

BOARD OF ELECTIONS

Darryl Hicks, Chairman
Addison Lester
Aaron Wright

FAYETTE COUNTY, GEORGIA

Floyd L. Jones, Elections Supervisor
Leigh Combs, Elections Officer
April Crosby, Elections Officer



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES

January 17, 2017

Chairman to Call the Meeting to Order

Chairman Hicks called the January 17, 2017 Board of Elections meeting to order at 5:00 p.m.

Approval of the Agenda

Mr. Wright moved to approve the Agenda as presented.

Mr. Lester asked for an update concerning new precincts. It was agreed that the update could be provided during the Board report.

Mr. Wright moved to approve the Agenda with the addition to discuss precincts under Board Reports. Mr. Lester seconded the motion. The motion passed unanimously.

PUBLIC COMMENTS:

No one spoke during Public Comments.

APPROVAL OF MINUTES:

1. Approval of the November 15, 2016 Board of Elections Meeting Minutes.

Mr. Wright moved to approve the minutes as written. Mr. Lester stated he would abstain from the vote since he did not attend the November 15, 2016 meeting. Chairman Hicks seconded the motion.

Mr. Lester stated the word "redistricting" was used in the minutes, but he thought the intention was for the words "precinct lines." He cautioned that there needed to be sensitivity to how the word "redistricting" is used based on the county's recent history.

Chairman Hicks asked if the minutes could be corrected to strike out "redistricting" and to replace the word with "precinct locations." Elections Supervisor Floyd Jones stated that correction could be made.

Mr. Wright amended his motion to include that adjustment. Chairman Hicks seconded the amended motion. The motion passed 2-0-1 with Mr. Lester abstaining from the vote.

PUBLIC HEARING:

- 2. Public Hearing of staff's recommendation to remove registered Fayette County voters from the Elector's List who are registered in the State of Georgia's Secretary of State Voter Registration System as either deceased or as felons.**

Chairman Hicks noted that the deceased and felons list was provided to the Board beforehand.

Assistant County Attorney Patrick Stough advised that this matter was presented as a Public Hearing. Mr. Jones provided information on how to conduct the Public Hearing. He further notified the Board that the Elector's List with staff's recommendations were available publicly on the county's website and that each person was notified by mail of this Public Hearing.

(It is noted there was no one in the audience to speak in favor of or in opposition to staff's recommendation for either the deceased list or the felons list.)

Mr. Lester moved to approve staff's recommendation to remove registered Fayette County voters from the Elector's List who are registered in the State of Georgia's Secretary of State Voter Registration System as deceased. Mr. Wright seconded the motion. The motion passed unanimously.

Mr. Wright moved to approve staff's recommendation to remove registered Fayette County voters from the Elector's List who are registered in the State of Georgia's Secretary of State Voter Registration System as felons. Mr. Lester seconded the motion. The motion passed unanimously. A copy of the request, identified as "Attachment 1," follows these minutes and are made an official part hereof.

CONSENT AGENDA:

There were no items on the Consent Agenda.

OLD BUSINESS:

- 3. Continued discussion concerning the wearing of political attire and campaigning at polling locations. This item was last discussed during the November 15, 2016 Board of Elections meeting.**

Assistant County Attorney Patrick Stough answered questions raised by the Board and staff regarding the wearing of clothing with slogans and voting messages during the November 15, 2016 meeting. He stated that he was provided a list of questions from County Attorney Dennis Davenport and that he would discuss the findings to the questions.

Mr. Stough said the first question concerned whether a person with a Democratic donkey or a Republican elephant on their shirt or hat would be considered campaigning. He answered that legal research showed that it would indeed be considered campaigning or electioneering since the specific provision in the law is that no person when within the polling place shall electioneer or solicit votes for any political party, body, or candidate, or question. Mr. Stough stated that the law does refer specifically to "any political party."

Mr. Stough stated the second question was what if a person wore jewelry with the candidate's name, would that be considered campaigning. He answered that it would be basically the same answer as provided with the first question and it would be considered campaigning or electioneering.

