

BOARD OF COUNTY COMMISSIONERS

Randy Ognio, Chairman
Charles W. Oddo, Vice Chairman
Edward Gibbons
Eric K. Maxwell
Charles D. Rousseau



FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. Smith, County Clerk
Marlena Edwards, Chief Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES Special Called

August 31, 2020
6:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 6:30 p.m.

Call to Order

Chairman Randy Ognio called the August 31, 2020 Board of Commissioners meeting to order at 6:30 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Chairman Randy Ognio

Chairman Randy Ognio offered the Invocation and led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Chairman Randy Ognio moved to accept the agenda with the change of moving Public Comment before New Business. Commissioner Charles Rousseau seconded. The motion passed 5-0.

PUBLIC COMMENT:

Caroline Flood stated that she was in favor of the requested election ballot boxes. Mrs. Flood stated that in light of the COVID-19 Pandemic and its heightened risk for citizens 65 and older, election ballot boxes would provide an alternate option for Fayette County citizens to vote without the risk of potential COVID-19 exposure with face-to-face voting and lessen the potential of overwhelming the postal service via mail-in ballots.

Bradley Sanders relayed the feelings and thoughts of an elderly citizen. Mr. Bradley stated that because of the heightened risk of COVID-19 for citizens 65 and older the election ballot boxes would be a preferred option. He stated that the goal was to provide every citizen the opportunity to vote without the risk of injury, illness, or possibly death.

Brenda Cox relayed the feelings, thoughts, and concerns of three families in Fayette County who were unable to attend the meeting but, were in favor of the elections ballot boxes. Ms. Cox implored the Board to consider the seniors, those who were immune compromised, and essential workers with alternate work schedules when deciding on the election ballot boxes. Ms. Cox stated that "a free and fair election was a fundamental right for all citizens". She concluded that the election ballot boxes would help provide safety considering the current pandemic, provide flexibility, help lessen the strain of long lines for the disabled, and be more convenient for citizens throughout the County.

Laura Line stated that although a senior and having concerns related to the Pandemic and heightened risk for seniors and the medically fragile, she was opposed to the elections ballot boxes. She stated that as a poll worker she was familiar with several options already available for citizens to use to ensure they were able to cast their vote. Mrs. Line stated that in previous years

there had not been a major issue regarding mail-in ballots received via the postal service. She noted that as a part of the most recent primary election, the Elections Office took extensive precautions to help limit the risk of exposure to include social distancing and sanitizing during the voting process. Mrs. Lane stated that her major concern regarding the elections ballot boxes was the potential for theft of ballot boxes and the risk of voter tampering.

Heidi Danis stated that she was in favor of the elections ballot boxes. Ms. Danis stating that voting was extremely important, and that all citizens needed to be provided the opportunity to vote and to do so safely. She stated that because of the potential risk of exposure to COVID-19, elections ballot boxes provided citizens the opportunity to vote safely.

State Representative Derrick Jackson stated that "voting is a right". Representative Jackson stated that elected official in all levels of government should exercise the proper leadership, judgement, and resources to ensure that every citizen was allowed to exercise their right to vote. He stated that because of COVID-19, every methodology and resources available should be utilized to ensure the safety of the citizens as it relates to voting, and elections ballot boxes was a resource. He stated that the Board, as representatives of the citizens in Fayette County, should explore all avenues of voting that could benefit its citizens. He stated that there were policies and procedures in place to ensure the safety and security of the ballot boxes.

Angela Bean expressed her concern regarding the security of the ballot boxes and asked how it would be protected against tampering.

NEW BUSINESS:

- 1. Consideration of a request from the Board of Elections to allocate \$6,000 from the General Fund to purchase three (3) election ballot boxes and associated camera equipment.**

