

BOARD OF ELECTIONS

Addison Lester, Chairman
Darryl Hicks
Aaron Wright

FAYETTE COUNTY, GEORGIA

Floyd L Jones, Director
April Crosby, Elections Supervisor
Brian Hill, County Registrar



140 Stonewall Avenue West
Elections Office, Suite 208
Fayetteville, GA 30214

AGENDA

May 25, 2018
5:00 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:

CERTIFICATION:

1. Certification of the May 22, 2018 General Primary Election Results. **Page 1**

APPROVAL OF MINUTES:

2. Consideration of staff's request to approve the April 24, 2018 Board of Elections' Meeting Minutes. **Pages 2 - 8**

PUBLIC HEARING:

3. Public Hearing of staff's recommendation to remove registered Fayette County voters from the Electors List who are registered in the State of Georgia's Secretary of State Voter Registration System as deceased. **Pages 9 - 11**

CONSENT AGENDA:

OLD BUSINESS:

4. Continued discussion regarding the daily / hourly pay of Absentee staff. This topic was last discussed at the April 24, 2018 Board of Election Meeting. **Pages 12 - 36**

NEW BUSINESS:

5. Discussion concerning Senate Bill 19, commonly referred to as the "Brunch Bill." **Pages 37 - 44**

DIRECTOR'S REPORT:

ATTORNEY'S REPORTS:

BOARD MEMBERS REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE	<input type="text" value="05/25/2018"/>	AGENDA ITEM #	<input type="text" value="One (1)"/>
PRESENTER(S)	<input type="text" value="Floyd L. Jones, Director"/>		
TYPE OF REQUEST	<input type="text" value="Certification"/>		

WORDING FOR THE AGENDA

Certification of the May 22, 2018 General Primary Election Results.

BACKGROUND / HISTORY / DETAILS

Per O.C.G.A. 21-2-493(k), in part: "The consolidated returns shall then be certified by the superintendent in the manner required by this chapter. Such returns shall be certified by the superintendent not later than 5:00 p.m. on the Monday following the date on which such election was held and such returns shall be immediately transmitted to the Secretary of State."

The results of the May 22, 2018 General Primary Election are to be certified on Friday, May 25. Due to Memorial Day being held on Monday, May 28, the returns of the certified election will be transmitted to the Secretary of State on Tuesday, May 29, 2018.

Supporting material will be provided at the meeting as there is no current material available.

SPECIFIC ACTION / DIRECTION SOUGHT

Certify the May 22, 2018 General Primary Election Results.

BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE	<input type="text" value="05/25/2018"/>	AGENDA ITEM #	<input type="text" value="Two (2)"/>
PRESENTER(S)	<input type="text" value="Floyd L. Jones, Director"/>		
TYPE OF REQUEST	<input type="text" value="Minutes"/>		

WORDING FOR THE AGENDA

Consideration of staff's request to approve the April 24, 2018 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 April 24, 2018 Board of Elections' Meeting Minutes.

BOARD OF ELECTIONS

Darryl Hicks, Chairman
 Addison Lester
 Aaron Wright

FAYETTE COUNTY, GEORGIA

Floyd L Jones, Director
 April Crosby, Elections Supervisor
 Brian Hill, County Registrar



140 Stonewall Avenue West
 Public Meeting Room
 Fayetteville, GA 30214

MINUTES

April 24, 2018
 5:00 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

Chairman Lester called the April 24, 2018 Board of Elections meeting to order at 5:00 p.m. It was noted that Mr. Wright was running late and would be joining the meeting in progress.

Approval of the Agenda

Mr. Hicks moved to approve the Agenda as published. Chairman Lester seconded the motion. The motion passed 2-0-1 with Mr. Wright not present for the vote.

PUBLIC COMMENTS:

No one spoke during Public Comments.

APPROVAL OF MINUTES:**1. Consideration of staff's request to approve the March 29, 2018 Board of Elections' Meeting Minutes.**

Director Jones informed the Board of a correction to the minutes. Mr. Hicks moved to approve the March 29, 2018 Board of Elections Meeting Minutes. Chairman Lester seconded the motion. The motion passed 2-0-1 with Mr. Wright not present for the vote.

PUBLIC HEARING:**2. Public Hearing of staff's recommendation to remove registered Fayette County voters from the Electors List who are registered in the State of Georgia's Secretary of State Voter Registration System as deceased.**

Director Jones pointed out that the deceased list was provided on three pages rather than the traditional one page since the list was now being updated on a weekly basis rather than on a monthly basis, with a page representing a week.

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

Mr. Hicks moved to approve staff's recommendation to remove registered Fayette County voters from the Electors List who are registered in the State of Georgia's Secretary of State Voter Registration System as deceased. Chairman Lester seconded the motion. The motion passed 2-0-1 with Mr. Wright not present for the vote. 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 Electors List who are registered in the State of Georgia's Secretary of State Voter Registration System as felons.

Director Jones stated that the felons list would remain as a one page report since the felons are provided to the office on a monthly basis. The Board noted that one felon was on the list twice. County Registrar Brian Hill explained the reason the felon was on the list two times was because he had two different addresses.

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

Chairman Lester moved to approve staff's recommendation to remove registered Fayette County voters from the Electors List who are registered in the State of Georgia's Secretary of State Voter Registration System as felons. Mr. Hicks seconded the motion. The motion passed 2-0-1 with Mr. Wright not present for the vote. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

CONSENT AGENDA:

There were no Consent Agenda items on the Agenda.

OLD BUSINESS:

There were no Old Business items on the Agenda.

NEW BUSINESS:

4. Presentation from Fayette County's Chief Information Officer, Phil Frieder, pertaining to cyber-security awareness both in Fayette County government and in the Elections Office.

Fayette County's Chief Information Officer, Phil Frieder, introduced himself by providing his credentials and qualifications for discussing this matter. He spoke for 55 minutes and answered questions from the Board.

Mr. Wright joined the meeting at 5:08 p.m. while Mr. Frieder was giving his introductory remarks.

Mr. Frieder stated that threats begin with people and that the first line of defense included these four ingredients:

- Sound Principles
- Well-Trained Staff
- State-of-the-Art Protection, and
- Prevention Systems

He stated that nearly every breach, to the tune of between 60% - 70%, involves people. He suggested that proper training, administrative buy-in, and effective discipline are ways to enhance cyber-security. Mr. Frieder then spoke about how these ingredients work together to secure the county systems and, to a lesser degree, secure the Election's systems.

Mr. Wright asked Mr. Frieder about which resources could be utilized. Mr. Frieder replied that MS Isaac would be a good resource, but it was a one-size-fits-all answer. He suggested there could be better answers, but that MS Isaac would work with the county.

Mr. Wright further suggested that state-mandated security procedures are reviewed in conjunction to what the county is already doing in order to ensure, as best as possible that there are no security gaps in the systems. Mr. Hicks added that Director Jones should contact the state to see if they are working with the Department of Homeland Security to determine if the election process is secure. Chairman Lester stated that the bottom line is that the Board wanted to know where the greatest weakness is as it concerns where the state meets the county in its technological security systems. Mr. Frieder concluded that his big goal both from the perspective of the county and as a citizen is to educate and empower the leaders to understand that the digital world is invisible, that if technology is implemented then the county needs to ensure that it is good stewards not only of the citizens' money but also of the citizens' data.

