

***FAYETTE COUNTY BOARD OF ELECTIONS  
AND VOTER REGISTRATION***

***SPECIAL CALLED MEETING***

***MINUTES***

*July 14, 2015*

**Board Members Present:** Marilyn Watts, Chairman  
Darryl Hicks  
Addison Lester

**Staff Present:** Tom Sawyer, Elections Supervisor  
Leigh Combs, Elections Officer  
April Crosby, Elections Officer  
Karen Hunter, Elections Clerk  
Beverly Westmoreland, Part-time Elections Clerk

**Others in Attendance:** Dennis Davenport, County Attorney  
Anne Lewis, Attorney

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**A. CALL TO ORDER**

Chairman Watts called the Special Called Meeting for the Fayette County Board of Elections and Voter Registration to order at approximately 5:00 p.m. on July 14, 2015. This meeting was held in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, GA. Chairman Watts greeted the many visitors who attended. She then introduced herself, as well as the other members of the Fayette County Board of Elections and staff members who were present.

Chairman Watts explained to the large audience briefly about the functions and duties of the Elections Board. The Board of Elections is a combined board being a Board of Elections and a Board of Voter Registration. The Board was created by an act of the legislature in 1980. The Board is a member of two associations, The Georgia Elections Officials Association and the Voter Registration Association of Georgia. The Board receive their annual certifications from these two entities by attending

annual training seminars. The Board is charged with supporting the Constitution of the United States and the State of Georgia and conducting elections in a fair, impartial, and legal manner.

**B. APPROVAL OF AGENDA**

After perusal of the agenda, Member Lester made the motion to approve the agenda. Member Hicks seconded the motion. **Motion carried.**

**C. HEARING – DECEASED FAYETTE COUNTY VOTERS**

(Chairman Watts explained to the visitors that this hearing is done monthly to keep records updated. The lists of deceased voters as well as felons are received from the Probate judges and other entities.)

Chairman Watts introduced Elections Officer Combs who then presented the list of deceased Fayette County voters. After Board members perused the list, Member Lester made the motion to approve the list of cancelled deceased Fayette County voters; Member Hicks seconded the motion. **Motion carried.**

**D. HEARING – FELON FAYETTE COUNTY VOTERS**

Elections Officer Combs presented the list of felon Fayette County voters. After perusal of the list, Member Lester made the motion to approve the list of cancelled felon Fayette County voters; Member Hicks seconded the motion. **Motion carried.**

**E. OLD BUSINESS**

**1. APPROVAL OF THE FOLLOWING BOARD MINUTES – REGULARLY SCHEDULED MEETING – JUNE 23, 2015 (JUNE)**

Member Hicks made the motion to approve the June 23, 2015 Board Meeting Minutes. Member Lester seconded. **Motion carried.**

**F. NEW BUSINESS**

**2. CALL FOR SPECIAL ELECTION TO REPLACE COUNTY COMMISSIONER – HONORABLE POTA COSTON – IN HER UNTIMELY DEATH**

Chairman Watts told the visitors, the Board is bound by law to conduct elections.

Chairman Watts made the motion to issue a Call for a Special Election for the purpose of filling the unexpired term of Post 5 for the late County

Commissioner Honorable Pota Coston to be held on Tuesday, September 15, 2015.

At that point, Member Hicks asked the motion be held for that item on the agenda in order to have public comments. He asked that the agenda be amended so that Public Comments could be moved ahead of this item.

There was some discussion about changing the agenda and where Public Comments should be on the agenda. County Attorney, Dennis Davenport, advised the Board on this matter.

Chairman Watts then withdrew the motion for the Call for the Special Election to replace the late County Commissioner Pota Coston.

At this point, Member Hicks made the motion to move Item G, Public Comments forward to be Item F.2. Member Lester seconded the motion. **Motion carried.**

## **2. PUBLIC COMMENTS – (REPLACED #2 FOR CALL FOR SPECIAL ELECTION)**

Chairman Watts opened the floor for public comments. She asked anyone making comments to please put their name and address on the sheet provided. She further said this meeting was being recorded and streamed live. She asked that comments be as succinct as possible and not to repeat what someone else has said.

