



## OFFICE OF INSPECTOR GENERAL

### SUMMARY OF INVESTIGATION

Prepared by Chris Harvey, Deputy Inspector General

---

CASE NAME:	Douglas County-Quarterman
SEB CASE #:	2008-000136
INVESTIGATOR:	Robert Conway
DATE OF REPORT:	July 9, 2009

---

### COMPLAINT:

On Wednesday, November 19, 2008, The Office of Inspector General received this complaint from James Quarterman in regards to the November 4, 2008 General Election. Mr. Quarterman asserted the following allegations:

- Unauthorized possession of voting machine key(s) by election officials
- Tampering with, damaging, or preventing of proper operation of direct recording electronic equipment or tabulation device
- Alleged improper recount procedures
- That Superintendent Laurie Fulton aided and abetted in the suppression, non-collection, and destruction of relevant evidence and elections materials. This being audit logs, system logs, ballot definition files, security logs, seal, ballot envelopes, electronic ballots, paper ballots, poll books, etc.
- Improper delivery and sealing and security of voting machines Alleged that Superintendent Laurie Fulton was reckless and indifferent and intended to obscure the chain of custody and frustrate reconciliation of ballots and other accountability for elections mistakes.
- Bystanders had to view the counting process through glass windows and could not hear the tabulation process.

- That Election Officials never posted or advertised for the compilation and canvassing of the returns to the public.
- That the Superintendent never reported any problems with voting machines.
- That voters were “turned away” because of long lines
- That voters were denied the right to vote by using their hunting, fishing, or trapping license for identifications when voting
- That Laurie Fulton removed or purged voters from active list improperly
- That inactive voter were given provisional ballots and these ballots were not counted.
- That hundreds of absentee ballots were mailed late or not received timely.
- That the Superintendent did not give public notice and allow the public to observe the programming of the DRE and tabulations machines.
- Complainant alleges a violation because sample ballots were used listing showing candidates as “incumbent”
- That the Superintendent did not use a list from the political parties for consideration of the managers and assistant managers.
- That candidate for sheriff appeared as “**Derrick T. Broughton**” during the primary on the ballot; however during the general election his name appeared as “**Derrick Broughton**”.

**COUNTY & ELECTION INVOLVED:**

Douglas County, Georgia, November 4, 2008 General Election

**JURISDICTION/VENUE:**

Jurisdiction will be with the State Election Board, Atlanta, Fulton County, Georgia.

Venue on any criminal prosecution will lie in Douglas County, Georgia.

**COMPLAINANT:**

James Quarterman  
4066 Hickory Hollow Drive  
Douglasville, GA 30135  
678-715-1047

Derrick T. Broughton  
859 Aspen Drive  
Lithia Springs, GA 30122  
678-886-2033

**RESPONDENTS:**

Laurie Fulton/Supervisor  
8700 Hospital Drive  
Douglasville, GA 30134  
770-920-7410

John, Lawrence-Douglas County  
Board of Elections/Registration  
8700 Hospital Drive  
Douglasville, GA 30134  
770-920-7412

Sylvanus L. Burney IV-Douglas County  
Board of Elections/Registration

Spencer Hardy-Douglas County  
Board of Elections/Registration

8700 Hospital Drive  
Douglasville, GA 30134  
770-920-7411

8700 Hospital Drive  
Douglasville, GA 30134  
770-920-7412

Rochelle Robinson-Douglas County  
Board of Elections/Registration  
8700 Hospital Drive  
Douglasville, GA 30134  
770-920-7412

Aaron Walker-Douglas County  
Board of Elections/Registration  
8700 Hospital Drive  
Douglasville, GA 30134  
770-920-7412

Ben Mathis/Attorney for Board  
Freeman, Mathis & Gary, LLC  
100 Galleria Parkway  
Suite, 1600  
Atlanta, GA 30339  
770-818-1402

### **SUMMARY OF EVENTS:**

On Friday, January 9, 2009, Investigator Conway conducted an in person interview with Laurie Fulton, Douglas County Elections Supervisor. Conway had information that Ms. Fulton improperly ran the November 4, 2008 General Election.

