

**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**

March 23, 2020  
6:00 p.m.

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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 4<sup>th</sup> Tuesday of each month at 5:00 p.m.

**Chairman to Call the Meeting to Order****Approval of the Agenda****Approval of Minutes:**

1. Approval of the February 25, 2020 Board of Elections Meeting Minutes.

**Hearing:**

2. Conduct Hearing by the Board of Elections about a challenge from Jamie K. Inagawa concerning the qualifications of candidacy of Audrey Holliday for the office of Fayette County Solicitor General.

**DIRECTOR'S REPORT:****ATTORNEY'S REPORTS:****BOARD MEMBERS REPORTS:****EXECUTIVE SESSION:****ADJOURNMENT:**

# BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE

03/23/2020

AGENDA ITEM #

1

PRESENTER(S)

Floyd L. Jones, Director

TYPE OF REQUEST

Minutes

## WORDING FOR THE AGENDA

Consideration of staff's request to approve the February 25, 2020 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 February 25, 2020 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  
Elections Office, Suite 208  
Fayetteville, GA 30214

## MINUTES

February 25, 2020  
6:00 p.m.

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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 4<sup>th</sup> Tuesday of each month at 5:00 p.m.

### Chairman to Call the Meeting to Order

Chairman Lester called the February 25, 2020 Board of Elections Meeting to order at 6:07 p.m.

### Approval of the Agenda

Mr. Hicks moved to approve the Agenda. Mr. Wright seconded the motion. The motion passed 3-0.

### ORGANIZATIONAL SESSION:

#### 1. Election of Chairman to the Fayette County Board of Elections.

Chairman Lester moved to appoint Mr. Darryl Hicks as Chairman of the Fayette County Board of Elections. Mr. Wright seconded the motion. The motion passed 3-0.

Mr. Hicks was appointed Chairman of the Fayette County Board of Elections.

### PUBLIC COMMENTS:

No one spoke during Public Comments.

### APPROVAL OF MINUTES:

#### 2. Consideration of staff's request to approve the January 21, 2020 Board of Elections' Meeting Minutes.

Mr. Lester moved to approve the January 21, 2020 Board of Elections' Meeting Minutes. Mr. Wright seconded the motion. The motion passed 3-0.

### 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.

No one spoke during Public Hearing.

Mr. 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 deceased. Mr. Wright 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.

**4. 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.**

No one spoke during Public Hearing.

Mr. 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. Wright 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:**

There were no Consent Agenda Items.

**OLD BUSINESS:**

There were no Old Business Items.

**NEW BUSINESS:**

**5. Review of the current Fayette County Board of Elections' Bylaws.**

The Board did not have any recommendations for amending the Bylaws. The Director suggested that language be added to the Bylaws that provide for a successor, such as a Vice Chairman, to operate as Chairman in the Chairman's absence. Discussion followed. The Board requested that the Director communicate with the County Attorney to add language to the Bylaws and to have the additional wording available for the Board's consideration at the next scheduled meeting. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

**6. Discussion about the 2020 Presidential Preference Primary, qualifying for local offices, and the General Primary.**

Director Jones provided information to the Board regarding the upcoming dates for qualifying for office, the Absentee In Person (Early Voting Hours), and the Election dates. He stated that this request was only to provide information to the Board and that all information was available on the Elections website. The Board did not take action or provide direction on this matter. A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.

**7. Discussion about ongoing preparations for the March 24, 2020 Presidential Preference Primary.**

Director Jones provided information to the Board regarding the preparations for the March 24, 2020 Presidential Preference Primary. He told the Board that the state had not provided enough equipment to meet the letter of the law with regard to the number of Ballot Marking Devices (BMDs) required to go to each precinct. As a result, he had scaled back the number of machines, as needed, in order to provide every machine possible in an attempt to meet the law as best as able. He further pointed out that the state had not provided all of the needed Uninterrupted Power Supplies (UPSs) and as a result that could further limit how many BMDs could be delivered. It was noted that the state will provide additional equipment after the completion of the Presidential Preference Primary. Director Jones reported that most- not all- of the contractors' reports had been delivered. He stated that all but one indicated that each precinct had adequate security, met ADA requirements, and had enough electrical capability to power the machines. He mentioned that the report for Precinct #30 showed that the church had enough electrical power to run eight Ballot Marking Devices (BMDs) even though the state requires thirteen to be deployed to the polling place. He