1. Normer Adams: Mr. Adams said he is a longtime resident of Fayette County and believes the County should continue district voting for District 5 for this Special Election. He said he believes it would be a travesty for this election to go any other way.
2. Joe Beasley: Mr. Beasley said there has only been one fair election ever held in Fayette County and it was the one held in District 5 and that district voting should be continued. He said that over a million dollars has been wasted fighting this issue. He said that African-Americans comprise 21% of the population of the County and therefore could never win an election without district voting. He asked the Board to do the right thing and maintain District 5.
3. Irene Cheyne: Ms. Cheyne stated she lives in District 5 and made positive comments regarding her work with Commissioner Pota Coston. She believes Commissioner Coston represented her beliefs and that Pota Coston became her voice and inspired her. She spoke briefly about her volunteer work advocating for disabled people in the County. She asked the Board to

continue district voting for the people in District 5 so that the rich diversity could be heard.

4. Wayne Kendall: Mr. Kendall said he lives in District 5 and advised the Board that the County would save money by keeping district voting for this election. He said he knows something about the lawsuit filed against Fayette County as he was the one who filed it.

He said he believes the Board of Elections has been misadvised by their lawyers that they must go to at-large voting for District 5 for this special election and that they have no choice.

He stated that in the opinion that the 11<sup>th</sup> Circuit rendered on January 7, 2015, they sent this case back to the District Court for a trial, the Court did not vacate the district court's order that set up district voting. He read the last sentence of the 26 page opinion: "because we resolve this case on strictly procedural grounds we do not reach the parties' argument related to the court drawn remedial plan". He said that's the plan that set up district voting. He further quoted "in the light of our decision and the reason therefore we decline to serve the results that took place under the court drawn remedial plan". He said if the court had decided to get rid of the remedial plan, it could have very easily stated as much in this particular opinion. Instead the court concluded that the persons that were elected in November 2014, that is Pota Coston, in District 5 for the Board of Commissioners, and Leonard Presberg and all the people elected in District 4, were to stay in office. So he continued "the remedial plan is valid". He said the court could very easily have stated it wanted to get rid of the results of that election, because the results of that plan were no longer valid, and they didn't do that.

He said he believed the advice the Board of Elections had received would be they would have no choice but to go to an at-large system on the basis that the remedial plan had been invalidated. He said if the remedial plan had been invalidated, then all the persons who were elected under that plan would have to vacate their office and since they are still in office, the court validated that plan. He said if the Board of Elections had been given the advice that the remedial plan was no longer valid and they had no choice but to go to at-large voting, the advice was false.

He said four judges from district courts and appellate courts have looked at this case and have stated that district voting is not to be invalidated and that racial block voting is a fact of life in Fayette County. He said the courts favor district voting. He told the Board that they cannot lawfully have at-large voting. He said if the Board chooses to go back to at-large voting, they will be back in litigation again unnecessarily.

5. Sharon Pierce: Ms. Pierce said she is a 28 year resident of Fayette County and lives in District 5. Her family is a military family and have defended this country and their right to vote. She asked the Board to approve district voting to replace the late Honorable Pota Coston.
6. Terrance Williamson: He said he first thought that representation was the issue but now believes race does play a part in it. He stated that out of 159 counties in Georgia, there are 97% or 154 counties that have district voting. He then urged the Board to do the right thing and continue with district voting.
7. Dawn Oparah: Ms. Oparah stated that on November 4, 2014, 5,742 voters in District 5 elected Honorable Pota Coston as their Commissioner and as the person who most closely aligned with their views. Ms. Oparah said that a return to at-large voting would be a disservice and asked that district voting be continued.
8. Larris Marks and Randy Weaver: They were representing the Fayette Visioning Initiative organization and were advocating for community unity built on inclusion for reaching shared goals for the future together. Ms. Marks told the Board that their decision would have great impact. They implored the Board members to carefully consider their decision and to keep district voting in order to move the community forward together. Ms. Marks said this decision would be the Board's legacy.
9. Carlotta Ungaro: Ms. Ungaro is President and CEO of the Fayette County Chamber of Commerce. She asked on behalf of the Chamber of Commerce that the election to replace the late Commissioner Pota Coston be held as district voting. She said it would be an advantage to the business community to continue with district voting. She thanked the Board for their service and allowing public comment.
10. Mike Coley: Mr. Coley lives in District 5. He said that those who have said Fayette County is racist and we don't have unity are entirely wrong. He stated that district voting has been divisive and the county is now separated more than ever. He said this County is a heavily Republican and conservative county. He said people move here from surrounding counties to get away from higher taxes, crime, and all the other factors that make the quality of life go down. He believes district voting is the start of the downfall of Fayette County. He said the NAACP used to be a great organization but is not anymore as they use the race card "at the drop of a hat to get what they want". (At this point, Chairman Watts asked for order in the meeting room and that the speaker be respected.) Mr. Coley said if voters do not feel they are represented here, they are probably not a Republican or conservative person.