Ms. Fulton provided the following information:

- In response to allegation 1, possession of voting machine key she stated that on Monday, November 3, 2008 all the poll managers picked up all their supplies including the key to the voting machines for that poll. This includes boxes of their supplies and the express polls. These keys are for the DRE/Touch Screen Voting Machines; these keys can not be used to cast votes on the machines prior to the election. These machines are sealed and the seals are not broken until the day of the election.
- There was no identifiable, specific allegation of who might have been tampering with a machine made by the complainant. Ms. Fulton stated that there was one machine that never "came up" at Dorsett Shoals Elementary School. It was resealed and not used that day displaying zeros. The memory card was read that night in the tabulation process, however due to the machine not being used the poll manager did not bring the memory card for the tabulation and had to return to the polling place to retrieve the card to have it read for the tabulation. During the Early Voting period the "card creating unit" at the courthouse location failed during the 45 day period. Election officials took that memory card from that card creator and placed it in a new card creating unit and recorded the serial number, which was documented.
- In response to allegation 3, a violation of O.C.G.A. § 21-2-495 (procedure for recount or recanvass of votes; losing candidate's right to a recount), she stated that because the election in question (sheriff's election) was not within the 1% in margin, the candidate was not eligible for a recount. Also there is no evidence of a sworn petition of three or more electors in any precinct requesting a recanvass.

- In response to allegation 4, that Ms. Fulton aided and abetted in the suppression, non-collection, and destruction of relevant evidence, i.e. elections material, she stated that these materials were available for viewing in the Clerk of Court's office along with the Georgia Secretary of State Elections Division Office. To her knowledge the complainant has viewed these materials.
- In response to allegation 5, a violation of O.C.G.A. § 21-2-328 (a) (delivery and sealing of voting machines) her procedure is: she has off-duty Douglas County Fire Fighters who deliver the machines for her. These are delivered to three type of facilities, Schools, Churches, or Parks & Recreation buildings owned by the county. These facilities cooperate with her department to make sure the machines are secured. These machines are also secured through the handles with a wire rope and secured with a combination pad lock to the cart that they are delivered on. These machines are also closed with numbered seals. When the poll manager comes in, most times on the Monday prior to the election if they choose to they can remove the wire rope and set the machines up for the next day's election. There were no reports of any machines having broken seals or giving any appearance of being tampered with. During the Early Voting period the only machines in use were in The Elections office in the Douglas County Courthouse and were secured every night with only one key that was only accessible to the 4 people on the permanent staff. The machines were sealed and unsealed at the beginning and end of each day. During the Advanced Voting period all the locations were secured and the machines were sealed.
- In response to allegation 6, a violation of O.C.G.A. § 21-2-329 (delivery of voting machine keys to chief manager) the poll managers maintained possession of the machine keys until after the election. There were no reports of any keys being lost or misplaced during this election.
- In response to allegation 7, a violation of O.C.G.A. § 21-2-1 in that Laurie Fulton was reckless and indifferent and intended to obscure the chain of custody and frustrate reconciliation of ballots and other accountability for elections mistakes, Ms. Fulton stated, the election went smoothly and she maintained all the required records. There was more people voting in the Early and Advanced stages of the election than prior, however there were no irregularities. The worst day for a waiting period of the election was the last day of Early Voting (Friday, October 31, 2008) she estimated some wait times at 3 or 4 hours, however no elector was turned away, unless they were ineligible to vote.
- In response to allegation 8, it was alleged that evaluations of Diebold noted a switch in the circuitry in the machines, it was not noted by the complainant what machines, she stated, Logic and Accuracy testing was completed by "Premier" for the Early voting machines on, September 19, 2008. She also provided a public notice dated September 14, 2008 advertising this testing for the legal organ, The Douglas County Sentinel. This Early Voting began September 22, 2008. The other round of Logic and Accuracy testing was completed between October 14<sup>th</sup> through 16<sup>th</sup>, 2008 for the Advanced and Election Day voting period. No person came to view this process.
- In response to allegation 9, a violation of O.C.G.A. § 21-2-483 because he and others had to view the counting process through glass windows, she took Conway to the room in which the tabulation process took place, there were three approximate 4' by 4' windows that were average height for viewing. The room

for the tabulation was self contained and it is reasonable that you would not be able to hear inside that room from the vantage point.

