

BOARD OF ELECTIONS

Darryl Hicks, Chairman
Addison Lester
Aaron Wright

FAYETTE COUNTY, GEORGIA

Floyd L Jones, Director
Leigh Combs, Registrar
April Crosby, Elections Supervisor



MINUTES

August 29, 2017
5:00 p.m.

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

Welcome to the meeting of your Fayette County Board of Elections. Your participation is appreciated. All regularly scheduled Board meetings are open to the public and are generally held on the 4th Tuesday of each month at 5:00 p.m.

Chairman to Call the Meeting to Order

Chairman Hicks called the August 29, 2017 Board of Elections meeting to order at 5:00 p.m.

Approval of the Agenda

Mr. Lester moved to approve the Agenda as published. Mr. Wright seconded the motion. The motion passed 3-0.

PUBLIC COMMENTS:

No one spoke during Public Comments.

APPROVAL OF MINUTES:

1. Consideration of staff's request to approve the July 25, 2017 Board of Elections' Meeting Minutes.

Mr. Lester moved to approve the July 25, 2017 Board of Elections' Meeting Minutes. Chairman Hicks seconded the motion. The motion passed 2-0-1 with Mr. Wright 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 deceased.

No one spoke in favor of or in opposition to staff's recommendation.

Mr. Wright moved to approve staff's recommendation to remove 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. Lester seconded the motion. The motion passed 3-0. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

3. 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 felons.

No one spoke in favor of or in opposition to staff's recommendation.

Mr. Wright moved to approve staff's recommendation to remove 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 3-0. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

CONSENT AGENDA:

4. Approval of staff's recommendation to revise the 2017 Meeting Schedule reflecting the November meeting will be held on Monday, November 13, 2017 at 2:00 p.m.

Mr. Lester stated that he would not be present at the Board's September meeting as scheduled.

Director Jones replied that if the September meeting was rescheduled to another date it may conflict with other meetings taking place.

The Board decided to keep the September meeting date and time as recommended, and it was understood there would be times when individual members would have to miss meetings.

Mr. Lester moved to approve staff's recommendation to revise the 2017 Meeting Schedule reflecting the November meeting will be held on Monday, November 13, 2017 at 2:00 p.m. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

5. Approval of staff's recommendation to appoint poll workers for the county's polling locations for the November 7, 2017 municipal and Education Special Purpose Local Option Sales Tax (E-SPLIST) elections.

Director Jones informed the Board there was one amendment to the information provided in the Agenda. He explained that the poll manager for Precinct #36- Lisa Herod- would not be able to serve as a poll manager since she had a conflict in her schedule. He stated that staff's recommendation for the poll manager for Precinct #36 would be brought to the Board at its September 2017 meeting.

Mr. Lester moved to appoint staff's recommended poll workers, with the exception of Lisa Herod, for the county's polling locations for the November 7, 2017 municipal and Education Special Purpose Local Option Sales Tax (E-SPLIST) elections. Mr. Wright seconded the motion. The motion passed 3-0. A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.

OLD BUSINESS:

6. Continued discussion of the November 7, 2017 elections to be held in Fayette County.

Director Jones updated the Board on the progress of the November 7, 2017 elections. He emphasized there were several municipal offices with qualified candidates who were unopposed. He stated that the county was currently in a week where qualified write-in candidates for office could enter the race, and he explained that if no write-in candidate entered into the unopposed races then there would be no election for those races. Director Jones further pointed out that there was a high probability of runoff elections for both the City of Fayetteville and the City of Peachtree City, and that the runoff would occur on Tuesday, December 5, 2017 if needed.

Director Jones stated that for the precincts that are solely servicing the unincorporated parts of the county and, as a result, will have only one election line that it would only have one clerk. He asked the Board for flexibility to bring two or three clerks to help with the precincts with two lines. He said the request was based on feedback received from some poll managers. There was brief discussion about whether the expected low-turnout of voters would necessitate three clerks for those sites. The Board suggested that alternatives to the request that could meet the need be explored.

The discussion was for information only. The Board did not provide direction or take action on the information provided. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.

NEW BUSINESS:

7. Consideration of staff's recommendation to adopt the Fayette County Board of Elections By-laws as amended on June 28, 2016.

Director Jones stated that this was a matter that came up prior to his time with the Elections Office, so he asked for the Board to discuss the by-laws as needed. He did recommend that if the By-laws were approved that the "Amended" date be changed to reflect their adoption and that the signature line be changed to reflect approval in 2017 rather than in 2016.