However, he concluded that he does believe this particular election should be held as district voting if that is the ruling. He said the law should be followed whatever is decided.

11. Board of Elections Member Darryl Hicks asked to make a comment. He said one of the things he is most proud of is that we can “agree to disagree”. He asked that people listen to the speakers who come up. He said you don’t have to agree with them but you don’t have to “shout them down”. He said in any environment where we are civil, we can get to the end game.
12. Constance Allen: Ms. Allen worked on Pota Coston’s campaign. She agreed with a former speaker that we do have a dominant Republican Party in Fayette County. She advocated to keep district voting.
13. Leonard Presberg: Mr. Presberg said he lives in District 5 and represents that district on the School Board. He said moral and legal arguments had been heard. He wanted to speak about image and leadership. He made positive comments about the election of Pota Coston. He spoke briefly about the public image of Fayette County. He then addressed his comments to the Board of Elections and their responsibility of leadership in making this decision. He said he is a member of the Bar and if a lawyer says you can “only do this”, you need to ask more questions. He asked that the election be held in the same manner that the late Commissioner Pota Coston was elected with district voting.
14. Michael Cheyne: Mr. Cheyne lives in District 5. He spoke about rumors that he had heard about how the Board had come to their decision to hold this election as at-large voting. He asked the Board if all four Commissioners had asked them to have at-large voting for District 5 and was this done in Executive Session.
15. Bonnie Willis: Ms. Willis said she had prayed that this would not be a contentious meeting. Ms. Willis said she does not feel Fayette County is racist and made positive comments about living in Fayette County under at-large voting. She was very saddened that people here could not look past the color of their skin and are seeing things through racial eyes. She agrees that the rules of law should be followed and that we should just get past these political and racial lines and move forward. She said the County is served well by the individuals who serve on these Boards in the County. She thanked the Board of Elections for their courage and bravery by serving on this board.
16. Ken Bryant: Mr. Bryant lives in District 5. He said this is not about race but about the Democrat Party and the Republican Party. He said District 5 elected Leonard Presberg and he is not black. He was not sure why this meeting was being held. He said that whatever the judge has ruled should be honored.

17. Eric Woods: Mr. Woods stated that this issue is not about race but about 2 different parties with different political views. He said this is okay as this is what makes our country function. He cited that our state congressmen draw votes from their districts. He said we all want what is the best decision for the county and asked that the Board do what is right by keeping district voting and continue the precedence that has been set.
18. Dr. Regina Daigre: Dr. Daigre stated that the late Commissioner Pota Coston would not have been elected if it were not for district voting. She advocated the Board to continue with district voting so that the people in District 5 could be represented.
19. Tyrone Jones: Mr. Jones said he moved to Fayette County in 1997. He has served as principle of Flat Rock Middle School and as assistant principle of McIntosh High School. He was very complimentary of Fayette County and believes in “unity in this community”. He currently serves as Chairman of the Republican Party of Fayette County. He asked that faith in God be put before politics and that we move forward. He believes that things will work out and good will come out of this situation.
20. Cheryl Burnside: Ms. Burnside said she had moved to Fayette County in 1984 from Fulton County. She was very complimentary of the schools and the quality of life in Fayette County. She said she was so proud of the late Commissioner Pota Coston who had set such a great example for our young people. She advocated to keep district voting and believes good will would come out of it. She thanked the Board of Elections for their work.
21. Rick Halbert: Mr. Halbert does not live in District 5 but is in support of district voting. He had positive comments about the late Commissioner Pota Coston. He said the last time he spoke at the last Commissioner’s meeting it was about tunnels. He said now it is about “bridges”. He said we all have choices and District 5 needs to have their rights. He said we need decision makers and leaders and advocated to continue district voting.
22. Bob Ross: He was complimentary of the Board for holding this discussion and of the people attending the meeting. He said we are a country of laws. He spoke about government from the Executive Branch of our national government on down to the state level and then to the local level. He said Presidents are voted on at-large as well as Governors and this is necessary.

