

*FAYETTE COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION
Regularly Scheduled MARCH Monthly Meeting*

MARCH 27, 2012

The regularly scheduled March meeting of the Fayette County Board of Elections was called to order by Supervisor Sawyer at 5:10pm. Also present were Members Darryl Hicks, Addison Lester and Marilyn Watts.

A. ELECTION OF CHAIRMAN OF FAYETTE COUNTY BOARD OF ELECTIONS – DISCUSSION OF ROLE DESCRIBED IN CODE

Supervisor Sawyer opened up the floor to discussion of voting on the Chairman of the Fayette County Board of Elections & Voter Registration. Member Lester said that he recalled from the discussion at the meeting last month that there was a motion and a second and that we tabled for discussion. Member Lester stated that we were having a discussion of the role described in the code. Both Member Hicks and Lester stated that they would like to see the code that Member Hicks was referencing about the authority of the board. Member Watts said that she was going to do that – it was on her to do list. She said that it was in there – it had been discussed at some of the conferences. Member Lester said that he had the list of code sections given to them last year and that this had been his reading material as he flew back and forth to Denver. Member Hicks said that the County Attorney had come to speak to the board members earlier in the year and showed us where we didn't have authority. Member Watts said that he didn't know what he was talking about. Member Watts apologized for not getting that to the other two board members. She would get that to them soon. Member Lester stated that he had called and left a message for Scott to get back to him with a list of the code sections. They have not been able to get in touch with one another to discuss this matter. Member Watts said that this had been brought up at a previous conference by another county – the board has the authority to hire clerks and other personnel and to assist them in their duties. Member Watts said that this is the basis for the board's authority to hire staff. Member Hicks said that it says the board may, but doesn't say that it must. Member Lester said that it doesn't spell out how it must be. Member Watts said that she was paraphrasing, but that this was how the other boards do operate. Supervisor Sawyer asked if perhaps the enabling legislation could have been structured in a way that each county's board could be set up differently and with different wording. Member Hicks said that the question was how actually the supervisor and his staff are set up and to whom do they report. He said that he could understand if it said that the board manages the supervisor (Tom Sawyer) and the running of the office was the supervisor's responsibility. Member Watts said that this authority was given to the supervisor's position. Member Hicks said that this came up when member Watts asked if Hicks would be available to interview staff if needed. He responded as to why would he have to be interviewing staff – maybe supervisor position, but not the day to day staff. Supervisor Sawyer said that perhaps that he could try and get some additional information to help clear this matter up so that we could all see where the board did in fact have or did not have this authority. Member Watts said that there was a conference where Linda Beasley of Augusta – Richmond County made this very clear about the duties of the board and that Secretary of State Cathy Cox had backed her up. Member Watts said that she thought that we would find that more counties directly supervised the supervisor and the staff in the office. She stated that what goes on in this office was ultimately the board's responsibility. Member Lester asked if he could take this a step further - the

board relies on Tom to supervises the staff here in the Elections Office. When we get to the end of the year when reviews or evaluations are done, he asked Tom if he was the one who did them or did he get the board involved in this in the past. Supervisor Sawyer stated that the two that he had done were not presented to the board for their review. Both Members Hicks and Lester stated that seemed correct to them since they would not have been here to make any kind of decision about their performance. Member Watts stated that before Jack Krakeel, the board had always done evaluations for the supervisors. After Jack came on as County Administrator, evaluations were not done for a while and the board was not asked to do them. Supervisor Sawyer stated that he had had a review by Jack Krakeel and that it was okay with the exception that he rated Sawyer down for poor communications. Member Lester said that he was just trying to get the county's protocol of doing evaluations. Supervisor Sawyer said that he had come to Elections late in 2006 and that he had only had one evaluation and that was just recently with County Administrator Krakeel. Member Watts said that things had changed when the county got a new administrator in Jack Krakeel. Member Lester said that until we could get clarification, he thought that we should postpone electing a chairman until next month. Supervisor Sawyer spoke with Gwinnett County regarding how they get their boards. Lynn Ledford said that the Republican Party appointed 2 board members; the Democratic Party also appointed 2 board members. These four then appointed the fifth. This then took the board of commissioners out completely in setting up the board of elections. For Fayette to change to this type of plan would probably take action by the legislature. Things are up for some big changes as the county has offered early retirement to 44 employees. To date, it is uncertain how this is going to work for the county. The paper stated that it was going to cost the county approximately \$86,000 per person who takes the early retirement. This would be for the cost of the additional 5 years and the cost of the insurance to get the employees to age 65.