Darryl Hicks the Elections Board Chairman expressed his appreciation to Chairman Ognio for presenting this request before the Board of Commissioners. He stated that he understood the position it put Chairman Ognio in presenting the topic at such a "late hour" or seemingly rushed. He extended his appreciation to the Board for allowing the topic to be heard at a Special Called Meeting. Mr. Hicks stated that the reason the Board received the request so late was because the Fayette County Elections Board was awaiting guidance from the State Elections Board regarding the ballot boxes. He stated that the ballot boxes had originally been approved for use in the June 9th election. Mr. Hicks stated that during that time however, staff was solely focused on learning the operations of new voting machines and equipment and implementation of COVID-19 safety protocols and procedures. He stated that running a successful election took priority and the ballot boxes request was temporality placed on the backburner. He continued that the rules and regulations regarding the use of the ballot boxes via the Secretary of State continued to change, as a result the Elections Board paused presenting the request to the Board of Commissioners until the guidelines, rules, and regulation were confirmed. Mr. Hicks relayed his apologies to the Board for the missed deadline and hastened request. He provided an overview of what the ballot boxes would look like and history of the ballot boxes which was in response to the COVID- 19 Pandemic and the need to ensure safety for citizens when voting. He stated that during the June 9th Election, the Secretary of State (SOS) sent ballot applications to all registered voters in the state, approximately 86,000 to Fayette County. He stated that this resulted in about 25,000 applications being returned to Elections staff and ultimately about 17,000 ballots being cast by mail. Mr. Hicks stated that conceivably thinking the upcoming election there would be between two to three times as many ballots. In July 2020 - the State Elections Board (SEB) extended the Emergency Drop Box rule to cover the November 3, 2020 General Election. He stated that at the August 25th Fayette County Board of Election Meeting the Elections Board approved, with a 2-1 vote, to move forward with purchasing and installing ballot boxes. Mr. Hicks stated that as of July 2020 the SEB stated that there was not a date limitation for the ballot boxes and the ballot box was to be emptied every 72 hours. He continued that starting on the 2nd Monday prior to the election, the ballot box was to be emptied at least once every 24 hours and after emptying the drop box at 7 p.m. on Election Day, the collection team shall close the drop box and indicate on the ballot transfer form that the drop box was emptied and closed. Mr. Hick stated that the ballot boxes could only be located on county or municipal government property accessible to the public. Chairman Hicks stated that the ballot boxes could only be placed 49 days before Election Day and closed at 7:00 p.m. on Election Day. Chairman Hicks stated that the location of the ballot boxes must have adequate lighting. He stated that the ballot boxes must have a video recording device for each drop box location and the video devices must either continuously record the drop box location or use motion detection that records one frame, per minute, until

detection of motion triggers continuous recording. He stated that the ballot boxes video footage must be retained by the county registrar for 30 days after final certification or until conclusion of the contest, whichever is later, and made available to SOS Inspectors upon request. The ballot boxes must be securely fastened to the ground or immovable fixture and the ballot box signage must be labeled "OFFICIAL ABSENTEE BALLOT DROP BOX", displaying clear signage developed by the SOS regarding absentee ballot harvesting and destroying, defacing, or delaying delivery of ballots. Mr. Hicks stated that there was a concern regarding the technical requirements needed to ensure that proper procedures were followed as outlined by the Secretary of State. He stated that if those technical requirements could be met, the Elections Board would not move forward with the request. He stated that the updated estimated costs for the requested ballot boxes was \$7,500 and that there was a grant via SOS that would allow reimbursement of \$3,000. The cameras cost approximately \$20 each and two packs of SD cards would cost between \$100 and \$140, and additional cradle points start at \$99. Mr. Hicks stated that all memory cards and their maintenance will be in the sole custody of the County Registrar and the Elections Office. He stated that the locations under consideration were the Fayette County Administrative Complex - between the County Commission Meeting Chamber and Heritage Park, the Peachtree City's City Hall near Planning and Zoning, and the Tyrone Public Library. Mr. Hicks stated that the goal of these ballot boxes was to provide an additional safe and secure way for Fayette County citizens to vote.

Chairman Ognio asked about the longevity of use of the ballot boxes and if the Secretary of State would use them in future elections.

Mr. Hick concurred with Chairman Ognio's thoughts, stating that the Secretary of State nor the State Elections Board had advised if the ballot boxes could be used in future elections.

Chairman Ognio asked if the ballot boxes would be collected and stored after the election. Mr. Hick stated "No", after the election, the ballot boxes would be locked so that they could not be used. He stated that once guidance was received from the State a decision would be made regarding continued use in future elections or removal of the ballot boxes.

Chairman Ognio asked about the availability of the ballot boxes and if approved when would they arrive for placement and use. Mr. Hick stated that upon discussion with the vendor, even if ordered on Tuesday, September 1, 2020, the ballot boxes would not be available for delivery until sometime in October. He stated that if approved, the ballot boxes would not be in place the full 49 days prior to the election.