He further spoke about the legal process and said the NAACP exercised their right to file a lawsuit and now the County has exercised their right to appeal.

His conclusion is that it’s not about race but about politics. He referred to elections held in 2004 and 2006 where minority candidates had the

opportunity to be elected. Partisan politics played a part in the outcome of those elections.

He said he has never heard of any impediment to registering to vote or casting a ballot because of race, creed, or religion in this county. He reiterated that this issue is about partisan politics. He said that commissioners who are voted on at-large are responsible for every citizen.

Mr. Ross said he will respect whatever legal decision is made in this matter. He thanked the Board and the people for listening to his perspective.

23. Dennis Benson: Mr. Benson said he is a 19 year resident of Fayette County and a retired Navy Captain. He stated that it took gerrymandering of the districts to get a political agenda pushed through. He said we have a tremendous amount of talent in our small county. He said the lawsuit accuses the County of being racist in order to get an agenda passed. He further said district voting has made the districts competitive and divisive. He is opposed to district voting.
24. Lurma Rackley: Ms. Rackley said she campaigned with the late Commissioner Pota Coston going door-to-door. She was complimentary of Pota Coston's method of campaigning. She advocated to keep district voting as District 5 deserves the right to keep district voting.
25. Kim Leonard: Ms. Leonard spoke about the ruling by Judge Timothy Batten. She said Judge Batten did an examination of the at-large voting in Fayette County and determined that it was discriminatory. She advocated for district voting.
26. Lysa (Ridley-)Jones: Ms. Jones stated that she lives and owns a business in District 5 and was there to represent her sorority. Ms. Jones worked with the late Commissioner Pota Coston's campaign and has worked on many other state-wide campaigns. She stated she believes that each vote counts. She realizes there are biases and hoped that district voting would be continued.
27. Greg Dunn: Mr. Dunn said that he had previously been a commissioner and had that position longer than anyone else in the County's history. He said he realizes how difficult these issues are. He said only one member of the Board of Elections was appointed by the Commissioners and the other two members are appointed by their respective political party. He told the group that they may be talking to the wrong people here. He said the Board of Elections' job is to run the elections legally, efficiently, and fairly and not to set the law. He made the point that the Board of Elections are facilitators of the elections and it's not the Elections Board that will make this decision. He said we are all victimized by the legal system of the United States right now because one

judge stated district voting was right and two more judges said it was wrong. He asked “Where does this leave us?”

Mr. Dunn told the Board of Elections that he does not see where there is even a choice to make by them or the County Commission as this is a legal issue.

28. Tonya Miller: Ms. Miller stated that she has lived in Fayette County for 10 years. She campaigned for the late Commissioner Pota Coston. She appealed to the Board to keep district voting. She believes it is important to move forward and talked about the letter of the law versus the spirit of the law. She said district voting is about representation and everybody having a voice. She said she was saddened to see the negative publicity and the ramifications that would come from it. She said the people in District 5 want to keep district voting and she asked the Board to keep district voting.

29. Peter Pfeifer: Mr. Pfeifer has previously served as a Commissioner of Fayette County for eight years. He spoke about what it takes for a candidate to be elected and that you go “door knocking” in areas that best represent the party by which you hope to be elected. Mr. Pfeifer spoke about campaigning and the logistics of looking at the density and the propensity to vote and the propensity to vote for a particular party. He said if you are a Republican and you are campaigning in a Democrat area, it would be difficult because it’s not productive.

30. Lawrence Wooten, Sr.: Mr. Wooten said some of his neighbors may not vote because they don’t believe their vote will count if we don’t have district voting. He spoke in favor of district voting and thanked the Board for the opportunity to speak.

Chairman Watts asked if there were any more people who wanted to have a comment. Since there were no others who came forward, Chairman Watts closed the time for Public Comments.

Chairman Watts then asked that the meeting move back to Item F 2 on the agenda which is now Item G.

**G. CALL FOR SPECIAL ELECTION TO REPLACE COUNTY COMMISSIONER - HONORABLE POTA COSTON – IN HER UNTIMELY DEATH**

Chairman Watts moved that the Board issue a call for a Special Election for the purpose of filling the unexpired term of District 5 County Commissioner, Pota Coston, on Tuesday, September 15, 2015. Member Lester seconded the motion.