stated that he had inquired if there were other locations in the precinct and found that the only other location that was a church, governmental building, or other appropriate site was the Fayetteville Police Department. He said a new search was underway to see if there was a location outside of the precinct that could handle the state requirement but at this point nothing had been located. It was further mentioned that even if an alternative site was located it may be too late to move to the new location before the Election began. The Board asked Mr. Jones to provide an update as soon as possible if or when a location was discovered. Director Jones mentioned that he had requested additional Poll Pads in order to have the ability to "walk the line" of voters and to ensure they were in the proper precinct and to direct the voter to the appropriate precinct if necessary. The approval for additional Poll Pads are pending. Discussion followed. The Board did not take action on this matter and did not provide direction on this matter. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.

### **DIRECTOR'S REPORT:**

**Status Report:** Director Jones reported that Logic and Accuracy (L&A) testing had been completed on all machines as possible. The L&A work would continue on Saturday, March 22, 2020 in final preparation for the Election on March 24, 2020. He noted that this testing differed from other Logic and Accuracy work since it involved nine to ten people to complete the work over a course of five days- including a Saturday- where with the discontinued equipment it took approximately five people 1 ½ days to complete the work. When asked if this was going to the case with future L&A efforts, Director Jones replied it was too early to tell but he thought the process would be streamlined as the work was better understood with the new machinery. Director Jones emphasized that this work would not have been completed on a timely basis if not for the selfless efforts of Mr. Harry Truman and his wife, Mr. Harry Bolton, and several others. Mr. Jones concluded by stating that over the past two months in particular staff has been working extremely hard trying to meet the deadlines and requirements that come with a Presidential Preference Primary and rolling out new elections machinery under differing rules simultaneously. He encouraged anyone, when they have an opportunity, to take time to encourage the staff during this time.

**Thank the Board:** Director Jones thanked the Board for their work in promoting the new machines. He appreciated that the Board understood the time constraints that staff is under than that if the Board had not taken up the mantle of doing public displays of the equipment then it likely would not have been done.

### **ATTORNEY'S REPORTS:**

There was no Attorney's Report.

### **BOARD MEMBERS REPORTS:**

**Sumter County:** Mr. Lester mentioned that Sumter County was in a lawsuit regarding the privacy of the machines. He was concerned that the machines may not be private in the small Absentee Voting Room and he said the issue came back to the need to use the large Public Meeting Room for voting. It was understood that the new machines are almost twice as wide as the older machines and, necessarily, require wider security shields to go around the machines. Director Jones replied that the state had provided guidance that the machines could be turned backwards- facing a wall- thus ensuring privacy. He reported that he had staged the room to meet the state recommendation and found that at best four to five machines could be placed in the room. He mentioned that the state's schematic showed only four voting machines in a room, however, he did not have a single precinct that allowed by law only four machines in a precinct. Director Jones concluded that he would do his very best to prevent privacy concerns while meeting state requirements, however, the task would be exceedingly difficult given the state's requirements to add multiple machines- up to 19 in one precinct- in rooms with limited space. Discussion followed. The Board did not take action or give direction on this matter.

**Community Meetings:** Chairman Hicks reported the community meetings were going well. He thanked Mr. Chris Price of the Secretary of State's Office for coming to the meetings. He said Mr. Price is an outstanding man who has a passion for teaching the community. Chairman Hicks also sent kudos to Brenda Cox and the NAACP for organizing a future community meeting at Flat Rock AME Church.

**EXECUTIVE SESSION:**

There was no Executive Session.

**ADJOURNMENT:**

Mr. Lester moved to adjourn the February 25, 2020 Board of Elections Meeting. Mr. Wright seconded the motion. The motion passed 3-0.

The February 25, 2020 Board of Elections Meeting adjourned at 6:46 p.m.

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Floyd L. Jones, Director

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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 27th day of March 2020. Referenced attachments are available upon request in the Board of Elections' Office.

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Floyd L. Jones, Director

# BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE

03/23/2020

AGENDA ITEM #

2

PRESENTER(S)

Floyd L. Jones, Director

TYPE OF REQUEST

Hearing

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## WORDING FOR THE AGENDA

Conduct Hearing by the Board of Elections about a challenge from Jamie K. Inagawa concerning the qualifications of candidacy of Audrey Holliday for the office of Fayette County Solicitor General.