Chairman Ognio asked if the ballot boxes were a sole-sourced item. Mr. Hicks stated there were other vendors however the vendor selected was the lowest bidder.

County Administrator Steve Rapson stated that there were two vendors that could meet the standards and specifications required by the Secretary of State Office, which was the recommended vendor from the Elections Board and the lowest bidder.

Vice-Chairman Oddo stated that he had received several emails from citizens expressing their concerns regarding COVID-19 and safety when voting. He questioned the safety protocol when using the ballot boxes, noting that a voter would still have to touch the ballot boxes to insert their vote.

Mr. Hicks stated that he could not speak from a health professional perspective regarding the viability of the virus on the surface of the ballot boxes. However, he would assume that each citizen would merely slide their ballots in the ballot boxes, being cautious to limit contact with all outside surfaces. Mr. Hicks stated that the ballot boxes provided an additional opportunity for citizens to vote as opposed to face-to-face voting.

Vice-Chairman Oddo stated that he wanted citizens to be aware that even with the ballot boxes the spread and/or exposure of COVID-19 was still a possibility. He asked Mr. Rapson to briefly explain the CARES funding.

Mr. Rapson stated for clarification that the County does not have \$2.7M sitting in the bank to spend on these type of expenditure. He stated that this purchase would be funded from the General Fund Contingency and that the \$2.7 received via CARES funding

was for expenditures that occurred from March 1- September 1, 2020, primarily for the Sheriff's Office, Emergency Services, and the Fire Department.

Commissioner Edward Gibbons expressed his concerns regarding the physical ballot boxes security and ensuring that if a citizen casts their vote using the ballot box that it would get counted. He asked if the ballot boxes would be accessible after hours, if the camera system would be daylight only or augmented reality (AR), and if the Elections Office was adequately staffed or if additional staff was needed, was there funding available.

Mr. Steve Rapson stated that the County's Information Technology Department would ensure the camera system met all required guidelines.

Mr. Hicks stated that the ballot boxes would be accessible afterhours. He stated that the ballots would be retrieved according to the outlined protocol provided by the Secretary of State and anyone acting on behalf of the registrar who opens a box prior to an election, must have sworn an oath in the same form as poll officers prior to opening the box. He stated that there may be a need for additional part-time staff like the prior elections, dependent upon the number of absentee ballots received. He stated that the Elections Office generally would make projections based on a general election and add staff to that, however there could always be exceptions.

Mr. Rapson added that the Election Office was adequately funded.

Commissioner Gibbons asked what the number of voting machine per precinct was, as it relates to social distancing. Mr. Hicks stated that the State requires a voting machine per every 250 voters. He stated that the Elections Office works diligent to adhere to those guidelines. He added that this year they would be running double elections which creates additional challenges as it relates to early voting, social distancing, and adequate spacing.

Commissioner Gibbons stated that his goal was to ensure that Fayette County citizens had alternate ways to vote, because "it was a privilege". He asked if the issues raised at the previous Board meeting regarding voting logistic at the County Office had been addressed. Mr. Rapson stated that the Elections Office, the Library, and the Extension Office were in discussions regarding logistics for voting during the upcoming elections,

Commissioner Eric Maxwell expressed his concern regarding the delay in receiving the ballot boxes. He expressed his frustration stating that if a citizens requested an absentee ballot and received it by mid-September the voter would not be able to use the ballot boxes, because they would not be available for delivery and placement until mid-October. He addressed comments mentioning "voter suppression tactics" stating that his goal was to ensure all citizens are allowed the opportunity to vote. Commissioner Maxwell stated that he had reached out to the County Administrator regarding the upcoming elections and inquiring if the County Library could be a viable option as an alternate voting location. He stated that he has expressed his concerns regarding the current voting location on the 2nd floor of the Administrative Complex. Commissioner Maxwell stated for clarification the costs associated with the ballot boxes was not the issue, the issue was if the ballot boxes would provide a safer or a more dangerous elections as it relates to fraud. He stated that he had issues with the delayed request itself and that the State Elections Board began discussion regarding ballot boxes in May or June, but the Board of Commissioner was just receiving information related to ballot boxes. He asked for an explanation for why the Board of Election had initially voted to deny the request to purchase the ballot boxes in April, however a few months later voted to approve the request. He was interested in knowing why Aaron Wright, Elections Board Member, voted to deny the request for ballot boxes.

