

BOARD OF ELECTIONS

Darryl Hicks, Chairman
Addison Lester
Aaron Wright

FAYETTE COUNTY, GEORGIA

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



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

AGENDA

September 26, 2017
4:00 p.m.

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

Approval of the Agenda

PUBLIC COMMENTS:

APPROVAL OF MINUTES:

1. Consideration of staff's request to approve the August 29, 2017 Board of Elections' Meeting Minutes. **Pages 1-8**

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. **Pages 9-13**

CONSENT AGENDA:

OLD BUSINESS:

3. Consideration of staff's request to appoint Mr. Eddie Stauber as Poll Manager for Precinct #36- Antioch for the November 7, 2017 municipal and Education Special Purpose Local Option Sales Tax (E-SPLOST) elections. **Pages 14-16**
4. Consideration of staff's recommendation to adopt the Fayette County Board of Elections By-laws. **Pages 17-24**

NEW BUSINESS:

5. Update concerning the disposition of Mr. John Kimbell and the State Board of Elections. **Pages 25-30**

DIRECTOR'S REPORT:

ATTORNEY'S REPORTS:

BOARD MEMBERS REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE **AGENDA ITEM #**

PRESENTER(S)

TYPE OF REQUEST

WORDING FOR THE AGENDA

Consideration of staff's request to approve the August 29, 2017 Board of Elections Meeting Minutes.

BACKGROUND / HISTORY / DETAILS

O.C.G.A. 50-14-1(3)(B) reads: The regular minutes of a meeting subject to this chapter shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency or its committee, but in no case later than immediately following its next regular meeting; provided, however, that nothing contained in this chapter shall prohibit the earlier release of minutes, whether approved by the agency or not. Such minutes shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, the identity of the person making and seconding the motion or other proposal, and a record of all votes. The name of each person voting for or against a proposal shall be recorded. It shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining.

SPECIFIC ACTION / DIRECTION SOUGHT

Approve the August 29, 2017 Board of Elections Meeting Minutes.

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

BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE **AGENDA ITEM #**

PRESENTER(S)

TYPE OF REQUEST

WORDING FOR THE AGENDA

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.

BACKGROUND / HISTORY / DETAILS

O.C.G.A. 21-2-228(d) and 21-2-231 provide instructions pertaining to the removal of registered voters from an Electors List.

The Secretary of State's Office provides monthly reports to county offices detailing deceased voters. This request is based the information provided from the Secretary of State's Office. Families are notified by an official letter informing them of the removal of these electors.

Each person in question has been notified of this meeting via first-class mail as required by law.

SPECIFIC ACTION / DIRECTION SOUGHT

Conduct Public Hearing on 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.

GEORGIA SECRETARY OF STATE VOTER REGISTRATION SYSTEM								
Cancelled/Deceased Voters								
Cancelled Date	Status with Reason	Last Name	First Name	Suffix	Race	Gender	Residence Address	Voter Registration #
09/03/2017	Cancelled Deceased	ACKLES	BETTY		White not of Hispanic Origin	FEMALE	355 CASTLEWOOD RD UNIT 82	03674842
09/03/2017	Cancelled Deceased	ADAMS	CARL		White not of Hispanic Origin	MALE	1145 HIGHWAY 54 W FAYETTEVILLE GA 30214-	00084338
09/03/2017	Cancelled Deceased	BARBER	JACQUELINE		Black not of Hispanic Origin	FEMALE	160 STEARMAN RD FAYETTEVILLE GA 30214- 5314	03942218
09/03/2017	Cancelled Deceased	BATEMARCO	BENJAMIN		White not of Hispanic Origin	MALE	1051 PINEHURST DR PEACHTREE CITY GA 30269	03411397
09/03/2017	Cancelled Deceased	BENNETT	MARION		White not of Hispanic Origin	FEMALE	703 ALDERLY LN PEACHTREE CITY GA 30269-1154	06857983
09/03/2017	Cancelled Deceased	BRADLEY	RONALD		White not of Hispanic Origin	MALE	105 AUTUMN GLEN CIR UNIT 208 FAYETTEVILLE GA 30215-	02942206
09/10/2017	Cancelled Deceased	BRADY	GEORGE		Unknown	MALE	805 OAK BRIDGE LN FAYETTEVILLE GA 30214- 9613	00085556
09/08/2017	Cancelled Deceased	BROCK	ROGER		White not of Hispanic Origin	MALE	120 LAKE CIRCLE DR FAYETTEVILLE GA 30215-	00085675
09/03/2017	Cancelled Deceased	BYROM	SANDRA		White not of Hispanic Origin	FEMALE	370 ROYAL RIDGE WAY FAYETTEVILLE GA 30215-	00108127
09/03/2017	Cancelled Deceased	CALHOUN	GAIL		White not of Hispanic Origin	FEMALE	610 W MANOR PEACHTREE CITY GA	03091558
09/03/2017	Cancelled Deceased	CAMPBELL	TYSEN		White not of Hispanic Origin	MALE	115 GRAPEVINE CURV PEACHTREE CITY GA 30269	04322514
09/17/2017	Cancelled Deceased	CARROLL	FLORENCE		White not of Hispanic Origin	FEMALE	1000 STEVENS ENTRY W111 PEACHTREE CITY GA	06715522
09/03/2017	Cancelled Deceased	CASSEDY	ROBERT		White not of Hispanic Origin	MALE	125 MAYFAIR LN FAYETTEVILLE GA 30214- 9626	00086298
09/10/2017	Cancelled Deceased	CLARK	HENRIETTA		Black not of Hispanic Origin	FEMALE	155 N FAYETTE DR FAYETTEVILLE GA 30214- 6603	05761824
09/10/2017	Cancelled Deceased	CLARK	THOMAS		White not of Hispanic Origin	MALE	310 WILBANKS DR FAYETTEVILLE GA 30215- 6806	01713442
09/10/2017	Cancelled Deceased	CLOWER	WILLIAM		White not of Hispanic Origin	MALE	111 DEERFIELD LN FAYETTEVILLE GA 30214- 1001	00086533
09/03/2017	Cancelled Deceased	DECOTEAU	ONEIL		White not of Hispanic Origin	MALE	7 NORTHLAKE CIR PEACHTREE CITY GA 30269-1412	00102148
09/08/2017	Cancelled Deceased	DELVECCHIO	MARGARET		Unknown	FEMALE	135 FIELDSTONE WAY FAYETTEVILLE GA 30215	10023498
09/03/2017	Cancelled Deceased	EWING	THOMAS	JR	White not of Hispanic Origin	MALE	230 TURNBERRY CIR FAYETTEVILLE GA 30215-	00290605
09/15/2017	Cancelled Deceased	FORD	VIRGINIA		White not of Hispanic Origin	FEMALE	105 N BEND TRL JONESBORO GA 30238- 5630	06236852
09/03/2017	Cancelled Deceased	FREELAND	HAROLD		White not of Hispanic Origin	MALE	200 ROCKAWAY RD APT. 239 PEACHTREE CITY GA	06717091
09/03/2017	Cancelled Deceased	GASAWAY	RONALD		White not of Hispanic Origin	MALE	245 CORNWALLIS WAY FAYETTEVILLE GA 30214-	04706186
09/11/2017	Cancelled Deceased	GERALD	CALDON		White not of Hispanic Origin	FEMALE	375 CALLAWAY RD FAYETTEVILLE GA 30215- 2205	00097785
09/10/2017	Cancelled Deceased	GOBER	MARY		White not of Hispanic Origin	FEMALE	502 AVALON DR FAYETTEVILLE GA 30214- 4715	02579002
09/10/2017	Cancelled Deceased	HALL	KAROLYN		White not of Hispanic Origin	FEMALE	218 TURNBRIDGE CIR PEACHTREE CITY GA 30269-6505	00112174
09/17/2017	Cancelled Deceased	HAMRICK	RICHARD	JR	White not of Hispanic Origin	MALE	145 VALLEY BROOK TRL JONESBORO GA 30238- 5646	00100512