- In response to allegation 10, a violation of O.C.G.A. § 21-2-492 because they never posted or advertised for the compilation and canvassing of the returns to the public, she provided a copy of public notice# 108026 in the Douglas County Sentinel dated October 28, 2008 in reference to this public notice.
- In response to allegation 11, a violation of O.C.G.A. § 21-2-580 because superintendent never reported any problems with voting machines. Also alleged manual recording of votes, she stated, they had two databases because she made an error on Derrick Broughton's name on the ballot, it should have been "Derrick T. Broughton" and she left off the "T". This was brought to her attention by her Elections Board. After consulting with Kennesaw State she was instructed that they could do a "second database". This second database included the "Derrick T. Broughton" however the paper ballots and the machines used in Early and Advanced voting did not include the "T" in the name. After consulting KSU it was her understanding that during the election night compilation process they would upload database 1 and database 2 and merge them during that process; however the ones on data base 1 had to be manually entered into database 2 to merge them together.
- In response to allegation 12, a violation of O.C.G.A. § 21-2-266, that voters were "turned away" because of long lines, she stated, No person was "turned away" if they were eligible to vote, however, due to the volume of voters there was long lines. The hours during the Early and Advanced voting was 8:00AM till 5:00PM, however there were many evenings that they stayed until 6 or 7PM to accommodate voters that were in line at 5:00PM.
- In response to allegation 13, a violation of O.C.G.A. § 21-2-221.1, that voters were denied the right to vote by using their hunting, fishing, or trapping license. To her knowledge no elector came in to any of the polls in Douglas County and attempted to vote using their hunting, fishing, or trapping licenses. She also stated that the law (O.C.G.A. § 21-2-417) is very specific as to what identification is allowed when someone comes in to vote.
- In response to allegation 14, a violation of O.C.G.A. § 21-2-234 because Laurie Fulton removed or purged voters from the active list by sending notice as required, she stated that those notices come from the Secretary of State's office. If there is no activity through two election cycles the state generates notices that are sent to inactive voters. Her office purges electors when she is notified of convicted felons and electors who have moved out of state. The notifications of convicted felons were received on a regular basis and at least twice a month notifications were sent to these electors as they were purged from the list. The notifications of out of state electors is not received as often, they do not send notifications to the electors because these electors have signed documentation in relation to their move and the law does not require this notification. Prior to this election there were several issues in relation to the "non-citizen" registration issues. Recently the voter registration data base was compared to other data bases, one being The Department of Driver Services database. When one of these databases indicate that an elector is a "non-citizen" they were instructed to send the elector a notification that they were being removed and should come in and prove their citizenship. The majority of these electors were reinstated after they came in. Ms. Fulton provided a copy of the letter sent to these electors.

- In response to allegation 15, violation of O.C.G.A. § 21-2-235 because inactive voters were given provisional ballots and these ballot were not counted, she stated, inactive voters were not denied the right to vote. If they came in they were on the “express poll” and when they voted that restored them to the active list. To her knowledge no “inactive voters” had to vote a “provisional ballot”.
- In response to allegation 16, hundreds of absentee ballots were mailed late or not received timely, she stated, they mailed absentee ballots as late as 1:00PM on the Friday prior to the election. She is unsure how many absentee ballots were received late.
- In response to allegation 17, violation of O.C.G.A. § 21-2-374 because the superintendent did not give public notice and allow the public to observed the programming of the DRE and tabulations machines, she stated, she is unfamiliar if this is any different than the “Logic and Accuracy testing”, however this testing was advertised in the legal organ (Douglas County Sentinel) September 14, 2008 and completed on both the DRE machines and optical scan machines on September 22, 2008 and then again on October 14, 15, 16, 2008. The wording in this public notice is, “Testing will continue until complete”.
- In response to allegation 18, a violation of O.C.G.A. § 21-2-322 (9) & (14) that the machines used did not allow for absolute secrecy of the voter, she is unfamiliar with what this is referring to because the voting machines are standardized.
- In response to allegation 19, a violation of O.C.G.A. § 21-2-267 that the voting machines did not have a door or screen that concealed the voter while voting; she also had no answer for this allegation.
- In response to allegation 20, a violation of O.C.G.A. § 21-2-284 that sample ballots were used listing showing candidates as “incumbent”, she stated, it’s her understanding that the party in power “at the capitol” is allowed to have their party’s candidate listed at the top, in a non-partisan race then they are listed in alphabetical order.
- In response to allegation 21, a violation of O.C.G.A. § 21-2-90 that the superintendent did not use a list from the political parties for consideration of the managers and assistant managers, she stated that no party sent any list to be used.
- In response to allegation 21, that candidate for sheriff appeared as “**Derrick T. Broughton**” during the primary on the ballot; however during the general election his name appeared as “**Derrick Broughton**”, she stated, that is the one violation that she would clearly admit to. She placed it on the July ballot as “Derrick T. Broughton” and when she submitted the paperwork for the November General Election she “assumed” that once the electors had the name correct the first time that they would realize the second time.
- In allegation 22, it was alleged that witnesses observed two separate Douglas County Deputies remove Derrick T. Broughton signs from yards, she was unfamiliar with any reports to that nature, and her office heard no reports of this.