The Board did not provide further direction and did not vote on this matter. A copy of this request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

5. Discussion pertaining to the current practice of training and deputizing Deputy Registrars.

Director Jones said he was not trying to kill the spirit of what is currently occurring. He said the role of deputizing deputy registrars has been the role of the County Registrar and so far as he is aware that function was most recently done by former County Registrar Leigh Combs. He said when Mrs. Combs left Fayette County's employment, the duty fell to him for a time and that is when it caught his attention. He said that Exhibit A in the backup material is dated from 2007. He said the work and methodology behind registering deputy registrars apparently has not changed around 2007, even though election laws changed all the time. Director Jones said he called State Liaison Melanie Freschette to determine if there was current information on training Deputy Registrars. He reported that the liaison stated there was no new information and questioned why Fayette County was deputizing Deputy Registrars.

Director Jones explained the new practice, using Gwinnett County as an example, of how to modify the practice. It was determined that the recommended information is currently on the Secretary of State's website, is not contradictory to the older information currently under use, does not require notification to the newspaper, provides rules on how voter registration drives have occurred, reduces the requirements both on the elections staff and volunteers, and protects voter integrity.

Ms. Darryl Anderson added that she likes to have her people trained since that helps her protect the integrity of her work and her team. She said she wanted her group to be perfectly professional and above board.

Discussion followed on how the process would work and Director Jones answered several questions from the Board.

Ms. Anderson stated that she would prefer for her team to have badges so that the group appears as professional as possible. She added that citizens embrace the volunteers better if there are badges or some identifier showing they are legitimate. Director Jones confirmed that badges are not required under the new system. Mr. Wright stated he did not see the need to produce badges. Mr. Hicks replied that a compromise system could be reviewed to allow for badges but make a distinction between regular county election employees and the volunteers.

Director Jones asked the Board if it could support the new system and then have the attorney to the next scheduled meeting to discuss potential liabilities with the Deputy Registrar program.

Mr. Hicks moved to approve the Version 2012 Registration Rules and Procedures Policy. Mr. Wright seconded the motion. The motion passed 3-0.

Director Jones asked for those who have taken the training should the oaths be allowed to expire or should they be ended. It was agreed that the oaths would come to an end one way or the other. It was agreed the County Attorney would be asked about whether to let the oaths expire as well.

Mr. Wright further asked if information could be gathered on how many other counties issue badges to those who request the training. Director Jones said he would put the question on Firefly to gather information.

A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

6. Discussion regarding the daily / hourly rate of pay of the Absentee staff.

Director Jones stated this item was on the Agenda based on a request from County Administrator Steve Rapson. He stated that his office issued a survey through the Firefly system that goes to all 159 counties in Georgia asking how much poll workers and absentee workers are paid, and he reported that only a handful of counties replied to the survey. He reported that there are really two sets of payments being made by Fayette County; one is for the poll workers who actually work on Election Day and the other is for Absentee workers who work (as an example) during the three weeks of Absentee in Person (early) elections. Mr. Jones stated that the findings indicated that the payment scale for the Election Day workers appears to be on the high side, but that should be fine since there are other counties who pay more. He stated that the findings showed, however, that the pay scale for Absentee workers was higher than any other responding county. Furthermore, the pay scale made did not have any distinction between the payments a manager makes, an assistant manager makes, or a clerk makes. That meant that an Absentee Clerk makes the same amount of money as an Absentee Manger makes. Mr. Jones stated that the findings leave the conclusion that the county can do better with regard to the Absentee pay scale, but the open questions were how to actually make the changes and what would the changes be.

Director Jones showed that other responding counties seem to have similar problems by not paying their employees by the responsibilities they carry. He suggested that Fayette County could immediately change pay scales, or it could change the pay scales through attrition- meaning new hires would come to the job under the new payment scale while those already working for the county would retain their agreed upon payment. It was pointed out that there is very little turnover in the Absentee staff so the attrition method would take time to fully implement. Discussion followed. It was added that any change would not be able to be made for the May 22, 2018 election, and it was also understood that the proposed Fiscal Year 2019 budget was calculated, in part, on the current pay scale. It was agreed that any change made to the pay scale would affect Fiscal Year 2019 and would result in saving money for the county.

There was other discussion about making the poll workers and absentee workers contractual employees and that the contract could delineate how much would be paid for each job a person could work. It was agreed that this possibility would resolve the pay question currently under discussion, but that the attorney would need to be consulted regarding this option.

The Board agreed to have this item return to the next Agenda in order to get the attorney's opinion. The Board did not vote on this option. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.

DIRECTOR'S REPORT:

Update on the Fiscal Year 2019 Budget: Director Jones provided the Board with an email from County Administrator Steve Rapson showing the changes to the proposed Fiscal Year 2019 budget. He reminded the Board that the original budget that he had proposed budgeted for five elections, however, the budget had been scaled back to two elections with an understanding that any additional election would be funded from the county's fund balance. Mr. Jones stated that he mentioned this possibility at the three-day County Commissioner's Retreat that was held last week from April 18–20, 2018, and he concluded that records from his original request and what was said at the Retreat would be notice to the county of these possibilities. Mr. Jones pointed out that the reduction from five elections to two elections affected both the payroll portion of the budget and the Maintenance and Operations (M&O) portion of the budget. He showed that the Postage budget was significantly reduced since it removed anticipated funding should the precincts be consolidated. He informed the Board that Commissioners Brown, Oddo, and Ognio had agreed that consolidating precincts prior to the 2020 census was probably not a good idea unless substantial cost savings could be demonstrated. He stated that the Building Maintenance fund was also reduced by \$8,000 with that money going to a different fund entitled Stonewall Renovation CIP (Capital Improvement Project.) He explained that any request made by any department for renovation purposes was being aggregated to the

renovation fund. Mr. Jones pointed out that both the postage line item and the building fund line item were colored in yellow by Mr. Rapson, meaning they were still under consideration, but it appeared that would be the likely result.

Update on the County Retreat:

- Chairman Lester mentioned that at the Commissioner's Retreat, one of the big issues raised by the Commissioners concerned filing ethics documents at the local level. Director Jones reported that all of Fayette County's local elected officials are up to date on their ethics filings, however, this issue came up several weeks ago in a conversation with Commissioner Rousseau. It was understood that the local filing officers are basically distributors of paperwork but they cannot advise the elected officials on how to complete their paperwork. Moreover, if an elected official does not turn in paperwork the local filing officer has to inform the state. There are also possibilities in place for the county to be fined. Mr. Jones stated that this matter was discussed at the County Retreat and it resulted in the Board of Commissioners agreeing to include this matter in its Legislative Delegation package in order to have ethics filings returned to the state level and not required at the local level. Chairman Lester added that the Georgia Transparency Commission also wanted the ethics filings returned to the state level so there was no issues with the state with regard to this approach.
- Director Jones further reported that Commissioner Brown is adamant about having extended hours during early elections while Commissioner Oddo is not in favor of extending voting hours. He said he had not received feedback from any other Commissioner on where they stood on the matter of extending voting hours. Mr. Wright added that he is not opposed to extending hours but there is probably a better way to spend the money. He further added that if the voting hours are expanded then it would have to apply to all elections once and for all. Chairman Lester told the Board that Mr. Jones left Mr. Brown with the message that there is still 45 days to vote. Mr. Jones pointed out that ballots have already begun to return prior to the three-weeks of early election from both the military and civilians- for the upcoming election. He said he has asked the County Registrar to keep records of how many ballots have been requested and how many are returned.
- Director Jones stated that he has asked Library Director Chris Snell to work with him on getting the message of early elections out to the public. He said she is a great resource in reaching out to the community. He further mentioned that *The Citizen* reporter, Ben Nelms, will be running a story about turning out the vote in early elections. He added that an effort is underway to create signs in order to get the word out that early elections are underway.
- Director Jones informed the Board that the County Commission was interested in whether the EasyVote / EasyCampaign program would be updated to provide accurate information on when ethics filings are due. He reported that he will have a meeting with Mr. Ron Davis later in the week when this matter will be discussed, but he had no feeling on what the outcome of the discussion would be.