GEORGIA SECRETARY OF STATE VOTER REGISTRATION SYSTEM								
Cancelled/Deceased Voters								
09/15/2017	Cancelled Deceased	HANAHAN	DAVID		White not of Hispanic Origin	MALE	107 WOODSDALE DR PEACHTREE CITY GA 30269	10206208
09/08/2017	Cancelled Deceased	HOLLIMON	LENNY		Black not of Hispanic Origin	MALE	109 CENTURY PARK PL PEACHTREE CITY GA 30269-5634	07635542
09/03/2017	Cancelled Deceased	HOOD	DAVID		White not of Hispanic Origin	MALE	861 HOOD RD FAYETTEVILLE GA 30214- 1061	00089502
09/15/2017	Cancelled Deceased	HOODA	SADRUDDIN		White not of Hispanic Origin	MALE	120 HERITAGE CT FAYETTEVILLE GA 30214	07468417
09/03/2017	Cancelled Deceased	HOPKINS	MARK		White not of Hispanic Origin	MALE	503 BROOKS RD BROOKS GA 30205-9523	00089516
09/03/2017	Cancelled Deceased	JOHNSON DARDEN	BETTY		Black not of Hispanic Origin	FEMALE	120 SIR LANCELOT CT FAYETTEVILLE GA 30214- 3679	05467721
09/03/2017	Cancelled Deceased	JONES	MARY		White not of Hispanic Origin	FEMALE	1512 HIGHWAY 54 W LOT 25A FAYETTEVILLE GA 30214-	06159153
09/15/2017	Cancelled Deceased	JONES	CHRISTEANER		Other	FEMALE	176 JENKINS RD TYRONE GA 30290-1612	07469080
09/03/2017	Cancelled Deceased	KEEVER	JUDY		Unknown	FEMALE	98 FERNWAY DR FAYETTEVILLE GA 30214- 1224	00108750
09/03/2017	Cancelled Deceased	KIJOWSKI	DONALD		White not of Hispanic Origin	MALE	140 REHOBETH WAY FAYETTEVILLE GA 30214	00090283
09/03/2017	Cancelled Deceased	LAKIS	JANE		White not of Hispanic Origin	FEMALE	340 INNISBROOK WAY FAYETTEVILLE GA 30214- 7525	00090748
09/15/2017	Cancelled Deceased	LANGLEY	DAVID		White not of Hispanic Origin	MALE	225 OXFORD LN FAYETTEVILLE GA 30215	00090584
09/15/2017	Cancelled Deceased	LINDSEY	RICHARD		Black not of Hispanic Origin	MALE	175 GLENGARY CT FAYETTEVILLE GA 30214- 7379	05511833
09/17/2017	Cancelled Deceased	LOLMAUGH	MARY LYNN		White not of Hispanic Origin	FEMALE	797 GOZA RD FAYETTEVILLE GA 30215- 2813	00110605
09/03/2017	Cancelled Deceased	MANN	LYMAN		White not of Hispanic Origin	MALE	135 BRENTWOOD RD TYRONE GA 30290-9747	00091059
09/08/2017	Cancelled Deceased	MANOTAS	CHERE		White not of Hispanic Origin	FEMALE	504 N FAIRFIELD DR PEACHTREE CITY GA	08601383
09/11/2017	Cancelled Deceased	MASSON	WESTIE		White not of Hispanic Origin	FEMALE	675 PONDEROSA CT FAYETTEVILLE GA 30214- 1478	08499124
09/15/2017	Cancelled Deceased	MATERNA	THOMAS		Unknown	MALE	101 KINGS RIDGE DR PEACHTREE CITY GA 30269	08249010
09/03/2017	Cancelled Deceased	MCDANIEL	JULIA		Unknown	FEMALE	100 MARILYN CT FAYETTEVILLE GA 30214-	02379027
09/11/2017	Cancelled Deceased	MCLUCAS	ANDREW		White not of Hispanic Origin	MALE	105 JOHN ST FAYETTEVILLE GA 30215- 5536	07486935
09/03/2017	Cancelled Deceased	MEYER	DIANNE		White not of Hispanic Origin	FEMALE	153 OLD HIGHWAY 85 FAYETTEVILLE GA 30215- 3048	00099642
09/15/2017	Cancelled Deceased	MILAM	DORIN		White not of Hispanic Origin	MALE	241 KIRKLEY RD TYRONE GA 30290-9702	00116742
09/03/2017	Cancelled Deceased	MOSELEY	LOUISE		White not of Hispanic Origin	FEMALE	121 BATTERY WAY PEACHTREE CITY GA	03784467
09/03/2017	Cancelled Deceased	PANNELL	MARY		White not of Hispanic Origin	FEMALE	300 WOODGATE CIR FAYETTEVILLE GA 30214	00108764
09/03/2017	Cancelled Deceased	PARKS	ROYCE		White not of Hispanic Origin	MALE	187 RIVERS RD LOT 212 FAYETTEVILLE GA 30214- 3240	05286398
09/03/2017	Cancelled Deceased	PATRIE	GERALD		White not of Hispanic Origin	MALE	1000 TIMBERLANE DR FAYETTEVILLE GA 30214- 1366	00092553

