

Subject: Fw: Open Records Request (GA-SEB-24-1541)
Date: Monday, July 22, 2024 at 1:15:40 PM Eastern Daylight Time
From: Brooks, Addison (SEB)
To: Khahilia Shaw
CC: Hardin, Alexandra (SEB)
Attachments: Outlook-uzoydpd1.png, Outlook-vihdq5j0.png, Outlook-nauisppp.png, Outlook-q0oofxmx.png, GA-SEB-24-1541.pdf, SEB24-28Gmail - Request for Clarification and Supporting Evidence Regarding Recent Board Meeting.pdf

EXTERNAL SENDER

Good afternoon,

Please see the attached response to your open records request.

Thanks.



ADDISON BROOKS
Georgia State Election Board
Intern

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Suite 802, West Tower
Atlanta, GA 30334

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John Fervier <jfervier.seb@gmail.com>

Request for Clarification and Supporting Evidence Regarding Recent Board Meeting

3 messages

Janelle King <jking.seb@gmail.com>

Wed, Jul 17, 2024 at 4:14 PM

To: dyu@law.ga.gov

Cc: Janice Johnston <jjohnstonmd.seb@gmail.com>, Rick Jeffares <rjeffares.seb@gmail.com>, "Coan, Michael" <mcoan@sos.ga.gov>, "Hardin, Alexandra" <ahardin@sos.ga.gov>, John Fervier <jfervier.seb@gmail.com>, Sara Ghazal <saraghazal.seb@gmail.com>

Good Afternoon Danna,

Please review my following email for the purpose of clarification.

I attended my first board meeting, which commenced on July 9th and concluded on July 12th. I have been disheartened by the narrative circulating outside the board, which appears to be based on speculation rather than fact.

I believe there must be concrete facts, laws, codes, statutes, etc., that substantiate the claim that our July 12th meeting was illegal. To my knowledge, the meeting initially scheduled for 9 AM on July 10th, and subsequently canceled due to "technical issues," was considered appropriate for deciding whether to proceed with the Friday meeting.

It has been reported that we were required to provide a 24-hour notice for reconvening the meeting, which we did. However, this procedure was not followed for the Chairman's meeting. We were also informed that we could not meet using telecommunication methods, such as phone or virtual platforms. However, several state boards, including the Board of Corrections, of which I am a member, and the Public Service Commission, frequently use such methods.

Furthermore, we were told that although three board members, constituting a majority, could not instruct the SOS office to post our summary and meeting notes; this directive had to come from the Chairman of the board. I find this highly unusual.

These concerns represent only a fraction of the recent events, but they are significant as they seem based on assumptions or speculation rather than facts. One of our board members was informed by our Chairman that he would receive a call from the AG office with details and factual evidence supporting the claim that our board meeting was illegal. This call never occurred, and we are now at a standstill, lacking communication on our next steps, despite having adjourned with important time-sensitive matters on the table. I use the term "time-sensitive" loosely, as we have not been officially instructed on how much time we have to schedule our next meeting within the 30-day window to allow for public comments.

I hope you understand my concerns. As a business owner, I rely on my attorney not only for advice but also for the relevant laws, codes, statutes, etc., to ensure I fully understand his recommendations. I am not comfortable with the "because I said so" method of issuing legal advice.

For our current and future understanding, I am requesting concrete evidence proving that our meeting was illegal, not merely that it could "possibly" have been illegal. Additionally, I request evidence that our Chairman is the only board member authorized to request postings on the SOS website, as this is our only method of posting at this time.

I look forward to your prompt response with the requested information. The purpose of this email is to obtain clarification based on proof and evidence. I respectfully ask that your response be issued in writing, rather than over the phone, so I can use it as a reference in the future. Thank you.

All the best,

Janelle King

John Fervier <jfervier.seb@gmail.com>

Wed, Jul 17, 2024 at 5:23 PM

To: Janelle King <jking.seb@gmail.com>

Cc: dyu@law.ga.gov, Janice Johnston <jjohnstonmd.seb@gmail.com>, Rick Jeffares <rjeffares.seb@gmail.com>, "Coan, Michael" <mcoan@sos.ga.gov>, "Hardin, Alexandra" <ahardin@sos.ga.gov>, Sara Ghazal <saraghazal.seb@gmail.com>

I would like to dispute some of the representations made in your email.

1. There was no "Chairman's meeting". The meeting that occurred on July 9, 2024 was recommended and voted on by the State Election Board, so it in effect was a State Election Board meeting. At approximately 4:50 on the 9th, a motion was made to recess and continue the meeting on the morning of the 10th. If I recall correctly, the vote in favor was 4-0 with the Chairman not voting.

2. I never informed any Board Member of what you claim. You stated: "One of our board members was informed by our Chairman that he would receive a call from the AG office with details and factual evidence supporting the claim that our board meeting was illegal." I in fact had a telephone conversation with Member Jeffares where I told him that I would request a 3 way call with the Attorney General's Office to discuss the events of last week. The Attorney General's Office has been unavailable for that call. I called Member Jeffares earlier today to inform him of such but he was unavailable.

Lastly, my reason for holding off on posting the meeting summary for the June 12th meeting is that I am waiting on direction from the Attorney General's Office on how to proceed to ensure that no statutes, regulations or rules have been violated.

I am also disheartened by the narrative, inaccurate comments and outright lies circulating outside this Board. You will note that other than the few comments that I made to the media during recesses of the July 9th meeting, I have refused to engage with the media on any of the recent events.

Best Regards,
John Fervier

[Quoted text hidden]

Janelle King <jking.seb@gmail.com>

Wed, Jul 17, 2024 at 7:01 PM

To: John Fervier <jfervier.seb@gmail.com>

Cc: dyu@law.ga.gov, Janice Johnston <jjohnstonmd.seb@gmail.com>, Rick Jeffares <rjeffares.seb@gmail.com>, "Coan, Michael" <mcoan@sos.ga.gov>, "Hardin, Alexandra" <ahardin@sos.ga.gov>, Sara Ghazal <saraghazal.seb@gmail.com>

Chairman Fervier,

I wish to clarify the following points to ensure we are all on the same page:

1. My previous comments referring to the "Chairman's meeting" were not in reference to the meeting scheduled for July 9th. Rather, I was referring to the meeting called without the input of the board, initially set for July 10th. I am aware that we all agreed to participate in the meeting scheduled for July 10th and equally aware of our collective attempt to participate before the decision was made to cancel the meeting without the board's input.
2. I do not perceive any substantive difference between our statements. I mentioned the expectations surrounding the call with the Attorney General's office, and you explained why the call did not take place. This does not alter the fact that the call was anticipated and has yet to occur.

Finally, your rationale behind postponing the meeting seems to align with the overarching purpose of my initial email, it appears we are both awaiting the same information. Hopefully, we will receive it soon so we can continue our work on behalf of the people.

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