Mr. Stough stated the third question concerned whether it is campaigning during early elections when voters park their cars in the county parking lot with campaign stickers on them. He stated that state law reads no person shall solicit votes in any manner, nor shall any person distribute or display any campaign material within 150 feet of the outer edge of any building in which a polling place is established. He stated there is early voting in the Public Meeting Room, but the law would extend to the corner of the building next to the Tax Commissioner's office. He explained the law would cover a good portion of the parking lot, much of Heritage Park, and would technically cover parts of Highway 54. He stated a follow-up question concerned to what degree the county was prepared to enforce a prohibition on bumper stickers.

Mr. Wright pointed out that many of the parking lots for the polling locations are within 150 feet of the building.

Mr. Stough stated that he did not have advice on how to enforce the bumper stickers or even if there should be enforcement, but he reiterated that the bumper stickers would be a violation of state law.

Mr. Wright asked, since this is a state law, should the county look at making a recommendation that the code be amended not to include bumper stickers in order to be consistent. Mr. Stough replied that petitioning the Georgia General Assembly was a potential answer to the problem, and he added that other states have adopted language that is more specific than Georgia's law.

Mr. Wright stated one of the campaign workers wore an elephant necklace while she was working. He said she was not actively campaigning or talking about a party, but he happened to know the lady is a Republican. Mr. Stough stated it was a closer call since there is an identifiable Republican elephant, so it would not be so closely identifiable to a party.

Mr. Lester stated if a worker was wearing jewelry like that and a voter took offence to it, then the worker would be asked to remove the necklace.

Mr. Wright stated he did not like intrusive government but if there is a code it should be enforced. He asked Mr. Stough for a recommendation. Mr. Stough stated the only way to enforce the bumper stickers was to have a person watching cars come into the parking lot and informing those with bumper stickers to park outside of the 150 foot area. The Board agreed it did not want to do that since there are not sufficient resources.

Mr. Stough stated that the fourth question concerned a Halloween function that occurred on the same Saturday for early voting. He said some of the candidates were present at the event and soliciting votes. He said the area around Heritage Park was within the 150 foot area and the gazebo was a closer call. He said the solution was that the schedules are made so there is no further conflict.

Elections Supervisor Floyd Jones informed the Board that there is Saturday voting only for federal elections and gubernatorial elections; meaning Saturday voting theoretically occurs every other year. He informed the Board that he had already spoken to County Clerk Tameca White about working with the City of Fayetteville to ensure there is no scheduling conflict. He further added that Saturday voting is mandated by state law so elections would take precedent over the city's needs.

Chairman Hicks said the reason this matter came up was because someone wore a political t-shirt of President Obama, and he asked if they can wear a t-shirt. Mr. Stough stated that his office had taken a position that it would probably be a violation since President Obama is not only the President but he is also the public leader of the Democratic Party. He said President Obama may not be on the ballot but the Democratic Party is on the ballot so it could be seen as trying to solicit votes. It was added that the same stance would be taken if someone wore a Dole / Kemp '96 t-shirt.

Chairman Hicks stated there was information provided by the Secretary of State's Office stating wearing the t-shirt would not be a violation. Mr. Jones clarified that there was a Channel Eleven news report with the Secretary of State's Office in which it was pointed out that a person could wear clothing so long as a candidate was not on the ballot. Mr. Stough replied that he did not think the Secretary of State's office was making the connection between the person and the party. Mr. Hicks agreed with Mr. Stough's opinion.

Mr. Wright stated there may need to be specific procedures drafted on how to respond in given situations.

Chairman Hicks asked once one incident slides does it give way to others. Mr. Lester added that people put bumper stickers on their vehicles during the whole campaign season, but the campaign situation is a conscious decision to campaign that day. The Board agreed saying there is a difference between someone who comes into the parking lot with a large signs on their truck compared to someone with a bumper sticker. Mr. Stough added that the prohibition would apply for someone coming to the Administrative Building to do other county business other than voting, and he again stated that if the bumper sticker prohibition is not enforced then it has to be consistently not enforced.

Chairman Hicks stated there were specifics on what could and could not be done, but he asked for a little more clarification about the t-shirts. Mr. Lester stated that an Obama shirt or a Dole shirt was endorsing a party which is party campaigning.