Public Hearing- September 2017

GEORGIA SECRETARY OF STATE VOTER REGISTRATION SYSTEM								
Cancelled/Deceased Voters								
09/03/2017	Cancelled Deceased	PECORARO	GEOFFREY		Unknown	MALE	135 RIDGEMONT DR FAYETTEVILLE GA 30215	05383308
09/03/2017	Cancelled Deceased	PENNINGTON	DOYLE		White not of Hispanic Origin	MALE	135 HERITAGE CT FAYETTEVILLE GA 30214	00106450
09/03/2017	Cancelled Deceased	PENSON	CARL		Black not of Hispanic Origin	MALE	302 N MEADE DR PEACHTREE CITY GA 30269-1047	05112796
09/10/2017	Cancelled Deceased	PRESCOTT	ELISE		Unknown	FEMALE	147 LONG LEAF PEACHTREE CITY GA 30269-2149	01125294
09/03/2017	Cancelled Deceased	RABERN	NOLAN		White not of Hispanic Origin	MALE	248 HILO RD FAYETTEVILLE GA 30215- 2435	00116492
09/03/2017	Cancelled Deceased	REYNOLDS	L DOUGLAS		White not of Hispanic Origin	MALE	509 WILLOW RD PEACHTREE CITY GA 30269-1661	00093273
09/08/2017	Cancelled Deceased	RICHARDSON	VIERN		White not of Hispanic Origin	MALE	2301 APPLGATE LN PEACHTREE CITY GA	07411160
09/15/2017	Cancelled Deceased	RICHARDSON	DAVID		White not of Hispanic Origin	MALE	130 GINGERCake CT FAYETTEVILLE GA 30214- 7600	00115187
09/03/2017	Cancelled Deceased	RICKEARD	RUSSELL		White not of Hispanic Origin	MALE	205 INNISBROOK WAY FAYETTEVILLE GA 30214- 7524	00106721
09/03/2017	Cancelled Deceased	ROGERS	ELLEN		White not of Hispanic Origin	FEMALE	100 GRINDSTONE WAY SENOIA GA 30276-1605	05181028
09/08/2017	Cancelled Deceased	ROWLAND	ARNOLD		Unknown	MALE	300 ROCKAWAY RD APT #124 PEACHTREE CITY GA	07813319
09/08/2017	Cancelled Deceased	SAULNIER	ANTHONY		White not of Hispanic Origin	MALE	651 GRECKEN GRN PEACHTREE CITY GA 30269-2729	07518916
09/08/2017	Cancelled Deceased	SAWYER	THOMAS		White not of Hispanic Origin	MALE	115 BENTLEY WAY FAYETTEVILLE GA 30214- 3747	00093725
09/08/2017	Cancelled Deceased	SCHAEFER	PAUL		White not of Hispanic Origin	MALE	201 CROSSTOWN DR APT 3014 PEACHTREE CITY GA	10200570
09/08/2017	Cancelled Deceased	SCHAEFER	PAUL		White not of Hispanic Origin	MALE	201 CROSSTOWN DR APT 3014 PEACHTREE CITY GA	10238067
09/10/2017	Cancelled Deceased	SELLMER	JOHN		White not of Hispanic Origin	MALE	128 SEA ISLAND DR PEACHTREE CITY GA 30269-3299	03461115
09/03/2017	Cancelled Deceased	SHLAPAK	JOHN		White not of Hispanic Origin	MALE	220 CEDAR CIR FAYETTEVILLE GA 30214- 1270	00099078
09/15/2017	Cancelled Deceased	SKAFTUN	CHRISTIAN		Unknown	MALE	370 RIDGEWOOD DR FAYETTEVILLE GA 30215	11341843
09/08/2017	Cancelled Deceased	SMITH	JESSE		White not of Hispanic Origin	MALE	148 SEAY RD FAYETTEVILLE GA 30215- 2601	00094220
09/03/2017	Cancelled Deceased	STEVENS	STELLA		White not of Hispanic Origin	FEMALE	104 PLANTERRA WAY PEACHTREE CITY GA	05046795
09/15/2017	Cancelled Deceased	STEWART	THOMAS		White not of Hispanic Origin	MALE	201 CROSSTOWN DR APT 1080 PEACHTREE CITY GA 30269	01416534
09/03/2017	Cancelled Deceased	THORNTON	ROBERT	JR	Black not of Hispanic Origin	MALE	320 GAELIC WAY TYRONE GA 30290-1859	04631016
09/03/2017	Cancelled Deceased	TORRES	MARIE		Unknown	FEMALE	405 LIGHTHOUSE LN PEACHTREE CITY GA 30269-3272	03335336
09/03/2017	Cancelled Deceased	TRUDEWIND	ESTELLE		White not of Hispanic Origin	FEMALE	125 TWIN BRANCH WALK FAYETTEVILLE GA 30214	00108673