Marilyn Watts: Director Jones stated that former Board of Elections member Marilyn Watts passed away on Saturday, April 21. He reported that there had been no word on any arrangements.

Leaving Early: Director Jones stated he would be leaving work early on Thursday since he had received an invitation from Mr. Dan Cathy to attend an early screening of *Marvel's Avengers: Infinity Wars* movie at the Fox Theater in Atlanta. He said the invitation allowed for him to bring a guest and he had chosen to take his son, Samuel, with him.

County Registrar Brian Hill: Director Jones stated that County Registrar Brian Hill is doing great and it appears he is the right man for the job. The Board agreed that he appears to be very knowledgeable and was very likeable. Mr. Jones stated he had received an invitation to speak to the Democratic Woman's Committee in June about voter registration questions. He said he had agreed to attend and speak, but then the schedule was changed to have him speak on April 21. Mr. Jones stated that he was unable to speak on April 21 due to family commitments so the Democratic Women's Committee had asked for Mr. Hicks to speak, but Mr. Hicks was unable to speak due to prior commitments as well. Mr. Jones stated that he was able to send Mr. Hill to speak to the committee and that the feedback he received from Mr. Hill's speech was outstanding.

ATTORNEY'S REPORTS:

There was no Attorney's Reports.

BOARD MEMBERS REPORTS:

Best Practices: Chairman Lester reminded the Board that it needs to provide feedback to Mr. Jones regarding their thoughts on best practices learned at the recent GEOA / VRAG Conference. The Board agreed to provide the feedback.

EXECUTIVE SESSION:

There was no Executive Session.

ADJOURNMENT:

Mr. Hicks moved to adjourn the April 24, 2018 Board of Elections meeting. Mr. Wright seconded the motion. The motion passed unanimously.

The April 24, 2018 Board of Elections meeting adjourned at 6:49 p.m.

Floyd L. Jones, Director

Addison Lester, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Elections of Fayette County, Georgia, held on the 25th day of May 2018. Referenced attachments are available upon request in the Board of Elections' Office.

Floyd L. Jones, Director

BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE	<input type="text" value="05/25/2018"/>	AGENDA ITEM #	<input type="text" value="Three (3)"/>
PRESENTER(S)	<input type="text" value="Brian Hill, Registrar"/>		
TYPE OF REQUEST	<input type="text" value="Public Hearing"/>		

WORDING FOR THE AGENDA

Public Hearing of staff's recommendation to remove registered Fayette County voters from the Electors 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 Electors 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 VOTERS FOR WEEK OF 04/23/2018

Cancelled Date	Status with Reason	Last Name	First Name	Suffix	Race	Gender	Residence Address	Voter Registration #
04/23/2018	Cancelled Deceased	BURRIS	DEREK		Black not of Hispanic Origin	MALE	190 MEADOWBROOK CT APT C FAYETTEVILLE GA 30215	11542502
04/23/2018	Cancelled Deceased	WARREN	EDITH		White not of Hispanic Origin	FEMALE	120 BENJAMIN CIR FAYETTEVILLE GA 30214	10057343

GEORGIA SECRETARY OF STATE VOTER REGISTRATION SYSTEM

CANCELLED VOTERS VITALS FOR WEEK OF MAY 14, 2018

Cancelled Date	Status with Reason	Last Name	First Name	Suffix	Race	Gender	Residence Address	Voter Registration #
05/14/2018	Cancelled Deceased	WILLIAMS	CHARLES		Black not of Hispanic Origin	MALE	255 BROGDON RD FAYETTEVILLE GA 30214-7249	07781635
05/14/2018	Cancelled Deceased	CARSON	WILLIAM		Unknown	MALE	101 RIDGEFIELD DR PEACHTREE CITY GA 30269	10131816
05/14/2018	Cancelled Deceased	DAVIS	JOYCE		Unknown	FEMALE	303 MORGANS TURN PEACHTREE CITY GA 30269	11254475

BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE	<input type="text" value="05/25/2018"/>	AGENDA ITEM #	<input type="text" value="Four (4)"/>
PRESENTER(S)	<input type="text" value="Floyd L. Jones, Director"/>		
TYPE OF REQUEST	<input type="text" value="Old Business"/>		

WORDING FOR THE AGENDA

Continued discussion regarding the daily / hourly pay of Absentee staff. This topic was last discussed at the April 24, 2018 Board of Elections Meeting.

BACKGROUND / HISTORY / DETAILS

Absentee staff are seasonal, temporary staff who work the weeks prior to an election (three weeks early election and absentee by mail.) Each person who works in that capacity, irrespective of what role they work (manager, assistant manager, clerk) earns \$14.50 hourly.

This discussion is made in an effort to reevaluate the payment structure and amount of these seasonal employees.

The Board decided to discuss this matter at a later date based on whether seasonal, temporary staff could be made contractual workers for Fayette County. This is a follow-up to the April discussion.

SPECIFIC ACTION / DIRECTION SOUGHT

Discussion regarding the daily / hourly pay of Absentee staff.

EXHIBIT A

**STEVE RAPSON EMAIL TO DENNIS DAVENPORT
REGARDING POLL WORKERS BEING MADE
CONTRACT EMPLOYEES**

Floyd Jones

From: Steve Rapson
Sent: Friday, May 4, 2018 11:35 AM
To: Mary Parrott; Sheryl Weinmann; Lewis Patterson; Floyd Jones
Subject: FW: As Promised- Updated
Attachments: Election Workers Memo 080805.docx; Poll Worker Memo 090602.docx; Poll Worker Memo II 092402.docx; Poll Worker Memo III 083004.docx

Please review and provide me your thoughts...

Steven Rapson
 Fayette County
 County Manager
srapson@fayettecountyga.gov
 770.305.5100

From: Dennis A. Davenport [mailto:dadaven@bellsouth.net]
Sent: Friday, May 4, 2018 11:33 AM
To: Steve Rapson <srapson@fayettecountyga.gov>
Subject: RE: As Promised- Updated

No. See the attached memos.

Dennis A. Davenport
 McNally, Fox, Grant & Davenport, P.C.
 100 Habersham Drive
 Fayetteville, Georgia 30214
 (770) 461-2223

CONFIDENTIALITY NOTE: This e-mail message and all attachments may contain privileged and confidential information intended solely for the addressee. If you are not the intended recipient, you are hereby notified that any reading, disseminating, distributing, copying, or other use of this message or any attachment is strictly prohibited. If you have received this message in error, please notify the sender immediately by telephone or by replying to the sender and deleting this message and all copies thereof. Thank you.

From: Steve Rapson [mailto:srapson@fayettecountyga.gov]
Sent: Thursday, April 26, 2018 11:34 AM
To: Dennis Davenport
Subject: Fwd: As Promised- Updated

We can place the poll workers as contract folks right?