The Board asked for council to return with fine-tuned answers concerning political t-shirts. A copy of this request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

NEW BUSINESS:

4. Approval of the Calendar Year 2017 Board of Elections Meeting Schedule.

Elections Supervisor Floyd Jones pointed out that the meeting schedule for both March and November have been forwarded up a little bit in order to capture the certification of votes occurring in those months. He further added that the December meeting would be cancelled since it followed Christmas. He added that the calendar can be amended with additional meetings or cancelled meetings. He further explained that the calendar would be sent to the media informing them of the Board's anticipated meeting schedule for the year.

Mr. Wright moved to approve the calendar as presented.

Mr. Lester stated he had a conflict for the February meeting and he asked for the date to be changed to February 21, 2017.

Mr. Wright amended his motion to approve the calendar and to amend the February 28, 2017 meeting date to February 21, 2017. Mr. Lester seconded the motion. The motion passed unanimously. Copies of the request and amended calendar, identified as "Attachment 3," follow these minutes and are made an official part hereof.

5. Consideration of staff's recommendation to enter into an Intergovernmental Agreement with the City of Fayetteville for the purpose of conducting the city's 2017 municipal election(s), and authorization for the Elections Supervisor to attest said agreement.

Elections Supervisor Floyd Jones stated the Intergovernmental Agreement typically goes to the different municipalities for their signatures before it comes to the Board of Commissioners for approval. He reported that the County Attorney had reviewed the agreements and approved them. He explained that the agreements are essentially word-for-word to the agreements approved two years ago. He stated the city and town clerks have been notified that these agreements will be coming to them soon and that he anticipated all approvals to be made with plenty of time.

Mr. Wright noticed that the municipalities are paying for the elections. Mr. Jones stated that his understanding is that the county will front the bill for the election and then bill the municipalities for the elections. Chairman Hicks agreed stating that the municipalities were not billed in a timely manner for the last elections.

Mr. Lester moved to approve the Intergovernmental Agreement related to the City of Fayetteville. Mr. Wright seconded the motion. The motion passed unanimously. Copies of the request and Intergovernmental Agreement with the City of Fayetteville, identified as "Attachment 4," follow these minutes and are made an official part hereof.

6. Consideration of staff's recommendation to enter into an Intergovernmental Agreement with the City of Peachtree City for the purpose of conducting the city's 2017 municipal election(s), and authorization for the Elections Supervisor to attest said agreement.

Mr. Wright moved to approve the Intergovernmental Agreement with the City of Peachtree City. Mr. Lester seconded the motion. The motion passed unanimously. Copies of the request and Intergovernmental Agreement with the City of Peachtree City, identified as "Attachment 5," follow these minutes and are made an official part hereof.

7. Consideration of staff's recommendation to enter into an Intergovernmental Agreement with the Town of Tyrone for the purpose of conducting the town's 2017 municipal election(s), and authorization for the Elections Supervisor to attest said agreement.

Mr. Lester moved to approve the Intergovernmental Agreement with the Town of Tyrone. Mr. Wright seconded the motion. The motion passed unanimously. Copies of the request and Intergovernmental Agreement with the Town of Tyrone, identified as "Attachment 6," follow these minutes and are made an official part hereof.

8. Consideration of staff's recommendation to enter into an Intergovernmental Agreement with the Town of Brooks for the purpose of conducting the town's 2017 municipal election(s), and authorization for the Elections Supervisor to attest said agreement.

Mr. Wright moved to approve the Intergovernmental Agreement with the Town of Brooks. Mr. Lester seconded the motion. The motion passed unanimously. Copies of the request and Intergovernmental Agreement with the Town of Brooks, identified as "Attachment 7," follow these minutes and are made an official part hereof.

9. Consideration of staff's recommendation to enter into an Intergovernmental Agreement with the Town of Woolsey for the purpose of conducting the town's 2017 municipal election(s), and authorization for the Elections Supervisor to attest said agreement.

Mr. Lester moved to approve the Intergovernmental Agreement with the Town of Woolsey. Mr. Wright seconded the motion. The motion passed unanimously. Copies of the request and Intergovernmental Agreement with the Town of Woolsey, identified as "Attachment 8," follow these minutes and are made an official part hereof.