Member Watts agreed that Scott Bennett is the county's attorney; however, he is not versed in election law. Member Hicks said that if he can't read the code, then he's in the wrong place. She said that her experience has been that he has not answered anything that we have asked him to answer. There was a time at the Secretary of State's office when we could call and they would give us guidance. Now all we hear is to check with our county attorney. Member Hicks said that it was just simple the code and the law. Member Watts said that over the years that normally one member of the board was an attorney and we had relied upon them for their interpretation of the law. She said that she is going by what she has learned on the job over the years. Member Watts said that we should all remember that this board was created by an act of the legislature. She said that it was different from the likes of the P & Z, and the board relating to the assessors. Member Hicks stated that he was with Member Lester and that if we could find it in the code in black and white, then its black and white to him. He further stated that if it was not in black and white, then it was being subject to interpretation, and the Secretary of State was right and we must go back to our county attorney. Member Hicks said that he would sum it up this way – if he can't find it in black and white in the book that you have to supervise those people, then I don't have a problem being the chair. If it says that I have to supervise April

and everybody else, I think that this is way past the scope of what he would want to do. He thinks that it would cause this board to be micromanaging. He said that he felt that this managing should be done by the supervisor and he should be held responsible for getting the job done. Member Lester said that he agreed with Member Hicks. Member Hicks said that he thought that any firing would be of the supervisor position and that that would be as far as it would go. If you go beyond this, then you would have them serving as managers and not being a board member. Member Watts said that all persons interviewed and selected in this office for the last 30 years have been done by the board. She stated that this has been done under the guidance of the Secretary of State's office. Member Lester and Hicks asked that she point out in the code that spells this out so that all board members have a clear understanding. Member Watts stated that she asked County Administrator Chris Venice to sit in the interview when Supervisor Sawyer was hired. This is because this position would be a department head and there are certain things that the county would require of this person. But the Board made the final decision. Member Hicks said that he was not concerned with hiring as much as he was concerned with managing. This would mean that the board members would manage from a far – it wouldn't be fair to employees since board members come into the elections office typically only once a month. Member Watts stated once again that the staff ultimately reported to them and they were ultimately responsible for the hiring and firing of all staff, including the poll workers. Member Lester said that he felt that the code clearly spelled out about the poll workers. She said that we were responsible for training them as well. Member Lester asked Member Watts to please send he and Member Hicks the code section that spells this out and we will work through it. Member Hicks said that he believed that what Member Watts has said has taken place – he said that what he finds surprising is that there would be a code section that would tell volunteers to manage the whole department rather than just the supervisor of the department. Member Hicks said that in his reading about the board, he had not read anything that spelled out exactly what Member Watts has stated. Member Watts said that references to registrar did in fact refer to this board. This board is the chief registrars. She also thought that perhaps that we needed some housekeeping – clean-up. Member Hicks said that he did not believe that Member Watts was not telling the truth, but he did need to see the code section to be sure that it was truthful – this settled it for Member Hicks. Member Watts said that the Board of Commissioners should not have any say-so over the Board or Elections or to be able to exert force over this board. Member Watts stated that boards prior to her coming on board had handled this the same way. There was a brief discussion on the opinion of County Attorney Scott Bennett and County Administrator Jack Krakeel who are emphatic that they have some authority over this board and the department. Member Lester stated that the Election of Chairman should be tabled. Supervisor Sawyer stated that he would find the enabling legislation and get all other information put together.

B. DECEASED AND FELON ELECTORS

1. CHALLENGED VOTER

Election Officer Crosby said that the ex-husband of Virginia Guilfoyle no longer lived here in Fayette County and hasn't for several years. Crosby had sent her a challenged letter at her registration address and it was returned. Crosby said that she had not been voting when asked by Member Watts since 2008. Crosby also stated that her precinct card had been returned. We also had sent her a confirmation which was also returned. Her ex-husband had been asked not to toss her mail but to mark on the front the reason for it not being delivered. Crosby had asked him to respond by letter stating that his ex-wife was no longer at the address here in Fayette County. He reported that she had moved to Virginia. The state of Virginia was contacted and they reported back to our voter registrations office that she had already been transferred as moving outside the state of Virginia. The states do not interact with one another and we do not know if and where she might be registered to vote. Member Hicks made a motion to delete Ms. Guilfoyle from the Fayette County Election rolls. Member Watts seconded the motion. The motion carried 3 – 0.