Sent from my iPhone

Begin forwarded message:

From: Floyd Jones <fjones@fayettecountyga.gov>
Date: April 26, 2018 at 11:29:32 AM EDT

To: Steve Rapson <srapson@fayettecountyga.gov>

Subject: RE: As Promised- Updated

Steve,

I just met with Mr. Ron Davis who is the president of EasyVote (EasyFile). He stated that updates to the EasyFile system are already in place and will be rolled out to the counties on a one-by-one basis shortly after the May 22nd Primary Elections conclude. Mr. Davis stated that the update will include an accurate calendar for elected officials to know when their filings are due (that answers Commissioner Ognio;s concern).

So I think that scratches the last item off my list of Retreat follow-up.

Also- not Retreat related but budget related- on Tuesday the Board of Elections discussed Absentee Pay. They did not make a decision since they want to know if making the absentee workers contractual is doable from a legal perspective and, if so, what is it impact on this discussion. The matter is coming back for discussion on May 25.

Please let me know if there is any more information I can provide to you on these matters.

Thanks,

Floyd L. Jones
Director of Elections and Voter Registration
Fayette County, Georgia
Phone: (770) 305-5138

From: Steve Rapson

Sent: Tuesday, April 24, 2018 10:46 AM

To: Department Heads <DepartmentHeads@fayettecountyga.gov>

Subject: As Promised

Retreat Follow-up

All Departments

Ensure your Continuity Plan of Operations policies and procedures is up-to-date.

August Mental Health Summit – Coordination with all relevant department/agencies

(Coroner; Sheriff; Jail; Public Health; Sheriff, Non-Profits; Fire; EMS; Piedmont; CIGNA; 911; State Court; Magistrate Court; FCBOE)

County Clerk

Digitalization of Commission minutes prior to 1980

Print Action Chart Page#8 from Proposed Rules of Procedure Ordinance for each Commissioner

Develop Countywide Communication Database – HOA, Business, Civic Organizations, Churches, etc.

Evaluate a Mailing Screening process

Election

Reduction of Election Precincts after Census (Proposed 36 to 19 Precincts)

Evaluate expanding voting hours during three weeks of early election

Evaluate legislative package option – relating to ability to assist local candidates with campaign filings

EasyFile evaluate options to automatic candidate reminders filing deadlines

EXHIBIT B

**HUMAN RESOURCES DIRECTOR CONNIE BOEHNKE
MEMO TO ELECTIONS OFFICERS**

CLASSIFICATION OF POSITION

SEPTEMBER 6, 2002

MEMORANDUM

TO: ELECTIONS OFFICERS

FROM: CONNIE BOEHNKE, HUMAN RESOURCES DIRECTOR

RE: CLASSIFICATION OF POSITION

DATE: SEPTEMBER 6, 2002

This memorandum is to notify you of the change in classification of the position of election officer (poll worker). Prior to this year, this position had been classified as an independent contractor position as opposed to that of a part-time employee. In addition to receiving a check for the work performed at the polls, you would also receive a 1099 identifying the amount of income you received for a given year serving as an election officer if your income surpassed a minimum threshold (currently \$600.00). In reviewing the position of election officer to determine whether or not the classification of independent contractor was consistent with applicable laws and IRS regulations, the County has determined that the proper classification of the position of election officer is that of a part-time employee.

Practically speaking, there should be no change in the amount of money earned, presuming your earnings with the County consist of working with the elections as they occur. However, you must complete and return the enclosed state (G-4) and federal (W-4) forms for withholding purposes. Failure to complete and return these forms will result in your status being single with zero allowances on any future paycheck received. In addition, you will be receiving a statement of earnings (W-2) at the end of the year as a part-time employee. This classification of part-time employee entitles you to no benefits from the County, it is merely a classification which is more consistent with the way the law requires the County to classify this type of job.

EXHIBIT C

**DENNIS DAVENPORT MEMO TO
CHRIS COFTY, FORMER FAYETTE COUNTY
ADMINISTRATOR**

STATUS OF EMPLOYEES

SEPTEMBER 24, 2002

MEMORANDUM

TO: CHRIS W. COFTY

FROM: DENNIS A. DAVENPORT

RE: STATUS OF EMPLOYEES

DATE: SEPTEMBER 24, 2002

Over the last eighteen (18) months or so, every position for which a person has received payment from Fayette County has been analyzed to determine whether or not the position is that of independent contractor or employee. A consultant was brought in to provide an opinion with respect to each of the identified positions. Thereafter, this information was reviewed by representatives from Human Resources, Finance, and the County Attorney's office to determine whether or not the positions were properly classified. A misclassification can have tax implications on both the individual receiving the pay as well as the County. In addition, should an audit be performed by the Internal Revenue Service which yields misclassification of positions, the County could be subject to substantial penalties and/or fines. One such position reviewed was that of Poll Worker, also known as Election Officer.

In applying the independent contractor test to the Poll Workers, it seemed clear that the Poll Workers were not independent contractors – they were provided a place to work, had no risk of profit or loss, and did not bring specialized tools and/or skills to the table necessary to perform the job. The County controlled their work day and their work time. All of these factors are consistent with the classification of employee instead of independent contractor. The fact that the County may classify these workers as independent contractors does not make it so. Historically, this position at one time was classified by the County as an employee position. For whatever reason it was re-classified to that of independent contractor. The recommendation was to re-classify this position to that of part-time employee.

EXHIBIT D

**DENNIS DAVENPORT MEMO TO
MARK PULLIUM, FORMER FAYETTE COUNTY CHIEF
FINANCIAL OFFICER**

CLASSIFICATION OF POLL WORKERS

AUGUST 30, 2004

MEMORANDUM

TO: MARK PULLIUM

FROM: DENNIS A. DAVENPORT

CC: WILLIAM R. McNALLY, ESQUIRE

RE: CLASSIFICATION OF POLL WORKERS

DATE: AUGUST 30, 2004

Last month you submitted some information to this office concerning the status of Poll Workers in Fayette County. A question arose as to the classification of Poll Workers. I believe it is well-established that the classification of the Poll Worker position is that of an employee of Fayette County. Consistent with the information you provided, Poll Workers do not have FICA and Medicare deducted from their pay unless a Section 218 Agreement is in place. Fayette County has such an Agreement which was entered into back in 1956. The general rule is that pay received by Poll Workers is not considered "wages" until it reaches a minimum amount (originally \$1,000.00 per year, but has since been adjusted upward for inflation). However, due to the presence of the Section 218 Agreement, FICA and Medicare should be deducted from the wages earned by Poll Workers.

A question arose as to whether or not to exempt Poll Workers from the Section 218 Agreement thereby relieving the Poll Workers from contributing to FICA and Medicare. If Fayette County desires to pursue this course of action, the State of Georgia and the Federal Government would both have to agree. Another option would be to amend the Section 218 Agreement so that no FICA or Medicare deductions are made until a minimum threshold (e.g., \$400.00) has been earned. This would still require agreement from the State of Georgia and the Federal Government. Without either of the two changes, compensation for Poll Workers would be subject FICA and Medicare deductions.

EXHIBIT E

**DENNIS DAVENPORT MEMO TO
LINDA WELLS, FORMER COUNTY COMMISSIONER**

CLASSIFICATION OF ELECTION WORKERS

AUGUST 8, 2005

MEMORANDUM

TO: COMMISSIONER LINDA WELLS

FROM: DENNIS A. DAVENPORT, ASSISTANT COUNTY ATTORNEY

RE: CLASSIFICATION OF ELECTION WORKERS

DATE: AUGUST 8, 2005

THIS MEMORANDUM IS A CONFIDENTIAL COMMUNICATION BETWEEN ATTORNEY AND CLIENT AND IS INTENDED SOLELY FOR THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA. EXAMINATION, COPYING, OR DISTRIBUTION OF THIS INFORMATION MAY NOT OCCUR WITHOUT EXPRESS PERMISSION FROM THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA.