Mr. Hicks stated that the initial vote to deny the purchase of the ballot boxes was motivated by two factors. The first was that the rules and regulations regarding the use of the ballot boxes via the State Elections Board continued to change, as a result the Elections Board paused presenting the request to the Board of Commissioners until the guidelines, rules, and regulation were confirmed. Secondly, the fact that during that time staff was solely focused on learning the operations of new voting machines and equipment and implementation of COVID-19 safety protocol and procedures. Mr. Hicks stated that running a successful election took priority and the ballot boxes request was temporality placed on the backburner. He stated that he did not want to

speak on behalf of Mr. Wright but based on his discussion at the Board of Elections meeting, Mr. Wright felt there were enough options currently available for citizens to successfully vote.

Mr. Addison Lester, Elections Board Member, stated in his opinion the ballot boxes provided citizens an additional and convenient way to vote, giving citizens peace of mind regarding safety at minimum cost.

Commissioner Maxwell expressed his concern regarding ballots casted in a ballot box that potential could be stolen.

Mr. Hicks acknowledged that this was a valid concern. He continued that the ballot boxes had been used in other counties throughout the state and that the empirical data received does show this as a concern.

Commissioner Maxwell asked why ballot boxes weren't considered for the Town of Brooks and The Town of Woolsey.

Mr. Hicks acknowledged that the goal of the request was to be cost efficient and consideration was given to locations that would benefit most, historically based on analysis citizens in those towns typically voted in person and very few absentee ballots were received from those areas. Mr. Hicks added however, if five boxes could be purchased then locations in those areas would also be considered.

Commissioner Rousseau stated that as this current voting cycle progressed, it has continued to morph and change and adaptation was required. He stated that he had also received various emails from citizens expressing concerns regarding the current voting experience and the need for enhanced safety measures. He stated that these ballot boxes were a response to citizens' requests and would be an enhancement providing citizens an additional way to vote. Commissioner Rousseau applauded Mr. Hicks along with the Elections Board for their efforts in working to meet the needs of the citizens of the county.

He asked if the Administrative Complex ballot box location current camera system were going to be utilized and how the Board of Elections would maintain control of footage e.g. usage, storage, collection, and the like.

Mr. Rapson stated that the Administrative Complex ballot box location would not be utilizing existing cameras. He stated that the cameras used would be isolated and have separate SIM cards for the expressed purpose that the video does not go to the cloud and not be accessible.

Commissioner Rousseau asked who would be installing the ballot boxes once they arrive. Mr. Rapson stated that if approved the ballot boxes would be installed internally and the Information Technology Office would assist with the camera installation. He stated once completed, logistically everything would be managed by the Elections Office.

Commissioner Rousseau asked if there would be an internal service charge for the installation of the ballot boxes. Mr. Rapson stated no.

Commissioner Rousseau asked if these expenses met the criteria for the CARES Act funding. Mr. Rapson stated perceivable in his opinion yes, but the expense would have to be submitted for reimbursement to make that determination. He stated that as it relates to the Elections Office the goal was never to capture the full cost but to ensure each citizen was afforded the opportunity to vote.

Commissioner Rousseau asked County Attorney Dennis Davenport if there was a need to enhance the County Ordinance as it relates to tampering, removing, and/or damaging a ballot box. Mr. Davenport stated no.

Commissioner Rousseau moved to approve request from the Board of Elections to allocate not to exceed \$10,000 from the General Fund with the approval that staff requests the \$3,000 grant reimbursement, to purchase election ballot boxes and associated camera equipment; with the condition that if the Secretary of State requirements cannot be met the ballot boxes would not be purchased. Commissioner Gibbons seconded. The motion passed 4-1, with Commissioner Maxwell voting in opposition.

ADJOURNMENT:

Vice Chairman Oddo moved to adjourn the August 31, 2020 Board of Commissioners Meeting. Commissioner Gibbons seconded. The motion passed 5-0.

The August 31, 2020 Board of Commissioners Meeting adjourned at 7:49 p.m.

Marlena Edwards, Chief Deputy County Clerk

Randy C. Ognio, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 24th day of September 2020. Referenced attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Chief Deputy County Clerk