SUPERVISOR'S REPORT:

Report on the 2017 SPLOST Referendum: Elections Supervisor Floyd Jones stated that the Special Purpose Local Option Sales Tax (SPLOST) question had been received for the pending SPLOST referendum. He stated that the question and title has been sent to Kennesaw State University so that the work on building the ballot can begin. He reported that there is no finality to the question until February 9, 2017 when the Board of Commissioners formally calls the question for the SPLOST.

Updates to the Elections Website: Elections Supervisor Floyd Jones reported that he had put in several work orders over the previous days to update the Elections website. He explained there is some information that is unknown at this time and therefore cannot be put on the website at this time. He said if someone goes to the Elections website they will start to get a sense of how the March elections will occur.

Posting Poll Workers and Poll Managers Applications to the Elections Board Website: Elections Supervisor Floyd Jones stated that he had taken the time to read the minutes from the Board of Elections for the previous four years. He noticed there was discussion at one time about placing poll workers and poll manager applications on the Elections website, but there appeared to be no final Board decision on proceeding with that practice. He stated it would be a good idea since it would help provide depth into the poll worker's ranks, and he asked for the Board's approval on the matter.

Mr. Wright asked Elections Officer April Crosby about the suggestion. Mrs. Crosby agreed with the recommendation. She added that there have been several notifications of poll workers retiring. The Board agreed to the recommendation as presented.

Report on Numbers of Precincts and Machines for the Pending SPLOST Election: Elections Supervisor Floyd Jones stated there had been questions about how many polling places would be open for the March SPLOST Election, and he reported that the intention is to have three precincts open, specifically at the Fayette County Administrative Complex, the Peachtree City Library, and the Tyrone Town Hall. He stated that on Election Day all thirty six precincts would be opened. Mr. Jones explained there was ongoing questions about how many machines to place at the precincts. He reported that staff had looked at several surrounding counties to determine how many people show up for SPLOST questions, but that, so far, there were no good answers since each SPLOST question has been associated with other questions. He said staff was considering SPLOST turnout would be somewhat between a runoff election and municipal elections, but that there was "no magical man telling us what numbers to pick." He said staff was looking to put four machines at each precinct. He further added that there is only one question on this ballot so turnaround should be relatively quick. He mentioned that each precinct would have to have a manager, two assistant managers, and there was some question about whether clerks were needed.

Update on Direct Deposit: Elections Supervisor Floyd Jones stated that one question that came to him almost immediately in his new position concerned moving the poll workers to be paid by direct deposit. He explained that there are problems associated with cutting paper checks. He reported that in consulting with both the Finance Department and Human Resources and he found that current poll workers cannot be made to go to direct deposit but future poll workers can be made to go to direct deposit. He stated that he has asked for the process to begin and through the course of time everyone will be on direct deposit.

Chairman Hicks asked if the current poll workers would be asked if they wanted to be on direct deposit. Mr. Jones replied they would be given the option but they cannot be forced into direct deposit. Chairman Hicks suggested there could be a good number of current poll workers who will take the option of direct deposit.

The Board agreed to the recommendation as presented.

Report on Elections Office Renovations: Elections Supervisor Floyd Jones reported that the Elections Office has \$3,300.00 budgeted for its Building Maintenance Service Account. He stated that he has had individual discussion with members of the Elections Board about potential renovation, but currently the plans are delayed with what to do with the GEMS Server Room. He recommended that the GEMS Servers could be moved into his current office and his current office could swap with the GEMS Server Room. He stated that there needs to be approval from Kennesaw State University about moving the GEMS Server and once that decision is made it would help provide guidance on what else can be done. He suggested that the budget may be impacted based on a recommendation from the Information Technology Department that, regardless where the GEMS Server room is, that room will need to be supported on generator backup.

Nameplates on the Dais: Elections Supervisor Floyd Jones stated there would be nameplates on the dais for the next Board of Elections meeting.

Kudos to the Elections Department: Elections Supervisor Floyd Jones stated that earlier in the day he attended a reception marking his ten-year anniversary working for Fayette County. During the reception he was approached by several people who praised the Elections Department. He stated that if there is an issue or a problem in the department then it lands on him, but the goodness of the department comes from a team effort.