GEORGIA SECRETARY OF STATE VOTER REGISTRATION SYSTEM								
Cancelled/Deceased Voters								
09/08/2017	Cancelled Deceased	VEREGO	FRANK	JR	Unknown	MALE	300 ROCKAWAY RD APT 324	11118833
09/03/2017	Cancelled Deceased	WALKER	MARY		Black not of Hispanic Origin	FEMALE	129 WASHINGTON ST FAYETTEVILLE GA 30214-	04820536
09/15/2017	Cancelled Deceased	WALKER	ENA		Black not of Hispanic Origin	FEMALE	265 BLACKBERRY RUN FAYETTEVILLE GA 30214- 3680	06035315
09/11/2017	Cancelled Deceased	WALLACE	LINDSEY		White not of Hispanic Origin	FEMALE	100 BRECHIN DR SENOIA GA 30276	10121836
09/03/2017	Cancelled Deceased	WARD	JAMES		White not of Hispanic Origin	MALE	411 HIGHWAY 279 FAYETTEVILLE GA 30214-	06832712
09/03/2017	Cancelled Deceased	WATTS	EDITH		White not of Hispanic Origin	FEMALE	151 WISDOM RD UNIT 224 PEACHTREE CITY GA 30269-3937	00357171
09/03/2017	Cancelled Deceased	WHITE	CONDELL		Black not of Hispanic Origin	MALE	180 STILLWOOD DR FAYETTEVILLE GA 30215-	05383765
09/08/2017	Cancelled Deceased	WILLIAMS	CAROLINE		Unknown	FEMALE	100 WILLIAMS RD FAYETTEVILLE GA 30215	11286151
09/03/2017	Cancelled Deceased	WILSON	THOMAS		Black not of Hispanic Origin	MALE	125 HILLCREST TRCE FAYETTEVILLE GA 30215- 2392	04515147
09/03/2017	Cancelled Deceased	WRIGHT	AMANDA		White not of Hispanic Origin	FEMALE	716 EBENEZER RD FAYETTEVILLE GA 30215- 5109	00096486
09/11/2017	Cancelled Deceased	YOUNG	DAVID		White not of Hispanic Origin	MALE	201 CROSTOWN DR UNIT 3022 PEACHTREE CITY GA	07491567

BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE **AGENDA ITEM #**

PRESENTER(S)

TYPE OF REQUEST

WORDING FOR THE AGENDA

Consideration of staff's request to appoint Mr. Eddie Stauber as Poll Manager for Precinct #36- Antioch for the November 7, 2017 municipal and Education Special Purpose Local Option Sales Tax (E-SPLOST) elections.

BACKGROUND / HISTORY / DETAILS

O.C.G.A. 21-2-90 reads, in part: "All elections and primaries shall be conducted in each polling place by a board consisting of a chief manager, who shall be chairperson of such board, and two assistant managers assisted by clerks. The managers of each polling place shall be appointed by the superintendent. . . When such lists are submitted to the appropriate office, the superintendent, insofar as practicable, shall make appointments so that there shall be equal representation on such boards for the political parties involved in such elections or primaries. The superintendent shall make each appointment by entering an order which shall remain on record in the appropriate office and shall make such order available for public inspection upon request. The order shall include the name and address of the appointee, his or her title, and a designation of the precinct and primary or election in which he or she is to serve.

SPECIFIC ACTION / DIRECTION SOUGHT

Approve staff's request to appoint Mr. Eddie Stauber as Poll Manager for Precinct #36- Antioch for the November 7, 2017 municipal and Education Special Purpose Local Option Sales Tax (E-SPLOST) elections.

BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE **AGENDA ITEM #**

PRESENTER(S)

TYPE OF REQUEST

WORDING FOR THE AGENDA

Approval of staff's request to appoint Mr. Eddie Stauber as Poll Manager for Precinct #36- Antioch for the November 7, 2017 municipal and Education Special Purpose Local Option Sales Tax (E-SPLOST) elections.

BACKGROUND / HISTORY / DETAILS

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SPECIFIC ACTION / DIRECTION SOUGHT

Approve staff's request to appoint Mr. Eddie Stauber as Poll Manager for Precinct #36- Antioch for the November 7, 2017 municipal and Education Special Purpose Local Option Sales Tax (E-SPLOST) elections.

POLL WORKER PAYROLL
MUNICIPAL GENERAL/SPECIAL -ELECTION -E SPLOST
NOVEMBER 7, 2017

Emp#	Pct.	Job	Phone #	First Name	Last Name	Address	City	State	Zip Code
NEW LS	36	M/M/M	404-483-7839	Eddie	Stauber	103 Adell Ct.	Peachtree City	GA	30269

BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE **AGENDA ITEM #**

PRESENTER(S)

TYPE OF REQUEST

WORDING FOR THE AGENDA

Consideration of staff's recommendation to adopt the Fayette County Board of Elections By-laws.