During discussions of the proper classification of County workers, the subject of election workers gained much of the focus. I have previously provided the members of the Board of Commissioners with documentation surrounding the classification issues. I have further provided additional information to you on the specific subject of the classification of election workers. It is my opinion that election workers are employees of Fayette County. Classifying these workers as employees is only the beginning. The scope of this memorandum is to support the classification of these workers as employees as well as to address the issues of social security and Medicare withholdings.

CLASSIFICATION AS EMPLOYEE OR INDEPENDENT CONTRACTOR

The classification of a worker as an employee or an independent contractor determines the duties and responsibilities of the employer and the employee with respect to federal withholdings. Employees are paid wages subject to the appropriate federal withholdings and receive a W-2 at the end of the calendar year as a statement of earnings and withholdings. Employers are obligated to match certain dollars under the federal withholdings and are required to submit a W-2 to its employees on a timely basis. Independent contractors receive payment for services rendered reflecting no federal deductions. It is the responsibility of the independent contractor to meet these obligations. The employer submits a 1099 to the independent contractor at year's end as a statement of earnings.

Commissioner Linda Wells
August 8, 2005
Page 2

The classification of employee or independent contractor is based upon the relationship between the employer and the worker. The common-law rules to arrive at the conclusion are based upon behavioral control, financial control, and the type of relationship. Under behavioral control, if the employer has control over the details of how to do the work and the work itself, an employer/employee relationship is presumed. Employees generally receive training to perform the job in a specific manner. Independent contractors have their own methods but the end result is consistent with the expectations of the employer. Under financial control, if the worker is at risk of financial loss, that's generally a good indication of independent contractor. Additionally whether the worker has a significant investment in tools, facility, etc., is another indication of being an independent contractor. As to the type of relationship, the permanency of the relationship, i.e., the worker expects to be employed indefinitely, describes an employee. All factors considered, the election worker looks more like an employee than an independent contractor.

SOCIAL SECURITY BENEFITS

Prior to July 1991, local government employees were not covered by Social Security or Medicare unless an agreement was in place providing such coverage ("218 Agreement"). A state and/or local government could enter into a 218 Agreement to cover its public employees. A 218 Agreement did not have to cover all the government's employees; some could be specifically excluded. Depending upon the amount of compensation, some employees could be excluded unless they earned a minimum amount to trigger contribution and reporting requirements. Apparently the State of Georgia entered into a 218 Agreement on December 15, 1952. This Agreement was amended effective January 1, 1956, to extend benefits to: "Services by individuals as employees of the Fayette County Board of Commissioners...."

Assuming election workers are employees, this action taken in 1956 covered all employees of the County. The Internal Revenue Service provides instructions for completing W-2 forms for employees. With respect to election workers, the instructions are as follows: "Report on Form W-2 payments of \$600 or more to election workers for services performed in state, county, and municipal elections. File Form W-2 for payments of less than \$600 paid to election workers if social security and Medicare taxes were withheld under a section 218 (Social Security Act) agreement. **Do not** report election worker payments on Form 1099-MISC." What is clear from the IRS instructions is that election workers are never considered to be independent contractors. The W-2 only is sent to the employee if more than \$600 is paid to the election worker, or if the election worker is part of a 218 Agreement. Election workers for Fayette County come within a 218 Agreement which has no threshold for benefits. As such, a W-2 should be sent to the employee for any amount of compensation earned within the calendar year. There should be deductions from the employee and matching payments from the employer on behalf of the employee for the amounts earned.

Commissioner Linda Wells
August 8, 2005
Page 3

CONCLUSION

Election workers are employees of Fayette County. All employees of Fayette County receive a W-2 at the end of each calendar year to show the earnings and deductions for that year. Election workers are covered under a 218 Agreement with the Social Security Administration on behalf of Fayette County. Unless employees covered under a 218 Agreement are excluded under a minimum threshold, each dollar earned in wages is counted toward earnings for social security and Medicare benefits. Conversely, those same employees are responsible for paying for those benefits through deductions. The employer has a responsibility to pay its share as well.

EXHIBIT F

FLOYD JONES QUESTIONS REGARDING FINDINGS

May 18, 2018

Floyd Jones

From: Floyd Jones
Sent: Friday, May 4, 2018 2:52 PM
To: Steve Rapson
Cc: Mary Parrott; Lewis Patterson
Subject: RE: As Promised- Updated

That's funny . . . thanks!

From: Steve Rapson
Sent: Friday, May 4, 2018 2:51 PM
To: Floyd Jones <fjones@fayettecountyga.gov>
Cc: Mary Parrott <mparrott@fayettecountyga.gov>; Lewis Patterson <lpatterson@fayettecountyga.gov>
Subject: RE: As Promised- Updated

I'll pass it along... I told him he was just an assistant back then...

Steven Rapson
 Fayette County
 County Manager
srapson@fayettecountyga.gov
 770.305.5100

From: Floyd Jones
Sent: Friday, May 4, 2018 2:40 PM
To: Steve Rapson <srapson@fayettecountyga.gov>
Cc: Mary Parrott <mparrott@fayettecountyga.gov>; Lewis Patterson <lpatterson@fayettecountyga.gov>
Subject: RE: As Promised- Updated

Steve,

Here are my thoughts and questions on the information provided:

- 1) The four memos that were provided are dated. The newest memo is dated 2005. Have there been any changes to the law(s) that would amend the findings from back then?
- 2) I think it is interesting that in one memo it is acknowledged that poll workers at one time went from a county employee status to a contractual status. It is stated that the change was made "for whatever reason." I would like to think that the "for whatever reason" was more than just an arbitrary decision- that it had input from necessary departments and legal backing.
- 3) If poll workers and seasonal, temporary workers are considered county employees, what are the ramifications of that? Do they get evaluations, raises, subject to discipline and grievance policy? Are they considered p/t employees? What is the difference and what drives the difference?
- 4) It was alluded that there could be an exemption from the Section 218 Agreement? What would it take to exempt poll workers and/or seasonal temporary election workers from the Section 218 Agreement? Even if the exemption is approved by the state and federal governments, would that

guarantee the anticipated result that the poll workers and seasonal temporary workers could be contractual?

- 5) The concept of making poll workers and seasonal, temporary workers into contractual workers came from a conversation I had with my counterpart in Coweta County. In that conversation, we discussed how the poll workers were made contractual workers based on a lawsuit involving Coweta County. I believe the lawsuit was concluded in 2015 or 2016, but closer to modern times than the provided memos. I think any agreement that Coweta County has as a result of a lawsuit is subject to federal and state laws- so what law(s) allow for that agreement?
- 6) Similar to #5, even if Coweta County did not have a lawsuit, they do have a contract, called an Election Worker Agreement, that they enter into with their election workers (see attached.) Fayette's and Coweta's election workers have to undergo mandatory training for primary and general elections since that is required under Georgia law. I think Coweta's election workers are doing the same essential work with the same type of supervision that Fayette's are doing.

Still, Coweta County has their election workers come under contract.

Under Section 1- Relationship, the first thing that is mentioned is "The Contractor is an independent contractor rather than an employee of the Board of Elections." The last paragraph in Section 3 reads: "Contractor is fully cognizant that this is a contract for services and that an employer-employee relationship does not exist between the Contractor and the Board of Elections."