## BACKGROUND / HISTORY / DETAILS

This hearing is held in accordance with O.C.G.A. 21-2-6(b). Mr. Inagawa's challenge is provided as backup for this hearing.

## SPECIFIC ACTION / DIRECTION SOUGHT

Conduct Hearing by the Board of Elections about a challenge from Jamie K. Inagawa concerning the qualifications of candidacy of Audrey Holliday for the office of Fayette County Solicitor General.

March 13, 2020

Ms. Audrey D. Holliday  
192 Dana Drive  
Fayetteville, Georgia 30215

Dear Ms. Holliday:

Please be advised that the Fayette County Board of Elections and Voter Registration, as superintendent of elections for Fayette County, has received a challenge to your qualifications as a candidate for the office of Fayette County Solicitor General, pursuant to O.C.G.A. § 21-2-6(b). This challenge, which was submitted by Mr. Jamie K. Inagawa, an elector who is eligible to vote for candidates for Solicitor General, maintains that you do not meet the residency requirements for the office. A copy of the challenge is enclosed.

Section 20 of the local act creating the office of Fayette County Solicitor General provides that the solicitor “shall have been a resident of Fayette County for one year, next preceding the commencement of his or her term . . .” See Ga. L. 1994, p. 4980. Information contained within your declaration of candidacy indicates that you had been a legal resident of Fayette County for one (1) month as of March 4, 2020, which is less than one (1) year before the next term is set to begin for the office of Solicitor General. In addition, the enclosed challenge also raises questions about your residency in Fayette County.

Pursuant to its duties under O.C.G.A. § 21-2-6(b), the Fayette County Board of Elections and Voter Registration shall hold a hearing on this matter on Monday, March 23, 2020 at 6:00 p.m. in the Public Meeting Room located at 140 Stonewall Avenue West, Fayetteville, Georgia 30214. The Board will hear evidence on this matter from all interested parties, therefore your attendance at the hearing is recommended. If you have any questions or need additional information, please do not hesitate to contact our office.

FAYETTE COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION

Darryl Hicks, Chairman  
Addison Lester, Member  
Aaron Wright, Member

(enclosure)

cc: Mr. Jamie K. Inagawa

# JAMIE K. INAGAWA

J.INAGAWA@ATT.NET

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March 5, 2020

VIA ELECTRONIC MAIL DELIVERY &  
UNITED STATES MAIL

Mr. Floyd L. Jones  
Director of Elections and Voter Registration  
Fayette County Board of Elections  
Stonewall Administrative Complex  
140 Stonewall Avenue West, Suite 208  
Fayetteville, Georgia 30214

RE: Challenge to Qualification of Audrey D. Holliday for Fayette County Solicitor General

Dear Mr. Jones:

Pursuant to O.C.G.A. § 21-2-6, I hereby file this formal challenge to the candidacy of Audrey Holliday for Fayette County Solicitor General. In accordance with subsection (b) of the cited code section, I affirm that I am an elector eligible to vote for the elected position of Solicitor General of Fayette County. As such, I have standing to bring this challenge.

The qualifications for the position of Solicitor General of Fayette County are set forth in local law. *See* Ga. L. 1994, p. 4980. Section 20 of the local law provides as follows:

The solicitor of the State Court of Fayette County shall, on the date he or she takes office, permanently reside within Fayette County, ***shall have been a resident of Fayette County for one year, next preceding the commencement of his or her term,*** shall as of such date be at least 25 years of age, shall have been admitted to practice law in the State of Georgia for three years, and shall be a member in good standing of the State Bar of Georgia.... (Emphasis added)

Ms. Holliday is not qualified to seek and hold the position of Fayette County Solicitor General. Specifically, Ms. Holliday fails to meet the qualifications in that she is not a resident of Fayette County as set forth above. I offer the following factual basis for this position as follows:

- 1) At the time of her qualification, Ms. Holliday was a resident of Coweta County;
- 2) In fact, Ms. Holliday currently holds the elected position of Mayor of the City of Haralson, said city being located outside the boundaries of Fayette County;
- 3) Ms. Holliday is not an elector of Fayette County;

Mr.Floyd L. Jones Letter  
RE: Challenge to Qualification of Audrey Holliday  
March 5, 2020  
Page Two

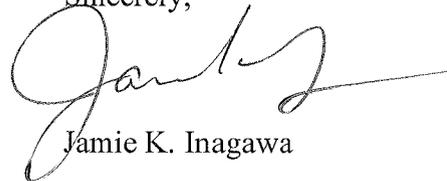
- 4) Upon information and belief, Ms. Holliday's automobile is registered in Coweta County and she holds a Coweta County drivers license; and
- 5) Ms. Holliday has provided a Coweta County address as her permanent address for employment purposes.