2. DECEASED ELECTORS

Member Lester moved that the list of deceased voter as presented by Officer Crosby be approved to be deleted from the Fayette County Elections rolls. Member Watts seconded this motion. The motion carried 3 – 0.

3. FELON ELECTORS

Member Lester moved that the list of felons be deleted as presented by Officer Crosby be approved to be deleted from the Fayette County elections rolls. Member Watts seconded the motion. The motion carried 3 – 0 .

C. OLD BUSINESS

4. MINUTES OF PREVIOUS MEETINGS

FEBRUARY 28, 2012
MARCH 9, 2012 - ELECTION CERTIFYING MEETING
MARCH 15, 2012 - BUDGET MEETING

Supervisor Sawyer presented these minutes for the board's review. He asked that the approval of these minutes be postponed to a later date so that they can be proofed for spelling and grammatical correctness.

D. NEW BUSINESS

5. BY-LAW CHANGES

Member Watts stated that she had been working on these, but that we said that we should be ever so cautious because of the microscope environment that we are currently operating. Also, she indicated that there had been many changes since these were originally written back in 2008. One other big change has been in the area of

social media - facebook and twitter - and the impact it has had on the actions of boards and its members. Member Watts stated that her personal opinion was if something is posted or an e-mail is sent to a friend, it is not for the public to see. She saw no problem with comments regarding political opinions as long as you were not representing yourself as a member of a board. The board must be careful when presenting any public information, even though you may not be writing information in a letter to the editor. The perception is critical as to how the public reads into what is actually written. Member Lester said that people have a hard time separating the board as board members from them writing to the paper or their political activities with the parties from the county.

6. COUNTY CHALLENGE OF BOARD OF EDUCATION MAPS

Supervisor Sawyer spoke with Bryan Tyson today who is with the county's law firm was questioning the Board of Education's right to change the maps of the Board of Education as well as the right of the Board of Education to make changes to the term of election for board member Presberg since the law had allowed him to serve the full remaining term of Mr. Tolbert when he was appointed by the Board of Education. The NAACP has until the end of this week to respond on behalf of the County Commission. This is a status update only. This will also require being sent to the Department of Justice and the minimum 60 day time period. The judge could also throw the whole case out.

7. COUNTY DISTRICT MAPS

This is referencing the maps that were approved at the February 14, 2012 meeting. The county has filed suit in Federal Court which could get approval as soon as tomorrow. These would then have to be forwarded to the Department of Justice. If this made it through Justice, these maps could possibly be used for this year's qualifying. The deadline will be May 23, 2012. The maps as brought up in redistricting hearing for U.S. Congressional, State House and State Senate will continue as approved in the special session of the Georgia Legislature. There has been no challenge of these maps and they have already been pre-cleared through Justice. The reorganizational meetings of the county parties are having to use the new U.S. Congressional maps since Fayette County is now split between U.S. House 3 and U. S. House 13. Qualifying will be conducted by the parties if it is a partisan race and either the County Elections Office or the State Election Division Office for the non-partisan races. All ethics reports are to be filed directly with the state office of ethics. Supervisor Sawyer stated that he had received a number of contacts from individuals who were wishing to qualify as independents. These persons will not be on the July 31, 2012 primary ballots. They have until July 30, 2012 to file as an independent and they will be required to get signature equal to 5% of the eligible voters in the last election when that race was last on the ballot.

8. 2012 CONFERENCES

Supervisor Sawyer reported that he had made reservations for four persons to attend the GEOA CONFERENCE May 6 – 9, 2012 in Savannah. This would be Members Watts and Hicks reserved for this conference and Members Hicks and Lester attending the VRAG Conference. Supervisor Sawyer said that he was planning on 2

board members and 2 staff attending each of these conferences. There was enough money for us to stay at the conference hotels with possible some money left over.

E. OTHER BUSINESS - NONE

F. PUBLIC COMMENT - NONE

G. OTHER ITEMS FOR CONSIDERATION – NONE

H. ADJOURNMENT - There being no further business at 6:10pm. Member Watts moved that the meeting be adjourned. Member Hicks seconded the motion. The motion passed 3-0.