Tara Robie, an employee of Premier explained the logic & accuracy testing of the machines in Douglas County and explained the problems experienced with the two databases on the GEMS servers.

- Douglas County worked with KSU Center for Election Systems to create their November 2008 General Election GEMS database.
- Premier was not involved in the creation of the GEMS database.
- Absentee paper ballots and touch screen memory cards are created from the GEMS database.
- For security, a GEMS database only accepts election results from memory cards it created during Logic & Accuracy (L&A) set up and testing.
- To her understanding, Douglas County signed off on their ballot proofs from KSU & KSU sent files to Premier for absentee ballot printing. Premier conducted the county's TS Absentee L&A testing on September 19<sup>th</sup> using the first GEMS database.
- Sometime after September 19<sup>th</sup>, the county discovered a middle initial had been left out of a candidate's name. KSU created a second database for the county with the correction.
- Beginning October 14<sup>th</sup>, Premier performed L&A testing on the new TS Absentee & Election Day Precinct machines with this second database.
- On Election Night, the county had memory cards containing results from two different databases due to the county's error of leaving out a candidate's middle initial.
- This created the need for manual entry to be performed so that all of Douglas County's election results would print on one report.
- A GEMS database contains the option for results to be manually entered in lieu of uploading the memory card.
- Georgia procedures instruct that the results manually typed in are taken from the results tape that is printed from a touch or optical scanner when the poll workers end the voting on the machine.
- Manual entry was performed in Douglas County's second GEMS database to input the TS Absentee and paper absentee results from memory cards that were created from the first GEMS database.

Some time after the previous dates Investigator Conway received a phone call from the complainant in reference to some additional votes that appeared after a recount was completed. Conway went to the Secretary of State's Elections Division and spoke briefly to Ann Hicks who presented Conway with a letter and two different consolidated results that was submitted by Laurie Fulton the Douglas County Elections Superintendent. There appeared to be significant discrepancies in the votes cast on the results sheets. Conway compared these numbers and discovered as many as 111 extra votes on one race and in another race there was 1 vote missing. This led Conway to request another interview with Supervisor Laurie Fulton. Conway was also advised by Ms. Hicks and SOS Elections Director Wes Taylor that neither result had been certified.

Investigator Conway conducted a second in person interview with Laurie Fulton, Douglas County Elections Supervisor. Conway had additional information that during the recount for the Tax Commissioner's race the vote totals had changed and the changed election results had not been certified.

Ms. Fulton provided the following information:

- The original advertisement in the legal organ for the logic and accuracy testing was published on September 14, 2004 and was the only advertisement of both sessions of the testing which for the early and advanced voting machines was completed on September 19, 2009. The election day voting machines were completed on October 14, 17, & 20, 2009. Ms. Fulton stated that she believed that the on ad that included the phrase “until completed” would suffice as advertisement for both sessions. She stated that she was told by the previous elections supervisor that this was sufficient.
- When questioned about the significant number changes in the different races, Ms. Fulton stated that this question would be best addressed by the board members that supervised the process and potentially the Premier Technician that worked with the county.
- In response to the question of not certifying the election Ms. Fulton stated that the board made the decision not to certify the election. She additionally stated that she is not the one that certifies the election, the board does.
- When questioned as to why the board chose not to certify the election, she preferred that the board answer that question.
- She stated that the board members that supervised the recount were; The Vice Chair, John Lawrence, Rachelle Robinson & Estelle Bernie.
- **There were 67 absentee ballots that were discovered after election night that were added and counted during the UACAVA ballot count on the Friday after election night, however there were additional issues that may explain the changes in the numbers.**