Chairman Hicks stated the question he had concerned Article III. - Conflict of Interest. His focus was on the sentence that read, in part: "Board members should not engage in political activity such as campaigning for any candidate on a Fayette County ballot." He asked if there was a governor's race would it preclude supporting the governor while in another county. He clarified that he was thinking primarily of Fayette County but he had not considered it would be restrictive of statewide candidates.

Mr. Lester and Mr. Wright reminded Chairman Hicks that there was a previous Board member who was criticized for being with Lynn Westmoreland and for helping plan a fundraiser for Presidential-candidate Newt Gingrich. Mr. Lester stated that while the Board could interpret the phrase in question one way others could easily interpret the phrase another way. Chairman Hicks stated he was okay either way, but he wanted it understood that the Board was restricted from supporting any candidate if they are on the ballot. He added that Board members could support someone without publically supporting someone.

Mr. Wright added that simply showing up to a political event should not be interpreted as engaging in political activity. It was further stated that volunteering for a candidate or being paid by a candidate would be engaging in political activity.

Mr. Wright pointed out that he is a Republican and that Chairman Hicks is a Democrat and that their very appointment to the Board is inherently due to politics. Mr. Lester stated he had turned down many requests to put political signs in his yard.

Mr. Lester stated that the wording meant that if a Board member attended a political rally and was asked to say something then the Board member would have to decline the request. Mr. Wright stated it would be nice to have the room to state only facts such as "this person is running."

Chairman Hicks asked how this language would have impacted the discussion on district voting. The Board suggested that the issue was brought to the Board. Assistant County Attorney Patrick Stough added that the issue of district voting was not on the ballot. Mr. Stough also stated that he was unsure what the sentence in question was actually prohibiting.

Mr. Wright suggested striking the entire first sentence under Article III since there are issues and the whole sentence is vague.

Mr. Lester asked if an individual could write a letter. Chairman Hicks stated at the Voter Registration Association of Georgia (VRAG) meeting held earlier in the year, the State's Election Director Chris Harvey spoke about how Board members, in their capacity as Board members, could not support a candidate. He pointed out that Mr. Harvey had stressed that Board members, as an individual and no longer in the capacity of a Board member, could support a candidate. Chairman Hicks stated there needed to be care not to violate the state code. Chairman Hicks emphasized that individual members do not lose their rights, but only that they cannot campaign for candidates appearing on Fayette County ballots in the name of the Board of Elections. The Board asked the attorney's office to review this understanding.

Mr. Wright repeated the following wish list:

- 1) The Board member cannot campaign on behalf of anyone on a Fayette County ballot.
- 2) The Board member cannot donate on behalf of anyone on a Fayette County ballot.
- 3) The Board member cannot speak in favor of or in opposition to any question appearing on a Fayette County ballot.
- 4) The Board member may speak in their individual capacity, and not as a Board member, on any issue regardless of whether it is on a Fayette County ballot.
- 5) The Board member may speak about any issue that is not on any ballot in Fayette County.

Chairman Hicks stated that the Board can likely be more restrictive than the code without violating the code. It was pointed out that the By-laws could be enforced under Article VII.

The Board stated that the By-laws would be tabled until the September 2017 meeting.

There was a question about which Ethics Code, referenced in Article III., would be in place. Mr. Stough recommended that the By-laws be adopted annually in order to clarify which Ethics Code was being utilized. Mr. Wright added that the current Ethics Ordinance, along with any changes that may have occurred from one version of the code to the other, also be included with the By-laws so that the changes could be observed.

Mr. Wright asked, if he was hit by a car and was disabled to the point where he could not serve in his capacity, what would happen. Mr. Stough stated he would have to look at state law to determine what could be done in the instance that a Board member was unable or unwilling to serve.

Chairman Hicks stated that in the meantime the Board members knew where things stood and they would govern themselves accordingly.

Mr. Wright moved to table the By-laws until the September 2017 Board of Elections meeting. Mr. Lester seconded the motion. The motion passed unanimously. A copy of the request, identified as "Attachment 6" follows these minutes and is made an official part hereof.

8. Consideration of staff's recommendation to adopt a resolution regulating and providing for the calling of an election to determine the continuation of a one percent sales and use tax; the Notice of Election; the Notice of Call of Election to the Qualified Voters of Fayette County School District; and to authorize the Chairman to sign all related documents.

Director Jones stated that all of the documents were provided by the Board of Education's Attorney, Cory Kirby, and needed Board adoption.