BACKGROUND / HISTORY / DETAILS

The current by-laws of the Fayette County Board of Elections and Voter Registration was adopted on January 22, 2008.

Amended by-laws were discussed periodically during the first half of calendar year 2016, however, the minutes do not reflect that the amended by-laws were ever adopted.

This item was discussed and tabled at the August 29, 2017 Board of Elections meeting. Revisions to the proposed by-laws were made and the county's current Ethics Ordinance attached for reference.

SPECIFIC ACTION / DIRECTION SOUGHT

Adoption of the Fayette County Board of Elections By-laws.

BYLAWS

FAYETTE COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION

ADOPTED IN SESSION JANUARY 22, 2008

AMENDED ~~JUNE 28, 2016~~ SEPTEMBER 26, 2017

I. NAME

The name of this Board shall be the Fayette County Board of Elections and Voter Registration, hereinafter referred to as the "Board."

II. PURPOSE

The purpose of this Board is:

- 1) To protect the integrity of all elections conducted by the Board.
- 2) To conduct elections in a legal, ethical, and non-partisan manner with an environment of honesty, openness, impartiality, and integrity, keeping in mind the public trust and interest of all voters in Fayette County. The Board or its members should avoid any action which might result in, or create the appearance of, affecting adversely the confidence of the public in the integrity of any election.

III. CONFLICT OF INTEREST

~~Board~~ While conducting the duties of their office, board members should not engage in political activity such as campaigning for any candidate on a Fayette County ballot (whether as a volunteer or a paid position) or ballot question, writing letters to the editor, or participating in discussion or comments regarding candidates or candidates' activities. Board members should conduct themselves in an objective, detached and non-partisan manner while conducting the business of the Board. Board members may not speak at public meetings in support of or in opposition to an issue or candidate on a Fayette County ballot. The Code of Ethics for the Fayette County Government in effect as of the adoption and/or readoption of these Bylaws, as found in Division 3 of Article IV of Chapter 2 of the Fayette County Code of Ordinances and as attached hereto, governs the affairs and activities of the Board and is incorporated by reference into these Bylaws.

IV. ORGANIZATION OF THE BOARD

The Board is empowered to organize itself, determine its procedural rules and regulations, adopt bylaws, specify functions and duties of its employees, and otherwise take such actions as are appropriate to the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law. The Chairman of the Board shall be the Chief Executive Officer and shall generally supervise, direct, and control the

administration of the affairs of the Board pursuant to law and duly adopted resolutions of the Board as prescribed by law. The Chairman will be elected among the Board members at the February meeting of each even numbered year to serve for a term of two years.

The Board shall enter into its minutes any directives governing the execution of matters within its jurisdiction. The Board shall hold regular monthly meetings at the Elections Office, unless cancelled for lack of business. Any special called meetings shall be held in accordance with the provisions of state law. The Board shall maintain a written record of policy decisions that shall be amended to include additions or deletions. Meetings shall be conducted, insofar as practicable, in accordance with Robert's Rules of Order and Minutes shall be kept of all meetings and shall reflect the votes of each member upon matters voted upon. The Board shall keep correct and complete books and records of account and shall also store the Minutes of all meetings at the Elections Office. Individual Board members may not issue directives to administrative staff or poll workers. All directives to staff and poll workers must be at the behest of the Chairman of the Board and/or the entire Board, acting in its official capacity.

The Board shall be authorized to appoint an Elections Superintendent and to employ any other employees deemed appropriate to manage the matters of the elections and voter registration.

The Board shall be responsible for the selection, appointment and training of poll workers in elections.

V. INVESTIGATIONS

The Board may conduct investigations of irregularities in voting practices, voter registrations, and suspected violations of election laws. Any such investigation shall be conducted in strict compliance with Georgia law and the results shall be made available to the proper law enforcement agencies.

VI. CONFLICT WITH STATE ELECTIONS BOARD RULES

These Bylaws should not be in conflict with the rules of the State Election Board. In case of a conflict, the rules of the State Election Board shall control.

VII. PENALTIES FOR VIOLATION OF BYLAWS

In its discretion, if the Board determines that there has been a violation of these Bylaws, it may impose penalties for said violations(s), including censure and revocation of monthly pay for the Board member. Additional penalties can be imposed by the Board at its discretion.

VIII. AMENDMENTS TO BYLAWS

These Bylaws may be amended by majority vote of the Board at any meeting of the Board, provided that seven (7) days' notice of the intention to amend said Bylaws has been received by Board members, said notice setting forth in detail the proposed amendment. Any

amendment to these Bylaws shall be effective upon adoption, unless otherwise provided for in the amendment.

| ADOPTED this ____ day of _____, 2017~~6~~.

Darryl Hicks, Chairman

Addison Lester

Aaron Wright

DIVISION 3. - CODE OF ETHICS³¹

Footnotes:

--- (3) ---

Editor's note— Ord. No. 2016-04, § 1, adopted Feb. 25, 2016, amended Div. 3 in its entirety to read as herein set out. Former Div. 3, §§ 2-200—2-207, pertained to similar subject matter, and derived from Code 1992, §§ 2-207—2-215; Ord. No. 2010-10, § 1, 11-18-2010; Ord. No. 2015-09, § 1, 9-24-2015.

State Law reference— Ethics in government, O.C.G.A. § 21-5-1 et seq.

Sec. 2-200. - Purpose.