Investigator Conway conducted an in person interview with Laurie Fulton, The Douglas County Election Board Members & Their Attorney. Present in the interview is Attorney David Cole, Elections Supervisor Laurie Fulton and Board Members: Rachelle Robinson, and John Lawrence.

The Board provided the following information:

- Their answer to how the number changed was: Laurie Fulton began by saying that the root of the problem was the 2 databases on the GEMS server. When she contacted KSU about having 2 databases she got the impression that it was not a big deal, when election night came they would read the cards from database 1, then database 2 then they would be merged together. That was correct except that database 1 had to be manually entered. With that there was the possibility of a transposition of numbers. When entering these numbers there's not a print-out to go back and compare side by side. The numbers were entered from the print-outs of the machines and manually entered into database 2. She further stated that the two technicians Jason Rives (the election night technician) and Kim Carlisle (the recount technician) were not familiar with working with 2 databases. Therefore they did not enter the “cards cast” number, however she stated a KSU person could better explain this. The fact that the “cards cast” number was entered incorrectly appeared to make the percentages not show up correctly. She stated that the original results indicated 30,008 “cards cast”, which she knew to be incorrect because she knew that she had 55,197 votes cast in the presidential election. She did not believe the “cards cast” number was entered and the “cards cast” from database 1 may have been left off. It has nothing to do with the votes,



all the votes were counted. It is her understanding that the “cards cast” only reflects one of the databases, however the votes are correct. Premier Technician Jason Rives handled the entry on Election Night. Kim Carlisle handled the recount. Ben Gregory was sent out for a third time to correct the “cards cast” problem.

- Board Member John Lawrence stated: The databases which he speculated were about 60/40, database 1 which went in electronically, like it normally would and then the second database which had to be put in manually accounted for all the “votes cast”, however the technician didn’t put the “cards cast” in. The Board did not know how to figure it out so they contacted “Premier” and that’s why the letter along with the new results was sent in to Ann Hicks in an attempt to explain. He additionally explained it as a “learning process” for them.
- Laurie Fulton explained that either Ben Gregory or Tara Robie should be able to explain what happened in this instance. She along with Mr. Lawrence explained that they received an email from Michael Barnes of KSU explaining how this could happen. They were able to give Conway a copy of this letter after the interview.
- Conway posed the question how could the “cards cast” affect the extra votes showing up in the races: Laurie Fulton stated that she could only speculate that Ben Gregory might have noticed a problem in the manual entry and added the numbers. **She admitted that there were some absentee ballots that were added during the recount. These ballots were scanned and added into the database when the recount was completed. There were 67 absentee ballots that were added and counted during the recount. There was no race in which these ballots changed the outcome.**
- John Lawrence stated that Monday, after the election there were 67 absentee ballots found in a drawer. The Board determined that these votes would not change the outcome of any of the elections; however at that time they knew they had to do a recount in the Tax Commissioners race so what they decided to do was count those votes because those folks had made the effort to vote and they should count. The board made a memo of how they were found and how they would include them. Mr. Lawrence stated that by the boards understanding of the code they were to recount and report the results of the recount. Because the voting is done on the touch screen machines and you cannot isolate one particular race when you re-total it re-totals all the numbers. The Boards understanding of the recount law is that they do the recount and simply “report the results” of that particular race. He did state that they saw the differences in the other numbers in the other races, but they would not have made a difference. If the board had seen the new numbers changed the outcome of any of the elections they would have taken a “time out” but since it did not they followed the rules, as they understood them. Mr. Lawrence added that they had a great deal of confidence in Jason Rives because he had completed several elections with the county since they began using the touch screen machines, however this was the first time they had seen Kim Carlisle. He stated that they were watching her very closely and believed that there could be some mistakes in the manual entry at this point. The code they were citing for not recertifying is: O.C.G.A. 21-2-495.
- Board Member Rachelle Robinson stated that in accordance with that code section **the Tax Commissioners race was the only race eligible for a recount** so they focused on that race for the certification after consulting with their legal

team. They don't really know why the numbers are different. It could have been "human error". The problem may have occurred when the "third tally" with Tech Ben Gregory was completed in an attempt to correct the "cards cast" issue. Mr. Lawrence stated that the board was not present when Ben Gregory was there and he was only to update the "cards cast" numbers.