Chairman Watts said it would be appropriate at this time to hear from County Attorney, Dennis Davenport.

At this point, County Attorney, Dennis Davenport, made statements relating to this election. He said it is not a matter of choice; it is a matter of following the rule of law. He said, that's usually the answer to the question. He said here the law is somewhat complex in that normally you have to look at your local laws and your state laws to determine what to do. He said that you're also under litigation under your method of voting and with the map you use to vote.

He said if you look at our local laws, prior to the litigation, which was filed in 2011, the local laws were set up as at-large voting system with a map. In 2012 that map was approved and had 5 districts on it. He said our local law provides that if there is a vacancy in office, that vacancy is also filled by at-large voting that is consistent with the method that was used at the time. Our state law provides that this Board of Elections has the duty to call for a special election, which is what you are doing here this evening. The call for the special election is primarily to set the date which your motion contains the date. The state law itself fills in the gaps with respect for time for qualifying, time for early voting, and things of that nature. But it also defaults to the rule of law to conduct the election. So, what is the rule of law for Fayette County when you look at the local act of the state's statutes and principally the litigation because the litigation is at the fore of this analysis with respect to where we are and what has transpired?

In 2011, the litigation was filed. (As a disclaimer here, Mr. Davenport said he was not part of that litigation. He said he reads the orders just like everyone who reads the orders and makes his conclusions based upon what he reads.) The fact of the matter is there was never a hearing before the judge for evidence at the district court level. There were motions for summary judgment filed by those parties. Summary judgment basically is saying "this is our legal argument that we should win". It's not facts. It's not evidence. It just legal argument. The judge can rule on that if the judge sees fit to do so. And the judge saw fit to do so. The judge listened to the argument and the judge concluded that he found a violation of section 2 of the voting rights act and because he found a violation of section 2 of the voting rights act, he was going to implement a remedy. His remedy was twofold. There would be a new map and it would be done through district voting. That remedy was implemented and then the 2014 election occurred.

The rest of the story is a little more complex than that, because when this was appealed to the 11<sup>th</sup> Circuit Court of Appeals, which is the court that can review the decision of the district court, the 11<sup>th</sup> Court of Circuit Appeals did make a decision that was procedural in nature. Because it was procedural in nature is because Judge Batten made a decision made solely on Summary Judgement motions, not on evidence. There was never a hearing to find any facts. He made his decision based upon the legal argument. And the 11<sup>th</sup> Circuit Court of Appeals said you can't find a violation of Section 2 of the Voting Rights Act if you don't take evidence to

determine where the violation occurred. And since you didn't take evidence, we're going to send this back down to you to have a hearing to take evidence to see whether or not there was a violation of the voting rights act. And since you didn't take evidence, you can't implement a remedy when the violation was not found in a proper manner. That's the procedural aspect of it. So, if you can't find a remedy because you can't find a violation, the court further said "we're overturning this map and this remedy". The remedy was the map and district voting. The court went on to say (the 11<sup>th</sup> Circuit Court of Appeals) we could overturn the election results but we're not going to. (He said he is paraphrasing that opinion.) They could have overturned the 2014 election results and they chose not to. They let those election results stand. But they overturned the finding that a violation occurred which was the basis to produce a remedy. With no violation and no remedy, that takes you back to where we were before the finding of the violation which is looking at your local act and your state law. Your local act says at-large voting, both on a regular basis and filling of vacancies in special elections. It's very clear. Your general law says you call this special election and when you call this special election, we're going to use the rule of law to conduct this election.

Mr. Davenport reiterated that this is not a matter of choice, it's a matter of following the rule of law, and that is what he meant. He instructed the Board of Elections to call the election the way the law is right now as pronounced by the 11<sup>th</sup> Circuit, not by the district court judge, because his order was overturned. There will be another hearing before the district court. It might be in September or October or whenever it is, it is going to occur. At that hearing, there will be facts found by that judge and that judge will make another decision, and whatever that judge decides will be the law of the land for Fayette County, as long as that order stays in place. That order from the Summary Judgement motion stayed in place long enough for the election to occur but was overturned afterward.