How can Coweta have this kind of contract and Fayette not have it? Same federal and state laws apply.

Just my initial questions and observations. Granted, I am not an attorney and I am not a HR specialist, so maybe these thoughts and questions have answers already . . . but I am just asking . . .

Thanks,

FLJ

From: Steve Rapson

Sent: Friday, May 4, 2018 11:35 AM

To: Mary Parrott <mparrott@fayettecountyga.gov>; Sheryl Weinmann <sweinmann@fayettecountyga.gov>; Lewis Patterson <lpatterson@fayettecountyga.gov>; Floyd Jones <fjones@fayettecountyga.gov>

Subject: FW: As Promised- Updated

Please review and provide me your thoughts...

Steven Rapson
Fayette County
County Manager
srapson@fayettecountyga.gov
770.305.5100

From: Dennis A. Davenport [<mailto:dadaven@bellsouth.net>]

Sent: Friday, May 4, 2018 11:33 AM

To: Steve Rapson <srapson@fayettecountyga.gov>

Subject: RE: As Promised- Updated

No. See the attached memos.

Dennis A. Davenport
 McNally, Fox, Grant & Davenport, P.C.
 100 Habersham Drive
 Fayetteville, Georgia 30214
 (770) 461-2223

CONFIDENTIALITY NOTE: This e-mail message and all attachments may contain privileged and confidential information intended solely for the addressee. If you are not the intended recipient, you are hereby notified that any reading, disseminating, distributing, copying, or other use of this message or any attachment is strictly prohibited. If you have received this message in error, please notify the sender immediately by telephone or by replying to the sender and deleting this message and all copies thereof. Thank you.

From: Steve Rapson [<mailto:srapson@fayettecountyga.gov>]
Sent: Thursday, April 26, 2018 11:34 AM
To: Dennis Davenport
Subject: Fwd: As Promised- Updated

We can place the poll workers as contract folks right?

Sent from my iPhone

Begin forwarded message:

From: Floyd Jones <fjones@fayettecountyga.gov>
Date: April 26, 2018 at 11:29:32 AM EDT
To: Steve Rapson <srapson@fayettecountyga.gov>
Subject: RE: As Promised- Updated

Steve,

I just met with Mr. Ron Davis who is the president of EasyVote (EasyFile). He stated that updates to the EasyFile system are already in place and will be rolled out to the counties on a one-by-one basis shortly after the May 22nd Primary Elections conclude. Mr. Davis stated that the update will include an accurate calendar for elected officials to know when their filings are due (that answers Commissioner Ognio;s concern).

So I think that scratches the last item off my list of Retreat follow-up.

Also- not Retreat related but budget related- on Tuesday the Board of Elections discussed Absentee Pay. They did not make a decision since they want to know if making the absentee workers contractual is doable from a legal perspective and, if so, what is it impact on this discussion. The matter is coming back for discussion on May 25.

Please let me know if there is any more information I can provide to you on these matters.

Thanks,

Floyd L. Jones
 Director of Elections and Voter Registration
 Fayette County, Georgia
 Phone: (770) 305-5138

From: Steve Rapson
Sent: Tuesday, April 24, 2018 10:46 AM
To: Department Heads <DepartmentHeads@fayettecountyga.gov>
Subject: As Promised

Retreat Follow-up

All Departments

Ensure your Continuity Plan of Operations policies and procedures is up-to-date.
 August Mental Health Summit – Coordination with all relevant department/agencies
(Coroner; Sheriff; Jail; Public Health; Sheriff, Non-Profits; Fire; EMS; Piedmont; CIGNA; 911; State Court; Magistrate Court; FCBOE)

County Clerk

Digitalization of Commission minutes prior to 1980
 Print Action Chart Page#8 from Proposed Rules of Procedure Ordinance for each Commissioner
 Develop Countywide Communication Database – HOA, Business, Civic Organizations, Churches, etc.
 Evaluate a Mailing Screening process

Election

Reduction of Election Precincts after Census (Proposed 36 to 19 Precincts)
 Evaluate expanding voting hours during three weeks of early election
 Evaluate legislative package option – relating to ability to assist local candidates with campaign filings
 EasyFile evaluate options to automatic candidate reminders filing deadlines

Legal

Legal opinion on County ability to withhold Occupational license on outstanding balances
 Review Proposal to redlined Rules of Procedure Ordinance – May/June Agenda
 Consideration Eliminate Sec 2-60 Order of Business Rules of Procedure Ordinance
Future Legislative Package: (October Target)
 Local Act of General Assembly Consequences Executive Session Disclosure
 Develop measures to regulate Pending 5G Network Legislation

Finance

Provide Grant measurables for justification of grant position
 Evaluate Solid Waste Franchise Fee for Unincorporated County

~~Promise Place~~

~~Request and review Audit Report – Provide Commission – BOC Email 4/23/18~~

Human Resources

Ensure employee files are in order and that Open Records notification is part onboarding process
 Evaluate and develop standards for what is contained in each employee file

Fayette FACTOR-Family Connection (Non-Profit Proposal)

Evaluate Employee Payroll Deduction to fund Non-Profit Agencies

Information Technology

Ensure Fayette County's Continuity Plan of Operations policies and procedures are up to date
 Ensure onboarding for new employees includes Security Awareness Training

Clerk of Courts

EXHIBIT G

**CLAYTON COUNTY SEASONAL / TEMPORARY
POSITIONS**

MAY 7, 2018

Floyd Jones

From: Firefly <DoNotReply@sos.ga.gov>
Sent: Monday, May 7, 2018 2:41 PM
To: DoNotReply@sos.ga.gov
Subject: Clayton County Seasonal/Temporary Positions

A [new discussion](#) has been posted in The Buzz by Shauna Dozier on 5/7/2018 2:06:33 PM

Greetings All,

We are seeking Seasonal/Temporary Staff for our Advance Voting sites and workers for our office. Please help me spread this information for job seekers.

The positions can be found at: <https://www.claytoncountyga.gov/government/human-resources/current-employment-opportunities>

Absentee Clerk:

\$9.00 per hour

<https://weba.co.clayton.ga.us/postedjobs/016561703.pdf>

Absentee Voting Assistant Manager

\$10.00 per hour

<https://weba.co.clayton.ga.us/postedjobs/016551703.pdf>

Absentee Voting Manager

\$11.00 per hour

<https://weba.co.clayton.ga.us/postedjobs/016541703.pdf>

Thank you for all of your help.

If you would like to opt out of receiving email notifications for this discussion, click [here](#).

Floyd Jones

From: April Crosby
Sent: Monday, May 7, 2018 4:15 PM
To: Floyd Jones
Subject: Clayton County -staff

A [new discussion](#) has been posted in The Buzz by Shauna Dozier on 5/7/2018 2:06:33 PM

Greetings All,

We are seeking Seasonal/Temporary Staff for our Advance Voting sites and workers for our office. Please help me spread this information for job seekers.

The positions can be found at: <https://www.claytoncountyga.gov/government/human-resources/current-employment-opportunities>

Floyd,

The below plea for help could be due to the low pay vs. our county that has no problem getting that help and even more want to work. Also, what about the rule ...must live in the County? They must feel it does not apply to absentee staff.

Absentee Clerk:

\$9.00 per hour

<https://weba.co.clayton.ga.us/postedjobs/016561703.pdf>

Absentee Voting Assistant Manager

\$10.00 per hour

<https://weba.co.clayton.ga.us/postedjobs/016551703.pdf>

Absentee Voting Manager

\$11.00 per hour

<https://weba.co.clayton.ga.us/postedjobs/016541703.pdf>

Thank you for all of your help.