- They presented Conway with a "Statement by the Douglas County Board of elections" dated November 11, 2008 which is a written explanation of the 67 absentee ballots that were discovered. When asked if it was a press release Mr. Lawrence stated that it was not a statement for the paper but was reported.
- They also presented Conway with a copy of the email from Michael Barnes of KSU explaining the "cards cast" discrepancy.
- Ms. Robinson added that the board did not intend to sway any election and that they always planned on running the best election possible. There may have been some learning curve problems because they are a new board. They were trying to "bend over backward" over the "Derrick T. Broughton" issue which led to the two databases which in her opinion was the root of the problem.

Kim Carlisle a private contractor for Premier explained what happened with the new numbers that appeared on the recount of the Douglas County election of November 2008.

Ms. Carlisle provided the following information:

#### **I. Day One**

- On Day 1 she started with the optical scan machines to get them going on the scanning.
- They did the 62 ballots that were found and printed a separate report.
- While they finished, she moved the to Touch Screen (TS) uploads.
- She asked who she believed to be Supervisor Laurie Fulton for the tapes to the 1<sup>st</sup> database so they could be entered.
- When they finished the manual entry the numbers were off by a significant amount.
- Upon further review it was discovered that Supervisor Laurie Fulton had given her the tapes for the second database.
- They entered the correct ones and printed the report.
- John, (who she described as BOE President) was not satisfied with some of the results so we agreed to come back.

#### **II. Day Two**

- She was asked to make a spreadsheet.
- She was advised to do the entry first and only do the spreadsheet as a last resort.
- They (being the board) didn't agree so she made the spreadsheet.
- At the end of each stage of the upload, John asked for a report.
- She advised against this because it could becoming confusing to have too many reports going.
- When all of that was done we were sent home so John could take the reports with him.

#### **III. Day Three**

- They went straight to the manual entry using the spreadsheet.

- She had an employee call them out to her and she repeated them back to ensure accuracy.
- When they finished there were two races whose vote totals did not match, but we were able to fix it.
- When done all the numbers matched and John & Laura were satisfied.

Conway went to the home of Jason Rives to attempt to obtain a statement as to his role in the manual entry on the GEMS server. Conway left a business card and was later contacted by a family member who stated that Mr. Rives was in the hospital with a serious medical problem and they did not know when Mr. Rives would be able to make contact with Conway or if he would ever be able to make contact. Conway also made several attempts through Tara Robie with Premier to contact Ben Gregory who since the election has resigned from Premier and due to Premier Personnel Policies could not release his contact information.

### **CONCLUSION:**

The evidence indicates that the initial problem began when the candidate for Sheriff's name appeared on the early voting touch screen machines as "Derrick Broughton" when it had appeared as "Derrick T. Broughton" during the primary. Elections Supervisor, Laurie Fulton admitted that she made this mistake. She and the county election board decided to create a second database in the GEMS server one of which would have all the early/advanced votes for "Derrick Broughton" and the second database that included the correct name of the candidate "Derrick T. Broughton". On election night these two data bases would be merged and then transmitted. However on election night these databases would not merge and the tapes for the machines of the advanced/early voting had to be manually entered.