He told the Board to "call your special election consistent with your duty". He said it will be run by the rule of the law and the way the law is today in Fayette County, it is at-large voting using the district map that was approved in 2012, with the 5 individual districts. District 5 is what we'll be looking at, as far as the vacancy is concerned. He concluded by thanking Madam Chairman Watts.

At this point, Chairman Watts said one thing that might not be clear was would the person running for this vacant seat have to be a resident of District 5 and asked if that was correct. Attorney Davenport said yes that was correct. The residency of District 5 is a requirement to qualify and they must have been a resident at least one year prior to the date of election. However, the entire county will vote in that election.

Member Hicks then asked Mr. Davenport, as it relates to the judge's ruling from a logical standpoint, why don't we, the County, go back to Judge Timothy Batten asking him to rule on the decision and avoid this kind of complicated proceeding where everybody suspects someone of doing something wrong. He asked if there was a reason why we don't do that.

Mr. Davenport asked Member Hicks if he wanted to go back to the order that Judge Batten issued and use that as the basis to conduct the election. Member Hicks said that was not his question. He then rephrased the question and asked Mr. Davenport why wouldn't we go to the judge and say "Here's where we are. There is a question about district voting versus at-large voting and 2012 maps versus 2014 maps. Judge, can you give us an expedited ruling on whether or not that can be done?"

Mr. Davenport said he is going to answer that procedurally. He said there is no litigation on that question. Since there is no litigation on that question, there is no entertaining that question by the judge because it's hypothetical. He said you would have to have an actual case or controversy for a judge to get involved. He said there would need to be a lawsuit filed to get that before a judge.

Member Lester then asked Mr. Davenport what methods would need to be taken to change at-large voting to district voting. He asked who has the authority to initiate that action.

Mr. Davenport replied the actual action itself is performed by the state legislature to change from one method of voting to another. Typically, the legislature won't act upon that type of an issue without the request of the governing authority. So, in fact, the governing authority requested the legislature to change its methodology from at-large voting to district voting, it would then take an action by the legislature to approve that request in order to put it into effect. So, it's not an action that can be done locally by the agency, it must be done at the state level.

Member Lester asked would the governing body as an agency be the County Commissioners and not be the Election Board. (He referred back to Mr. Dunn's comment.) Mr. Davenport said Mr. Dunn's comment was on target in that the election board is here for the sole duty to call the election. The election would be governed by the rule of law. Member Lester then said that would be one method but obviously the judge would have the authority to rule as well and asked if that was correct. Attorney Davenport said the judge has the authority to rule. That's what the 2014 election was all about. The judge has the authority to say "you're going to hold the election this way and you're going to use this map". That's what happened and Fayette County implemented that direction from Judge Batten. Just like Fayette County should also implement the direction from the 11<sup>th</sup> Circuit Court of Appeals that overturned that judge's order and said we can no longer use that map and order because it's no longer the law of the land.

Member Hicks asked another question of Mr. Davenport. He stated that if the Board of Elections is charged to set the special election date, do they (the Board) also have the responsibility to state which map would be used. He said "you're saying that's not our responsibility and that in order for us to set an election, we have to be able to say what maps we're going to use." He asked "we can't, as an entity, set an election blind of a map?"

Mr. Davenport said in the normal election cycle, you would not ask that question. The map is what you held the last election on or what's most recently been approved by the legislature. He said it's prudent to ask that question because there are, in some opinions, competing maps. Once you get the full context of why those two maps exist, given all the information, it seems logical to presume, that you would discount the 2014 map because it was overruled by the 11<sup>th</sup> Circuit Court of Appeals and the default position would be the 2012 map because that was the last expression of this county. He believes this actually went to the Department of Justice back in 2011 or 2012 to get preclearance which was required at that time. So the 2012 map is the official map for Fayette County.

Member Hicks asked if that's the official map and we're using that map as it relates to a special election, what happens to the sitting elected officials that were elected under that map in comparison to the fact that your new elected official would be elected under a different map sitting beside someone elected under another district map.

Mr. Davenport said again the 11<sup>th</sup> Circuit Court of Appeals addressed that question for you, so you don't have to guess. The 11<sup>th</sup> Circuit said "we could overturn the results of that election but we choose not to do so". So, the people that were in those two seats upon election and not removed from office will stay in office, although the map and the methodology which was the remedy put in place by Judge Batten was reversed.