Mr. Wright asked what would happen if the Board chose not to adopt the resolution and other documents. He clarified that he was not thinking of voting against the documents, but was only wondering what would happen if the Board chose not to adopt them.

Assistant County Attorney Patrick Stough replied that the Board would be inviting legal action.

Mr. Lester moved to approve the resolutions as presented. Mr. Wright seconded the motion. The motion passed 3-0. Copies of the request, the resolution, the Notice of Election, and the Notice of Call of Election, identified as "Attachment 7," follow these minutes and are made an official part hereof.

DIRECTOR'S REPORT:

Potential Intern Opportunity from Georgia Military College: Director Jones reported that the Georgia Military College has expressed interest in having interns work in the Elections Office. He stated this opportunity is being explored. Brief discussion followed about how the intern would be paid and if there was budget to pay the intern.

Public Hearing for New Rules for Ethics Reporting: Director Jones reported the Georgia Government Transparency & Campaign Finance Commission intends to adopt proposed new rules pertaining to ethics reporting. The public hearing has been rescheduled to begin at 10:00 am. on September 21, 2017 in Room 606 of the Coverdell Legislative Office Building, 18 Capitol Square SW, Atlanta, Georgia. He stated that he has tentative plans to attend this meeting.

Voter Registration Records to be Stored Electronically: Director Jones informed the Board that the Information Technology Department has reported that voter registration records filed through AXS software is backed up each hour on the hour during normal business hours and is backed up on regular intervals in non-business hours. These backups are stored in three separate locations throughout Fayette County, and an offline storage is made once every six months. He reported that staff will no longer store redundant, paper records of voter registration documentation since they are all stored electronically. He further reported that staff from Carroll County, who already store all voter registration electronically, are scheduled to come and assist in making this transition. He stated this transition will bring greater efficiency to the voter registration process, will make the overall process easier on staff, will go toward saving taxpayer money both in time and supplies, and will help to clean up the Elections Office. He closed by asking the Board's blessing to implement the plan immediately. The Board consented to the request.

Staff Training with ES&S: Director Jones stated ES&S personnel will be at the county office on September 12, 2017 at 1:00 p.m. to train staff for using Balotar. Balotar is used by the county to print provisional ballots for each election, including the November 7, 2017 election.

Kennesaw State University Deadline: Director Jones stated the deadline for submitting candidates and ballot questions to Kennesaw State University is on Friday, September 1.

Management Development Program: Director Jones reported that County Registrar Leigh Combs and Elections Supervisor April Crosby have both been registered to take the Management Development Program offered by Carl Vinson Institute of Government. Budget for their registration was approved by the Board of Commissioners. Their first of approximately six months of classes will begin on September 6 at the Fayette County Library. Brief discussion about the training program followed.

Upcoming Voter Registration Drives: Director Jones reported there will be voter registration drives at the following high schools on the following dates:

Fayette County High School from September 11 – 12
McIntosh High School from September 14-15
Sandy Creek High School from September 18-19
Starr's Mill High School from September 21-22

Change of Procedure for Poll Managers: Director Jones explained that poll managers have historically been instructed to bring their election results to the office as early as possible. Per law, the election results have to be delivered by two poll workers. This often leaves the remaining poll worker(s) at the polling location alone to close down machines, clean up the area, and leave. Furthermore, the poll workers return to the polling locations to help their colleagues after they have delivered the election results. All of this creates a hardship on the poll workers. He stated that he amended the requirement that they do not need to bring their election results until the machines and area are picked up. This may take an additional few minutes for results to tabulate, but is worth it for the poll workers.

The Board replied that this election could be a trial run at that process, but the Board further recommended that larger elections with larger staff could continue to bring their results as early as possible.

Deputize Poll Managers as Deputy Registrars: Director Jones reminded the Board that at the recent Voter Registration Association of Georgia (VRAG) meeting, a recommendation was given to deputize the poll managers so they could officially address matters that come up at the polling locations. Specifically, when a person needs to vote a provisional ballot, they first have to leave their precinct, come to the county office, and be issued a provisional ballot. By deputizing the poll managers, the provisional ballot can be provided to the voter while at the precinct, thus saving the voter time and frustration. Director Jones asked for the Board's blessing to implement this recommendation. The Board consented to the request.