After the votes were tallied on Election Night the race for Tax Commissioner was within 1% therefore it is mandated that a recount be done. According to a statement from The Douglas County Board of Elections on Monday, November 10, 2008 at approximately 3:30PM, 67 absentee ballots were discovered (this was also admitted to by the supervisor of elections and the board in an interview). These ballots were included in the recount and counted. However, on the CD that was received by the Secretary of State Elections Division time stamped 9:50AM on December 16, 2008 there were as much as 111 extra votes that appeared in one race and in another race there was 1 vote less than the original numbers. In a letter from Douglas County Elections Supervisor, Laurie Fulton accompanying these recount results she stated, "It has come to our attention that you do not have the corrected version of our certified results. Premier inadvertently left off some cards cast numbers on the units that had to be manually entered therefore making our voter turnout percentages off". According to Ann Hicks of the Secretary of State, Elections Division these results were never certified by The Douglas County Election Board

There was some correspondence with Douglas County from Wesley Tailor, Elections Division Director with the Secretary of State's Office in an attempt to obtain certified results. A letter dated January 28, 2009 from Douglas County Elections Supervisor, Laurie Fulton was received on January 30, 2009. This letter basically stated that the Douglas County Board of Election certified the election results on November 7, 2008 and provided that information to the Elections Division of the Secretary of State. The following week, there was a recount of the race for Tax Commissioner because there was less than a 1% margin separating the votes received by each candidate. The board of elections conducted the recount and then recertified only the results for

the race for Tax Commissioner to your office on November 14, 2008. The board did not recertify the other races. The letter went on to explain the additional 67 absentee ballots.

**POTENTIAL VIOLATIONS:**

1. The facts in this case indicate that Douglas County Elections Supervisor, Laurie Fulton violated O.C.G.A. § 21-2-153 (e) (1) in that she indicated on the primary ballot for the Sheriff's race the candidate's name of, "Derrick T. Broughton", then during the general election the ballot read, "Derrick Broughton". Mr. Broughton indicated on his notice of candidacy he wished his name to be listed as, "Derrick T. Broughton".
2. The facts in this case indicate that Douglas County Elections Supervisor, Laurie Fulton violated Georgia State Election Board Rule # 183-1-12-.02 (3) (a) 3 in that she did not proofread or designate someone to proofread the ballot to insure that it contained the proper offices, candidates, and questions to be submitted to the voters.
3. The facts in this case indicate that Douglas County Elections Supervisor, Laurie Fulton violated Georgia State Election Board Rule # 183-1-12-.02 (3) (b) 1 (i) in that she did not advertise in the legal organ the "Logic & Accuracy" testing that was completed on the election day voting equipment on October 14, 17 & 20<sup>th</sup>, 2008. Ms. Fulton indicated in an interview that the advertisement she placed in the legal organ on September 14, 2008 that read: "*Notice is hereby given that the logic and accuracy testing and preparation of voting equipment to be used in the November 4, 2008, General Election will begin at 9:00AM on September 19, 2008. Testing will continue until complete and is open to the public. Said testing and preparation will be conducted at the county courthouse, 8700 Hospital Drive, Douglasville, GA 30134 on the first floor*". Ms. Fulton felt that the phrase "Testing will continue until complete" covered the fact that after approximately 2 days of testing the Early/Advance equipment and then returning almost 30 days later to test the Election Day equipment.
4. The facts in this case indicate that Douglas County Elections Supervisor, Laurie Fulton & The Douglas County Board of Elections & Registration violated O.C.G.A. § 21-2-386 (a) (1) (A) in that they failed to provide safekeeping, certification, and validation of 67 absentee ballots that were later found after their election results had been certified. If the procedures had been followed as indicated in O.C.G.A. § 21-2-386 (a) (1) (B) & O.C.G.A. § 21-2-386 (a) (1) (E) the Election Supervisor and Board should have known that these absentee ballots were missing on election night.
5. The facts in this case indicate that Douglas County Elections Supervisor, Laurie Fulton & The Douglas County Board of Elections & Registration violated Georgia State Election Board Rule # 183-1-12-.02 (5) (d) in that they concluded tabulation of votes on election night while there were 67 absentee ballots outstanding.
6. The facts in this case indicate that Douglas County Elections Supervisor, Laurie Fulton & The Douglas County Board of Elections & Registration violated O.C.G.A. § 21-2-495 (c) in that they failed to certify the recounted votes that had changed and been submitted to the Secretary of State's office on December 16, 2008.

7. The facts in this case indicate that Douglas County Elections Supervisor, Laurie Fulton & The Douglas County Board of Elections & Registration violated O.C.G.A. § 21-2-596 in that they willfully neglected to certify the recount of the election after they knew that the vote totals changed in almost every race.