The purpose of this code of ethics is to:

- (1) Encourage high ethical standards in conduct by the county officials ("county officials");
- (2) Establish guidelines for ethical standards of conduct for all county officials by setting forth those acts or actions that are incompatible with the best interests of Fayette County (the "county");
- (3) Maintain public trust through transparency by requiring disclosure by county officials of private financial or other interests in matters affecting the county or in matters that affect their ability to act in the best interests of the county; and
- (4) Serve as a basis for disciplining those who do not comply with its terms.

(Ord. No. 2016-04, § 1, 2-25-2016)

Sec. 2-201. - Scope.

The provisions of this code of ethics shall be applicable to all county officials. Further, the county purchasing director shall develop procedures for individuals, corporations and other entities seeking to do business with the county to disclose financial, familial or other relationships with any person who comes within the scope of this code of ethics and who is also required to disclose such relationships. Such disclosures must be made prior to presenting a recommendation of award to the Fayette County Board of Commissioners (the "board of commissioners") or, if board of commissioners approval is not required, prior to execution of a contract in excess of \$10,000. The obligation for an individual, corporation or other entity seeking to do business with the county to disclose the aforementioned relationships is ongoing and shall be enforced as a prerequisite to any action by a county official or other person covered by this code of ethics to renew, extend or otherwise modify a contract after award.

(Ord. No. 2016-04, § 1, 2-25-2016)

Sec. 2-202. - Definitions.

The following words and phrases as used in this code of ethics shall, unless the context clearly indicates otherwise, have the meanings as follows:

County means Fayette County, Georgia.

County administrator means the individual who serves as county administrator of Fayette County.

County official includes county employees, members of the board of commissioners, the county administrator, the county clerk and the county attorney. County official also includes all individuals appointed by the county administrator and the board of commissioners to county authorities, commissions, committees, boards, task forces, or other bodies.

Gift means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration. "Gift" also means a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, conveyed or transferred.

Ethics. The discipline dealing with what is good and bad and with moral duty and obligation — Merriam Webster

Immediate family means the spouse, mother, father, grandparent, brother, sister, son or daughter of any county official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.

Person means an individual, a business entity, or other similar type organization.

(Ord. No. 2016-04, § 1, 2-25-2016)

Sec. 2-203. - Prohibitions.

- (a) No county official shall use or secure confidential information for any purpose other than his/her official duties.
- (b) No county official may participate or vote on any matter before the board of commissioners or other county body where such county official has a substantial interest in the outcome of such matter. For purposes of this code of ethics, a substantial interest is found where the county official receives a pecuniary interest due to the outcome of the vote.
- (c) No county official shall act as an agent or attorney for another in any matter before the board of commissioners or other county body.
- (d) No county official shall enter into any contract with the county except as authorized by state law.
- (e) No county official shall solicit or accept other employment to be performed, or compensation to be received, while still a county official if the employment or compensation could reasonably be expected to impair such county official's judgment or performance of county duties.
- (f) No county official shall disseminate confidential information to someone other than another county official, unless otherwise authorized by law.
- (g) No county official shall solicit or accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person for himself/herself, or any member of his/her immediate family, under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the county official's duties.

(Ord. No. 2016-04, § 1, 2-25-2016)

Sec. 2-204. - Conflict of interest.

- (a) No county official may participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the county official has a substantial interest.
- (b) A county official who has a relationship with any entity which receives funding from the county shall disclose such relationship prior to participating in any action for such funding.
- (c) A county official shall never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration.

- (d) No county official shall engage in any business with the county, or allow any member of his/her immediate family to engage in any business with the county which is inconsistent with the conscientious performance of his/her governmental duties.
- (e) Notwithstanding anything contained herein to the contrary, a county official shall disclose, prior to discussing or taking any action on any matter involving the donor, any gift or campaign contribution (cash or in kind) received by him/her, or any member of his/her immediate family, greater than \$100.00. Receipt of gifts and campaign contributions within the current election cycle valued at \$250.00 or more by a county official, or member of his/her immediate family, will prohibit the county official from participating or taking action on any matter involving the donor.

(Ord. No. 2016-04, § 1, 2-25-2016)

Sec. 2-205. - Enforcement and administration.

- (a) All allegations of violations of the code of ethics must be filed with the county clerk, in writing, signed by the complainant, no later than 45 days after the alleged act occurred unless the complainant, by exercising reasonable diligence, failed to discover the alleged violation of the code of ethics within such 45-day period. In such case, a complainant must file an ethics complaint with the county clerk no later than 45 days after the complainant discovered the alleged violation.
- (b) In no event shall an ethics complaint be filed with the county clerk more than six months from the date of the alleged violation of the code of ethics.
- (c) The complainant may withdraw the ethics complaint at any time in writing.
- (d) Within 30 days of receipt of an ethics complaint the board of commissioners will review the ethics complaint to determine whether same is on its face unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke disciplinary jurisdiction. A majority of the full board of commissioners must agree that a sufficient basis has been given to warrant a public hearing. Certain violations alleged against county officials who are employees may be referred through the proper channels consistent with the employee handbook's disciplinary procedures. A majority of the full board of commissioners shall make the determination of whether or not a review board should be impaneled.
- (e) If a complaint is received by the clerk which alleges a violation of the code of ethics by a member of the board of commissioners, a determination of sufficiency of the complaint will not be forwarded to the board of commissioners. The county attorney of any county within the Griffin Judicial Circuit, or any circuit abutting the Griffin Judicial Circuit, other than the county attorney for the county, shall make the determination of whether or not a review board should be impaneled.
- (f) If a review board is needed, three county attorneys, other than the county attorney for Fayette County, within reasonably close geographic proximity of the county will be requested to conduct a public hearing based upon the complaint. A majority vote based upon clear and convincing evidence will determine the existence of the violation or lack thereof. Should the review board find a violation has occurred, the review board will assess the commensurate penalty for the violation. A written decision shall be issued within 15 days of the conclusion of the public hearing. County officials are subject to the following penalties and action for violations of the code of ethics:
 - (1) Written reprimand or public censure;
 - (2) Recovery of value transferred from or received by the county;
 - (3) Cancellation of the contract or rejection of the bid or offer;
 - (4) A monetary fine not to exceed \$1,000.00; and
 - (5) Demotion or termination.
- (g) Any county official adversely affected by any final decision of the board of ethics may appeal as provided in this subsection.