Early Tabulation of Votes on November 7, 2017: Director Jones stated staff would like to begin early tabulation of absentee by mail votes on November 7. Per O.C.G.A. 21-2-386(a)(3), if the county election superintendent chooses to open the inner envelopes and begin tabulating such ballots prior to the close of the polls on the day of the primary, election, or runoff, the superintendent shall notify the Secretary of State, in writing, at least seven days prior to the primary, election, or runoff. Staff recommends beginning the early tabulation at either 3 or 4 p.m. He asked for the Board's blessing on this matter, and the Board consented to the request.

National Heights Baptist Church: Director Jones reported that National Heights Baptist Church, which is the polling location for Precinct #26- Willow Pond, has closed and reopened as The Pinecrest Church. The Pinecrest Church is glad to continue on with the tradition of working with Elections as a polling location. The change has been entered into E-Net and precinct cards have been ordered to provide to the citizens within that precinct.

Mr. Lester pointed out that the pastor of the church was the husband of one of the county's poll workers.

Toll Free Telephone for Provisional Ballot Information: Director Jones stated a work order has been established with the Information Technology Department to establish a toll free phone number for those voters who cast a provisional ballot and want to know whether it was counted. This is based of O.C.G.A. § 21-2-418(e), and while it applies to federal elections it can be established for other elections as well. Information Technology is looking into what it will take, including a possible budget, to establish the phone line. It was noted that this matter was also discussed at the Voter Registrars Association of Georgia (VRAG) Meeting.

Next Board Meeting: Director Jones reminded the Board that the next Board of Elections Meeting is scheduled for Tuesday, September 26, 2017.

Executive Session: Director Jones informed the Board there would need to be an Executive Session Meeting to review the July 25, 2017 Executive Session Minutes.

ATTORNEY'S REPORTS:

No Attorney's Report was provided.

BOARD MEMBERS REPORTS:

Mr. Lester: Mr. Lester stated that as he left the Voter Registrar's Association of Georgia (VRAG) meeting, he thought about all of the best practices that are discussed. He said he wanted to see what the reaction was to implementing the practices, and that he was hearing them at this meeting. He thanked staff for that.

Chairman Hicks: Chairman Hicks stated that he was going to say something similar. He added that he wanted procedures and it needs to be on the list. He even thought the website needed to have required forms available. He said he was not pressing for a procedures until after the election. Director Jones replied that he remembered that discussion while at VRAG and that it was certainly on staff's radar of things to do. Mr. Lester added that a great step would be, when Carroll County comes by, to start documenting it so it becomes a procedure.

Mr. Wright: Mr. Wright asked if anyone in the office was working toward being in leadership at the upcoming conference and their committees. Director Jones replied that no effort had been taken at this time, but it too was something that he agreed needed to be done in order to strengthen the conferences.

EXECUTIVE SESSION:

9. Review of the July 25, 2017 Executive Session Minutes.

Executive Session for Review of Executive Session Minutes: Mr. Wright moved to go into Executive Session to review the July 25, 2017 Executive Session Minutes. Mr. Lester seconded the motion. The motion passed 3-0.

The Board of Elections recessed into Executive Session at 5:50 p.m.

Return to Official Session: Mr. Wright moved to return out of Executive Session. Mr. Lester seconded the motion. The motion passed 3-0.

The Board returned to Official Session at 5:54 p.m.

Approval of the July 25, 2017 Executive Session Minutes: Mr. Lester moved to approve the July 25, 2017 Executive Session Minutes. Chairman Hicks seconded the motion. The motion passed 2-0-1 with Mr. Wright abstaining from the vote.

Approval of an Executive Session Affidavit: Mr. Lester moved to approve the Executive Session Affidavit for the July 25, 2017 Executive Session Meeting. Mr. Wright seconded the motion. The motion passed 3-0. A copy of the Executive Session Affidavit, identified as "Attachment 8," follows these minutes and is made an official part hereof.

Passing of Former Elections Supervisor Tom Sawyer: Chairman Hicks commented that the Board and staff were saddened to hear of the passing of Tom Sawyer, the former supervisor for the Board of Elections. He stated that Mr. Sawyer passed away on August 27, 2017 and his funeral will be Sunday, September 3, 2017. He said Mr. Sawyer's burial will be on Tuesday, September 5, 2017.

He said the Board and staff send their condolences to the family for their loss.

ADJOURNMENT:

Mr. Wright moved to adjourn the August 29, 2017 Board of Elections meeting. Mr. Lester seconded the motion. The motion passed 3-0.

The August 29, 2017 Board of Elections Meeting adjourned was adjourned at 5:56 p.m.

Floyd L. Jones, Director

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 26th day of September 2017. Referenced attachments are available upon request in the Board of Elections' Office.

Floyd L. Jones, Director