Member Hicks spoke about going back to the 2012 map with at-large voting and asked would that mean that everyone in District 5 and the whole county would then elect an official, which means you would not have somebody who did not have their vote counted. He asked if that was correct. He then asked "Is there a pocket once you change the map that would cause somebody not to have cast a vote?" He then said he thinks he has answered that question himself because it's at-large.

Mr. Davenport said that District 5 with the 2012 map is not the same District 5 on the 2014 map. So, there are certain sections in the 2014 District 5 that are not in the 2012 District 5 and vice versa. That's the way it is because the maps and lines are not the same. He said somebody in District 5 could possibly be in the District below that. Member Lester said everyone can vote; it will affect the potential candidates and Mr. Davenport agreed.

Member Hicks then commented that he is honored to be at this place in time in history in making decisions that will matter 50 years from now and on into the future. He said he moved to Fayette County over 10 years ago because he thinks it is a great county. He serves on the Development Authority Board and understands the economic impact of the decision made by the leaders in this County. He said we can have tough debates without being "mean to each other" and believes this has been accomplished. He further said we have a defining moment and he advocates

challenging the law and have the judge make the decision. He stated he is opposed to at-large voting and believes district voting will move this county into the future. He believes this is the right thing to do. He then turned it over to Chairman Watts.

Member Lester said he has lived here 61 years and has liked the ability to vote for every representative. He said if the County Commissioners are going to be voting to spend his tax dollars, he wants to be able to vote for them regardless of where they are, where they live, and where he lives. He said that we vote at-large in our county and that we don't vote at-large in our state or our federal government. He said he can support district voting. His issue is that the Board of Elections does not have the authority to make that decision.

Member Hicks asked Mr. Davenport "What happens if we vote to set the election with the 2014 map and district voting". Mr. Davenport asked Member Hicks "Are you asking me if you can vote for something that doesn't exist using the 2014 map and a voting method that is not approved." Quite frankly, he said, the issue before you is the date of the election. He said first of all, if your jurisdiction does not include changing a method of voting and selecting a map and it does not, the fact of the matter is the election date is the crucial duty you have before you today and that date is part of your motion and even that date is not up to your discretion. That date is also set by state law and you must use that date as provided by state law just as well as the methodology set by state law.

Chairman Watts said she too is honored to serve on the Board of Elections. She said she has been serving on the Board of Elections since the middle of the 1990s. She made comments regarding this issue and said the Board is pledged to follow the law. She further stated that even though there have been rumors that absolutely are incorrect, the Board has not been told by the Board of Commissioners how to proceed on this matter. She said based on their legal counsel, Dennis Davenport, if the method of voting needs to be changed, it's not up to the Board of Elections to do that. She thanked the guests who had attended the meeting and for their comments. She said, "even though we differ in our opinions, we like to see people come and voice their opinions".

At this point, Chairman Watts said there is a motion on the floor and a second for a call for the special election to replace County Commissioner, Honorable Pota Coston. She asked all in favor of the September 15, 2015 Special Election to say "aye". Chairman Watts and Member Lester said "aye". She asked if any were opposed. Member Hicks said "nay". **Motion carried.**

### **3. CANCELLATION OF THE JULY 28, 2015 BOARD OF ELECTIONS/ VOTER REGISTRATION MEETING**

Member Hicks made motion to cancel the July 28, 2015 Board of Elections/Voter Registration meeting since the meeting being held had replaced that meeting. Member Lester seconded. **Motion carried.**

#### **H. OTHER BUSINESS**

##### **4. VRAG CONFERENCE – AUGUST 2-5, 2015 – SAVANNAH, GA**

There was brief discussion regarding the upcoming VRAG conference and plans for attendance of that conference.

##### **5. COMBINED GEOA/VRAG CONFERENCE – DECEMBER 13-16, 2015 – ATHENS, GA**

There was brief discussion regarding this combined GEOA/VRAG conference to be held in December 13-16, 2015 in Athens, GA.

#### **I. OTHER ITEMS FOR CONSIDERATION**

There were no other items for consideration.

#### **J. ADJOURNMENT**

Chairman Watts adjourned the meeting at approximately 7:15 p.m.

**The next Board meeting (August) is scheduled for August 25, 2015 at 5:00 p.m.**