(h) An appeal by certiorari may be commenced in the superior court of the county within 30 days after the decision becomes final.

(Ord. No. 2016-04, § 1, 2-25-2016)

Secs. 2-206—2-239. - Reserved.

BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE **AGENDA ITEM #**

PRESENTER(S)

TYPE OF REQUEST

WORDING FOR THE AGENDA

Update concerning the disposition of Mr. John Kimbell and the State Board of Elections.

BACKGROUND / HISTORY / DETAILS

In 2014, Mr. John Kimbell qualified to be included on the ballot for the Fayette County Board of Education's 4th District. Later, it was determined he was unqualified to be on the ballot.

In recent weeks, there have been inquiries concerning what happened with this matter.

This is given for informational purposes only. There is no request of the Board to take action in any manner on this item.

SPECIFIC ACTION / DIRECTION SOUGHT

Update concerning the disposition of Mr. John Kimbell and the State Board of Elections.

No action is sought from the Board of Elections.

Findings

- 1) John A. Kimbell was registered with Fayette County, Georgia as a voter in June 1998. He first registered with a 125 Tandy Trace address. In February 2006 his address changed to 205 St. Gabriel Way. In June 2012, his address changed to 155 Oxford Lane.
- 2) On January 2, 2014, Mr. Kimbell filed a Notice of Change of Voter Registration in Russell County, Alabama. Records indicate his new residence was at 223 26th Court, Phenix City, Alabama.
- 3) On March 7, 2014, Mr. Kimbell registered through the Fayette County Republican Party, using a Declaration of Candidacy and Affidavit form, to be included on the ballot for the Fayette County Board of Education's 4th District. In the declaration, Mr. Kimbell swore he had been a legal resident of the State of Georgia for forty-five consecutive years and of Fayette County for fifteen years. He also swore that he was an elector and an eligible voter in Fayette County.
- 4) On March 20, 2014, Russell County, Alabama changed Mr. Kimbell's registration status to "inactive." Status Reason provided is "Other." Based a letter written by Tom Sawyer on May 21, 2014, this action status change to "inactive" may have occurred after Mr. Kimbell contacted the Russell County Board of Elections.
- 5) Approximately on or around March 20, 2014, ballots in Fayette County were being prepared for the forthcoming election. A sample ballot shows that John Kimbell's name was included for the 4th District for the Board of Education.
- 6) On April 17 2014, the Fayette County Election's Office received a "Notice of Change of Voter Registration" from Russell County, Alabama, informing the Fayette County office of Mr. Kimbell's January 2, 2014 voter registration in Alabama. The Fayette County Elections office cancelled Mr. Kimbell's voter registration on May 2, 2014.
- 7) Mr. Kimbell attempted to vote on May 20, 2014 which was Election Day. He was informed that he was not a registered voter and, thus, unable to vote. He was provided a provisional ballot in which he made application to be a registered voter in Fayette County, Georgia. The registration is dated by Mr. Kimbell as May 20, 2014, however, the date stamp for this registration is September 2, 2014.
- 8) Mr. Kimbell came in second place in a four-way race against fellow competitors Diane Basham, Mindy Fredrikson, and Jane Owens.
- 9) On May 21, 2014, Tom Sawyer wrote Russell County, Alabama asking for Mr. Kimbell's voter registration application and for the date that he was removed from the Russell County, Alabama voters roll. He said this information was needed to make informed decisions regarding Mr. Kimbell's qualification to continue to remain a candidate for school board in Fayette County.

10) *The Citizen* newspaper, in its May 21, 2014, report entitled: “Brown wins his PTC district; Harbin, Studdard in runoff for Ga. Senate” wrote, in part:

District 4 GOP Board of Election candidates Diane Basham (39 percent) and John Kimbell (36 percent) will face off in July to determine who will run against Democrat Ogechi Oparah in the November general election.

Post 4 Board of Education race:

Diane Basham: 948 [votes] (38.79%)

Mindy Fredrikson: 254 [votes] (10.39%)

John Kimbell: 882 [votes] (36.09%)

Jane Owens: 360 [votes] (14.73%)

11) On May 22, 2014, Mr. Kimbell again applied to be a registered Fayette County voter. This registration was received by Fayette County on May 22, 2014.

12) *The Citizen* newspaper, in a report dated May 27, 2014 and entitled “Kimbell pulls out of runoff for BoE” wrote, in part:

Fayette County voters answered some questions but left the future unclear for a number of would-be politicians during the May 20 primary election.

In a big surprise, the second place finisher in the District 4 Board of Education Republican race has withdrawn from the runoff.

The other Republican race on the ballot, a four-way battle for the District 4 seat on the Fayette County Board of Education, was not entirely settled by voters. None of the candidates won a majority, so top vote-getters Diane Basham (38.79 percent) and John Kimbell (36.09 percent) seemed to be set to square off in the July 22 primary runoff, with the winner facing Democrat Ogechi Oparah in the November election.

However, Kimbell has withdrawn from the race, he told *The Citizen* in an email Monday. “I have found myself in the unfortunate position of having to withdraw from the race due to a job related matter,” Kimbell wrote. “I passed your request along to Ms. Jane Owens, who will move into the runoff.”