Update on the Job Survey: Elections Supervisor Floyd Jones stated that when he was hired to the Elections Office it began an effort to reorganize the office. He reported that Human Resources Director Lewis Patterson provided a job survey that answers what Elections Supervisors job entails. He stated that once that question is completely answered then the reorganization can proceed. He reported that he completed a draft version of the job survey and forwarded it to Chairman Hicks. He stated that Chairman Hicks provided his response earlier in the day. He said the drafts would be melded together in an effort to get a real solid effort on what Elections Supervisor's position does, and then those findings would be provided to the entire Board for feedback. Mr. Jones pointed out that the Elections survey was on the dais for the Board members to review, and he turned his report to Chairman Hicks.

Chairman Hicks stated the survey entailed a lot of information. He stated that in order to be efficient he asked Mr. Jones to fill out the survey and provide him with the answers. He then provided his feedback to Mr. Jones with the intention of providing the work to the Board as a whole to get the Board's feedback and input. He stated the document would determine the position and salary level, and that the University of Georgia and the Carl Vinson Institute of Government will make those recommendations.

Mr. Jones stated his intention was to have the job survey completed and to the Board by the end of the week, but he said he could not promise it would be completed by that time. Chairman Hicks said that was understandable since his response was a five page document.

Mr. Wright asked if the length of the survey was the same for everyone in the county. Mr. Jones replied he had not seen surveys for other positions but he assumed it was the same for everyone. Chairman Hicks added that it appeared to be a standard survey.

Chairman Hicks stated this is good since it would help ensure that the department is properly identified for the magnitude of work it provides. He said he was struck since the question was asked "What is the impact if something goes wrong?" He stated that the impact is huge if there is an error in the voting process. He said staff is in the thick of everything and it just a simple mistake.

Chairman Hicks stated that Mr. Jones has spoken about the praise of the Elections Department, and he said he heard that as well. Each of the Board members agreed. He said it was a testament to those who kept the department running without a supervisor and he stated staff did a wonderful job through the election. He said the department had its challenges but it managed to work through those challenges.

Mr. Wright asked Mr. Jones if he would be completing job surveys for each person in the Elections Department. Mr. Jones replied there will be a meeting with Human Resources and the department heads concerning the Compensation and Classification Study. He said that he did not have many answers to provide regarding deadlines or results until later in the week, but that he would provide information to the Board as soon as able.

ATTORNEY'S REPORTS:

There was no Attorney's Report.

BOARD MEMBERS REPORTS:

Precinct Report: Mr. Lester asked what the work plan for redrawing the precinct lines was. Elections Supervisor Floyd Jones stated that the issue had not been on the top of his agenda since he was still somewhat getting in the door. He said he had some individual thoughts concerning the precincts and that he would be glad to talk to the Board members individually about the matter.

Chairman Hicks suggested pulling out some information on precincts. Mr. Jones suggested that the issue could be brought back roughly in March. Mr. Lester added that the review needed to include information on when changes need to be made. He added he would be glad to have individual discussions prior to having a formal meeting on the subject.

Attendance at the Democratic Party's Breakfast: Mr. Wright stated that Elections Supervisor Floyd Jones went to the Democratic Party's Saturday Meeting and was very well received. He stated that the Chairman of the Democratic Party sent a nice email thanking him for his attendance. Mr. Wright stated he received several personal reach outs as well thanking him for attending. He said he looked forward to Mr. Jones attending the Republican Party in either February or March.

Chairman Hicks stated that during the Democratic meeting, the Democratic Chairman Leonard Presburg really praised what the Elections Office has done. He said the department received a lot of praise that day. He said everyone in the room knows what staff does in ensuring the elections are carried out fairly, objectively, and consistently.

EXECUTIVE SESSION:

There was no Executive Session.

ADJOURNMENT:

Mr. Wright moved to adjourn the January 17, 2017 Board of Elections meeting. Mr. Lester seconded the motion. The motion passed unanimously.

The January 17, 2017 Board of Elections meeting adjourned at 5:43 p.m.

Floyd L. Jones, Elections Supervisor

Darryl Hicks, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Elections of Fayette County, Georgia, held on the 21st day of February 2017. Referenced attachments are available upon request in the Board of Elections' Office.

Floyd L. Jones, Elections Supervisor