the details of the process weren't clear to everyone. But observers, including trained observers from the Secretary of State's office, were present and verified that all processes were followed correctly. All chain of custody forms were filled in and are available from the counties and the Secretary of State.

Another common issue raised dealt with ballot transcription. Ballots have to be in pretty good shape to run through the machine. If a ballot comes in damaged or improperly filled in, a panel of a Democrat, ad Republican, and a Libertarian if present look at the ballot to determine intent. Most rejected ballots are either

physically damaged or the voter changed his or her vote. Both are still clear votes, just not ones the machine can read. Additionally, all military and overseas ballots need to be transcribed because they aren't printed on the right paper. This results in a lot of transcribed ballots. Since they are never mailed, they aren't folded and look "pristine." In an election with a large mail vote, these transcribed ballots are normal and expected. It would be the lack of any that would be suspicious.

Perhaps the biggest issue raised is added votes or votes changed by the machines. That is also the most easily disproved allegation. There was a hand count, and it matched the machine count other than a few minor errors that were corrected and wouldn't have impacted the election results. Also, we know how many people voted, and it matches the number of ballots, so no votes were added anywhere. This is why it was so important that Georgia switched to a system with a paper trail.

Much was made about the counting at State Farm Arena. However, the evidence presented at the hearing and even the actual text of the majority report shows that there was no counting done in secret. Throughout the video of the supposed secret counting you can see a Republican poll watcher was present. Majority party witness Scott Hall even testified that he arrived at State Farm Arena around 10:00 when counting resumed. He was allowed in until he tried to take pictures in violation of state law.

And then there were an unfortunate number of outright outlandish allegations. Attempting to connect Hugo Chavez, who has been dead for almost 20 years, to elections in Georgia is beneath the dignity of this body. Treating a fringe legal theory that minor clerical errors that were caught and fixed are grounds to disenfranchise every single voter in Georgia is inappropriate behavior for elected leaders. Legitimizing "internet detectives" as if they are some sort of law enforcement or regulatory agency is unproductive at best, especially after such a high profile election.

There do appear to have been some legitimate issues with voters being properly recorded on voting rolls. It appears that everyone affected was still able to vote, which is the most important thing, but it definitely bears investigating to ensure it doesn't happen in the future. Nobody likes any surprises when voting. But the actions of this subcommittee make it harder to find, analyze, and fix real issues because it introduced so many false ones into the conversation.

We are very concerned that this process delegitimizes the Georgia Senate. The meetings were called with no agenda presented to the minority party. Only Republicans were allowed to testify. The requirement that witnesses needed to file an affidavit was never published or even told to minority party committee members. Allowing a witness to examine other witnesses, no matter how big a celebrity he is, is wildly inappropriate. Allowing partisan witnesses to testify over Zoom, while not allowing duly elected senators to participate remotely is outrageous. Conducting hearings after releasing a report is unprecedented. Finally, the majority report did not receive a majority vote of returning senators on the subcommittee.

In fact, it does not appear that the subcommittee is even authorized to take action at this time. Senate Rule 2-1.5 prohibits a standing committee from meeting and performing official acts outside of a legislative session. Considering that Senate Rule 2-1.4 provides that subcommittees are a subset of a standing committee and Senate Rule 2-1.5(b) requires all subcommittee actions to be approved by a standing committee, it appears that this prohibition applies to subcommittees as well, which makes the majority report invalid. For a subcommittee so focused on finding minor rule violations, the subcommittee itself did not demonstrate an interest in following this body's own rules.

Finally, the amount of outright slander tolerated by the subcommittee was completely unacceptable. Senators have already received death threats, and now the subcommittee allowed a witness to slander a random person without objection. Now that person, who hasn't even signed up to be in the public eye will start receiving death threats and be at risk of physical violence. Additionally, the subcommittee has a duty to the body to not allow unchallenged slander of senators. Allowing a witness to spread misinformation that members of the Senate participated in voter fraud with only a minor correction after being contacted by one of the senators is completely unacceptable and dangerous.

Delegitimizing the Georgia Senate is not an action that should be taken lightly. We live in a world of political echo chambers and misinformation everywhere. The entire point of a legislature is to be a marketplace of ideas and reach consensus, or as close to consensus as possible, between people that have very different views and values. Allowing false narratives and misinformation to be treated with the same dignity as a legitimate facts or opinions is dangerous. Trust in government is at or near historic lows. This is the time to go above and beyond to ensure the Senate acts based on facts and not what sounds good in a tweet. If the Senate fails to hold itself to some basic decency, how can we expect Georgians to place any respect on the laws passed by this body? This episode has not just diminished the legitimacy of the Senate regarding elections, but it tarnishes everything the Senate does.

For those reasons we file this minority report,

Sen. Elena Parent, District 42

Sen. Michael "Doc" Rhetts, District 33