Owens was the third-place finisher in the primary balloting.

13) On May 27, 2017, at 9:02 a.m., Mr. John Hallman with the Office of Secretary of State wrote:

Good Morning Tom,

Have you completed your final upload to ENR? Can you send me an official and complete election summary report from GEMs with the five column breakdown when you have?

Also, have you considered revising your board meeting you had scheduled today?
Please review 21-2-493(k).

There is no reply on record from Mr. Sawyer to this email.

14) On May 27, 2014 at 4:19 p.m., Mr. John Hallman of the Office of the Secretary of State wrote:

Hey Tom,

Since John Kimbell resigned after the election, his votes still count towards the totals and no candidate received over 50% of the vote. As a result, there will be a runoff, with the candidates next two highest vote totals.

There is no reply on record from Mr. Sawyer to this email.

15) Information provided to the Secretary of State's Office and posted to the website read that Fayette County's election results for the May 20, 2014 election are "Unofficial County Results."

In the information still available from the Secretary of State's Office, it reads that Diane Basham received 60.72% of the results, Mindy Fredrikson received 16.25% of the votes, and Jane Owens received 23.03% of the votes. There are no votes recorded for John Kimbell.

16) Fayette County's Official and Complete "Election Summary Report" for the May 20, 2014 election read that Diane Basham received 60.72% of the vote, Mindy Fredrikson received 16.25% of the vote, and Jane Owens received 23.03% of the vote. There are no votes recorded for John Kimbell.

17) At some point between discovering Mr. Kimbell should not have been on the ballot and the June 3, 2014 Board of Elections meeting, Elections Supervisor Tom Sawyer disqualified Mr. Kimbell through the GEMS Server. This disqualification removed Mr. Kimbell's name from the GEMS report- which is provided to the state- and did not count any votes cast for Mr. Kimbell. This effort, which is a proper action per Kennesaw State University, does not add votes to any other candidate but does skew the election percentages. Thus, it showed Diane Basham receiving 60.72% instead of her actual 38.79%. It showed Mindy Fredrikson receiving 16.25% of the vote instead of the actual 10.39%, and it showed Jane Owens receiving 23.03% of the vote instead of the actual 14.73%. Everyone's vote percentage skewed upward by removing John Kimbell's vote, but it did not add votes to any candidate.

18) The June 3, 2014 Board of Elections Minutes includes the following:

G. New Business

2. Review of General Primary Election Results- Official and Complete (second paragraph)

“Supervisor Sawyer referenced the election results that have been posted on the county website and said when he removed John Kimbell, it shows Diane Basham with 60.72%. He read an email to the Board that he received from John Hallman with the Election Division of the Secretary of State’s Office saying, “Since John Kimbell resigned after the election, his votes still count toward the total and no candidate received over 50% of the votes.” The Board had previously been given a copy of this email. He further discussed with the Board what the Election Code mandates when a runoff candidate drops out of the race. Since the runoff candidate for the Board of Education in District 4, John Kimbell, has withdrawn from the race, Jane Owens, who is the next runner-up, will face Diane Basham in the runoff.”

19) O.C.G.A. 21-2-134(a)(2)

A candidate in a general or special primary may withdraw as a candidate after qualifying but prior to the date of the general or special primary by filing a notarized affidavit of withdrawal . . . If the ballots have been printed, the Secretary of State, the county election superintendent, or the municipal superintendent may reprint the ballots to omit the name of the withdrawn candidate. All votes cast for the withdrawn candidate shall be void and shall not be counted. Prominent notices shall be posted in all polling locations in which the name of the withdrawn candidate appears on the ballot stating that such candidate has withdrawn and that all votes cast for such withdrawn candidate shall be void and shall not be counted.

O.C.G.A. 21-2-501(a)(7)

If any candidate eligible to be in a runoff withdraws, dies, or is found to be ineligible, the remaining candidates receiving the two highest numbers of votes shall be the candidates in the runoff.

20) The runoff election was held on July 22, 2014. Diane Basham won election with 60.18% of the vote over Jane Owens with 39.82% of the vote.

21) Mr. Kimbell was again removed from Fayette County’s voter registration rolls on September 3, 2014 since he had “moved out of state.”

22) The State Election Board entered into a Consent Order based on its investigation. It found that Mr. Kimbell did not meet the requirements of O.C.G.A. 42-2-1 when he filed a Declaration of Candidacy and Affidavit in the Fayette County Elections Office on March 7, 2014 in which he declared he as a legal resident of Fayette County for 15 consecutive years, a legal resident of the State of Georgia for 45 consecutive years, and an elector and eligible to vote in Fayette County, Georgia.

The State Elections Board found that Mr. Kimbell did not meet the requirements of O.C.G.A. 45-2-1 when he filed his Declaration of Candidacy and Affidavit because he was not a continuous resident and was not eligible to vote in Fayette County. It further found that Mr. Kimbell violated O.C.G.A. 21-2-565 in that he made false statements when he filed his Declaration of Candidacy and Affidavit with the Fayette County Elections Office.

The State Elections Board ordered the following:

- a) Mr. Kimbell “cease and desist from further violations of the Election Code and hereby publically reprimands Mr. Kimbell.
- b) Mr. Kimbell was to pay a two hundred fifty dollar (\$250.00) civil penalty to the State Election Board.

In the Consent Order, Mr. Kimbell acknowledged he has a right to hearing and that he waived his right to said hearing. Further, Mr. Kimbell understood that a violation of O.C.G.A. 21-2-565 is a felony.

The Consent Order is not effective until approved by the State Election Board. The State Election Board approved the Consent Order on March 24, 2016.