April Crosby
Elections Supervisor

Fayette County Elections Office
140 Stonewall Ave. West, Suite 208
Fayetteville, GA 30214
Office: 770-305-5139
Fax: 770-719-5539
acrosby@fayettecountyga.gov



EXHIBIT H

COUNTY PAY STRUCTURES BASED ON A FIREFLY SURVEY OF RESPONSIVE GEORGIA COUNTIES

SEASONAL / TEMPORARY PAY by OTHER GEORGIA COUNTIES

County Name	Senior Poll Manager / Trainer	Poll Manager / Hourly Rate	Poll Manager / Daily Rate	Assistant Poll Manager / Hourly Rate	Assistant Poll Manager / Daily Rate	Clerk / Hourly Rate	Clerk / Daily Rate	
Baldwin County	Not Applicable	\$10.00 - \$15.00	\$140 to \$210	\$10.00 - \$15.00	\$140 to \$210	\$10.00 - \$15.00	\$140 to \$210	
Camden County	Not Applicable	\$14.00	\$200.00	\$11.00	\$150.00	\$7.00	\$100.00	
Clayton County	Not Applicable	\$16.79 plus \$30 Training	\$235 plus \$30 Training	\$14.29 plus \$30 Training	\$200 plus \$30 Training	\$9.29 plus \$30 Training	\$130 plus \$30 Training	
Fayette County	Not Applicable	\$15 plus \$30 Training	\$210 daily \$30 Training	\$11 plus \$30 Training	\$160 plus \$30 Training	\$9 plus Training	\$130 plus \$30 Training	
Gordon County	Not Applicable	\$14.00	\$200.00	\$13.00	\$175.00	\$9 plus \$30 Training	\$125.00	
Greene County	\$18.00 / hr	\$16.00	\$224.00	\$12.00	\$168.00	\$8.00	\$112.00	
Talbot County	Not Applicable	\$11.00	\$154.00	\$10.00	\$140.00	\$9.00	\$126.00	
Whitfield County	Not Applicable	\$12.00	\$170.00	\$10.71	\$150.00	\$9.29	\$130.00	
County Name	Election Night Workers / Hourly Rate	Election Night Workers / Daily Rate	Absentee Managers / Hourly Rate	Absentee Managers / Daily Rate	Absentee Assistant Managers / Hourly Rate	Absentee Assistant Managers / Daily Rate	Absentee Clerk / Hourly Rate	Absentee Clerk / Daily Rate
Baldwin County	\$10.00 - \$15.00	\$140 to \$210	\$10.00 - \$15.00	\$140 to \$210	\$10.00 - \$15.00	\$140 to \$210	\$10.00 - \$15.00	\$140 to \$210
Camden County	Not Applicable	Not Applicable	\$14.00	\$200.00	\$11.00	\$150.00	\$7.00	\$100.00
Clayton County	\$10.00	\$140.00	\$11.00	\$154.00	\$10.00	\$140.00	\$9.00	\$126.00
Fayette County	Not Applicable	Not Applicable	\$14.50	\$203.00	\$14.50	\$203.00	\$14.50	\$203
Gordon County	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Greene County	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Talbot County	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Whitfield County	Not Applicable	Not Applicable	\$8.00	\$112.00	\$8.00	\$112.00	\$8.00	\$112.00

BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE	<input type="text" value="05/25/2018"/>	AGENDA ITEM #	<input type="text" value="Five (5)"/>
PRESENTER(S)	<input type="text" value="Floyd L. Jones, Director"/>		
TYPE OF REQUEST	<input type="text" value="Old Business"/>		

WORDING FOR THE AGENDA

Discussion concerning Senate Bill 19, commonly referred to as the "Brunch Bill."

BACKGROUND / HISTORY / DETAILS

Senate Bill 17 relates to alcoholic beverages so as to provide that governing authorities of counties and municipalities may authorize sales of alcoholic beverages for consumption on the premises from 11:00 a.m. until 12 midnight in any licensed establishment which derives at least 50% of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 50% of its total annual gross income from the rental of rooms for overnight lodging.

Any governing authority desiring to permit and regulate Sunday sales pursuant shall so provide by proper resolution or ordinance conditioned on approval in a referendum election. Details of the referendum election proceedings are provided on lines 63-73.

SPECIFIC ACTION / DIRECTION SOUGHT

No Board action or direction is requested. This is for informational purposes only.

Georgia General Assembly

2017-2018 Regular Session - SB 17

Alcoholic Beverages; provide governing authorities of counties in which the sale for consumption is lawful; authorize certain time on Sundays

Sponsored By

(1) Unterman, Renee 45th	(2) Miller, Butch 49th	(3) Ginn, Frank 47th
(4) Mullis, Jeff 53rd	(5) Beach, Brandon 21st	(6) Jackson, Lester 2nd

Sponsored In House By

[Hanson, Meagan 80th](#)

Committees

SC: [Regulated Industries and Utilities](#)

HC: [Regulated Industries](#)

First Reader Summary

A BILL to be entitled an Act to amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to provide that governing authorities of counties and municipalities in which the sale of alcoholic beverages for consumption on the premises is lawful may authorize sales of such alcoholic beverages during a certain time on Sundays; to change the time on Sunday during which farm wineries may sell certain wine for consumption on the premises; to provide for related matters; to repeal conflicting laws; and for other purposes.

Status History

May/08/2018 - Act 461
 May/08/2018 - Senate Date Signed by Governor
 Apr/05/2018 - Senate Sent to Governor
 Mar/12/2018 - House Passed/Adopted
 Mar/12/2018 - House Third Readers
 Mar/07/2018 - House Committee Favorably Reported
 Feb/15/2018 - House Second Readers
 Feb/14/2018 - House First Readers
 Feb/13/2018 - Senate Passed/Adopted By Substitute
 Feb/13/2018 - Senate Third Read
 Feb/07/2018 - Senate Committee Favorably Reported By Substitute
 Feb/05/2018 - Senate Recommitted
 Feb/01/2018 - Senate Read Second Time
 Jan/31/2018 - Senate Committee Favorably Reported By Substitute
 Jan/23/2017 - Senate Read and Referred
 Jan/12/2017 - Senate Hopper

Votes

Mar/12/2018 - House Vote #692	Yea(97)	Nay(64)	NV(10)	Exc(9)
Feb/13/2018 - Senate Vote #443	Yea(38)	Nay(18)	NV(0)	Exc(0)

Versions

[SB 17/AP*](#)[As passed Senate](#)[Committee sub LC 36 3519S](#)[Committee sub LC 36 3511S](#)[As Introduced LC 37 2248](#)

18

SB 17/AP

Senate Bill 17

By: Senators Unterman of the 45th, Miller of the 49th, Ginn of the 47th, Mullis of the 53rd,
Beach of the 21st and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages,
2 so as to provide that governing authorities of counties and municipalities may authorize sales
3 of alcoholic beverages for consumption on the premises during certain times on Sundays
4 subject to the passage of a referendum; to provide procedures; to change the time on Sundays
5 during which farm wineries may sell certain wine for consumption on the premises; to
6 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
11 amended in Code Section 3-3-7, relating to local authorization and regulation of sales of
12 alcoholic beverages on Sunday, by revising subsection (j) and adding a new subsection to
13 read as follows:

14 "(j)(1) Notwithstanding any other provisions of law, on and after the effective date of this
15 Act, in all counties or municipalities in which the sale of alcoholic beverages is lawful
16 for consumption on the premises, the governing authority of the county or municipality
17 may, by resolution or ordinance conditioned on approval in a referendum, authorize the
18 sale of alcoholic beverages for consumption on the premises on Sundays from ~~12:30 P.M.~~
19 11:00 A.M. until 12:00 Midnight in any licensed establishment which derives at least 50
20 percent of its total annual gross sales from the sale of prepared meals or food in all of the
21 combined retail outlets of the individual establishment where food is served and in any
22 licensed establishment which derives at least 50 percent of its total annual gross income
23 from the rental of rooms for overnight lodging.

24 (2) Any governing authority desiring to permit and regulate Sunday sales pursuant to this
25 subsection, but only after a referendum election, shall so provide by proper resolution or
26 ordinance conditioned on a referendum. Not less than ten nor more than 60 days after the

S. B. 17

- 1 -

date of approval of such resolution or ordinance, it shall be the duty of the election superintendent of the county or municipality to issue the call for an election for the purpose of submitting the question of Sunday sales to the electors of the county or municipality for approval or rejection. The superintendent shall set the date of the election for a day not less than 30 nor more than 60 days after the date of the issuance of the call. The superintendent shall cause the date and purpose of the election to be published in the official organ of the county once a week for two weeks immediately preceding the date thereof. The ballot shall have written or printed thereon the words:

'() YES Shall the governing authority of (name of municipality or county) be authorized to permit and regulate Sunday sales of distilled spirits or

() NO alcoholic beverages for beverage purposes by the drink?'

All persons desiring to vote for approval of Sunday sales shall vote 'Yes,' and those persons desiring to vote for rejection of Sunday sales shall vote 'No.' If more than one-half of the votes cast on the question are for approval of Sunday sales, the governing authority may by appropriate resolution or ordinance permit and regulate Sunday sales by licensees. Otherwise, such Sunday sales shall not be permitted. The expense of the election shall be borne by the county or municipality in which the election is held. It shall be the duty of the superintendent to hold and conduct the election. It shall be his or her further duty to certify the result thereof to the Secretary of State.

(3) Notwithstanding this subsection or any other provision of law, all county or municipal resolutions or ordinances enacted prior to April 6, 1984, pursuant to the authorizations granted by subsections (a) through (i) of this Code section are declared to be valid and shall remain in full force and effect unless affirmatively repealed by the governing authority of the county or municipality.

"(j.1)(1) Notwithstanding any other provisions of law, all counties or municipalities in which the governing authority prior to the effective date of this Act has been authorized pursuant to a referendum to permit the sale of alcoholic beverages for consumption on the premises on Sundays from 12:30 P.M. until 12:00 Midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging may, by resolution or ordinance conditioned on approval in a referendum, authorize the sale of alcoholic beverages for consumption on the premises of any such establishments on Sundays for an additional hour and a half during the time period of 11:00 A.M. until 12:30 P.M.

63 (2) Any governing authority desiring to permit and regulate Sunday sales pursuant to this
 64 subsection shall so provide by proper resolution or ordinance conditioned on approval in
 65 a referendum election. Not less than ten nor more than 60 days after the date of approval
 66 of such resolution or ordinance, it shall be the duty of the election superintendent of the
 67 county or municipality to issue the call for an election for the purpose of submitting the
 68 question of Sunday sales to the electors of the county or municipality for approval or
 69 rejection. The superintendent shall set the date of the election for a day not less than 30
 70 nor more than 60 days after the date of the issuance of the call. The superintendent shall
 71 cause the date and purpose of the election to be published in the official organ of the
 72 county once a week for two weeks immediately preceding the date thereof. The ballot
 73 shall have written or printed thereon the words:

74 '() YES Shall the governing authority of (name of municipality or county) be
 75 authorized to permit and regulate Sunday sales of distilled spirits or
 76 alcoholic beverages for beverage purposes by the drink from 11:00
 77 () NO A.M. to 12:30 P.M.?'

78 All persons desiring to vote for approval of such Sunday sales shall vote 'Yes,' and those
 79 persons desiring to vote for rejection of such Sunday sales shall vote 'No.' If more than
 80 one-half of the votes cast on the question are for approval of such Sunday sales, the
 81 governing authority may by appropriate resolution or ordinance permit and regulate such
 82 Sunday sales by licensees. Otherwise, such Sunday sales shall not be permitted. The
 83 expense of the election shall be borne by the county or municipality in which the election
 84 is held. It shall be the duty of the superintendent to hold and conduct the election. It
 85 shall be his or her further duty to certify the result thereof to the Secretary of State.

86 (3) Notwithstanding this subsection or any other provision of law, all county or
 87 municipal resolutions or ordinances enacted prior to April 6, 1984, pursuant to the
 88 authorizations granted by subsections (a) through (i) of this Code section are declared to
 89 be valid and shall remain in full force and effect unless affirmatively repealed by the
 90 governing authority of the county or municipality."

91 **SECTION 2.**

92 Said title is further amended by revising Code Section 3-6-21.2, relating to Sunday sales on
 93 farm wineries, off-site sales, and sales in special entertainment districts, as follows:

94 "3-6-21.2.

95 Notwithstanding any other provisions of this title to the contrary, in all counties in which
 96 the sale of wine is lawful by a farm winery and in all municipalities in which the sale of
 97 wine is lawful by a farm winery, a farm winery which is licensed to sell its wine in a tasting
 98 room or other licensed farm winery facility within the county or municipality, as the case

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99 may be, for consumption on the premises or in closed packages for consumption off the
100 premises shall be authorized to sell its wine and the wine of any other Georgia farm winery
101 licensee on Sundays from 12:30 P.M. until 12:00 Midnight in ~~the~~ a tasting room or other
102 licensed farm winery facility, to the same extent as its county or municipal license would
103 otherwise permit; provided, however, that if such sales of wine on Sundays are lawful at
104 a time earlier than 12:30 P.M. within the county or municipality in which the licensed
105 premises of the Georgia farm winery is located, the Georgia farm winery shall be
106 authorized to sell its wine and the wine of any other Georgia farm winery licensee
107 beginning at such earlier time. Nothing in this Code section shall be construed so as to
108 authorize a farm winery to sell wine as provided in this Code section on any other premises
109 which are not actually located on the property where such farm wine is produced, except
110 in special entertainment districts designated by the local governing authority of the county
111 or municipality, as applicable."

112 **SECTION 3.**

113 This Act shall become effective upon its approval by the Governor or upon its becoming law
114 without such approval.

115 **SECTION 4.**

116 All laws and parts of laws in conflict with this Act are repealed.

Floyd Jones

From: Betsy Tyler <btyler@peachtree-city.org>
Sent: Thursday, May 10, 2018 9:11 AM
To: Floyd Jones
Subject: Brunch Bill Referendum

Hi, Floyd – apparently the Governor signed the “Brunch Bill” (SB 17) on Tuesday, May 8, which makes it effective on that date. This is important because the legislation requires a local referendum to enact – it also stipulates the call for the referendum must be made within 10 – 60 days after the bill’s enactment, and the subsequent referendum must be held between 30-60 days after the call. So the date of signature is important because it makes it impossible to hold it with the Primary, but also impossible to hold it with the General Election. Could this be added to the July 24 Runoff?

Just called you – legislation is at <http://www.legis.ga.gov/legislation/en-US/Display/20172018/SB/17>

Betsy Tyler**Public Information Officer/City Clerk**

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