In further support of this challenge, please find enclosed the following documentary evidence:

- 1) O.C.G.A. §21-2-6;
- 2) Ga. L. 1994, p. 4980;
- 3) City of Haralson website listing Ms. Holliday as mayor as of March 4, 2020; and
- 4) Information from the Coweta County Tax Assessors website as of March 5, 2020, concerning Ms. Holliday's residence.

Thank you in advance for your consideration of this information. Should you need anything further from me, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jamie K. Inagawa', with a long horizontal flourish extending to the right.

Jamie K. Inagawa

JKI/  
Attachments  
cc: Mr. Dennis Davenport, County Attorney

West's Code of Georgia Annotated  
Title 21. Elections (Refs & Annos)  
Chapter 2. Elections and Primaries Generally (Refs & Annos)  
Article 1. General Provisions

Ga. Code Ann., § 21-2-6

§ 21-2-6. Qualifications of candidates for county office; determination of qualifications

Currentness

- (a) Every candidate for county office who is certified by the county executive committee of a political party or who files a notice of candidacy, and every candidate for municipal office who is certified by a municipal executive committee of a political party or who files a notice of candidacy, shall meet the constitutional and statutory qualifications for holding the office being sought.
- (b) The superintendent upon his or her own motion may challenge the qualifications of any candidate referred to in subsection (a) of this Code section at any time prior to the election of such candidate. Within two weeks after the deadline for qualifying, any elector who is eligible to vote for any such candidate may challenge the qualifications of the candidate by filing a written complaint with the superintendent giving the reasons why the elector believes the candidate is not qualified to seek and hold the public office for which the candidate is offering. Upon his or her own motion or upon a challenge being filed, the superintendent shall notify the candidate in writing that his or her qualifications are being challenged and the reasons therefor and shall advise the candidate that he or she is setting a hearing on the matter and shall inform the candidate of the date, time, and place of the hearing.
- (c) The superintendent shall determine if the candidate is qualified to seek and hold the public office for which such candidate is offering. If the superintendent determines that the candidate is not qualified, the superintendent shall withhold the name of the candidate from the ballot or strike such candidate's name from the ballot if the ballots have been printed. If there is insufficient time to strike the candidate's name or reprint the ballots, a prominent notice shall be placed at each affected polling place advising voters of the disqualification of the candidate and all votes cast for such candidate shall be void and shall not be counted.
- (d) In the event that a candidate pays his or her qualifying fee with a check that is subsequently returned for insufficient funds, the superintendent shall automatically find that such candidate has not met the qualifications for holding the office being sought, unless the bank, credit union, or other financial institution returning the check certifies in writing by an officer's or director's oath that the bank, credit union, or financial institution erred in returning the check.
- (e) The elector filing the challenge or the candidate challenged shall have the right to appeal the decision of the superintendent by filing a petition in the superior court of the county in which the candidate resides within ten days after the entry of the final decision by the superintendent. The filing of the petition shall not itself stay the decision of the superintendent; however, the reviewing court may order a stay upon appropriate terms for good cause shown. As soon as possible after service of the petition, the superintendent shall transmit the original or a certified copy of the entire record of the proceedings under review to the reviewing court. The review shall be conducted by the court without a jury and shall be confined to the record. The court shall not substitute its judgment for that of the superintendent as to the weight of the evidence on questions of fact. The court may affirm the decision or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the findings, inferences, conclusions, or decisions of the superintendent are:

- (1) In violation of the Constitution or laws of this state;
- (2) In excess of the statutory authority of the superintendent;
- (3) Made upon unlawful procedures;
- (4) Affected by other error of law;
- (5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (6) Arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

An aggrieved party may obtain a review of any final judgment of the superior court by the Court of Appeals or the Supreme Court, as provided by law.

#### **Credits**

Laws 1980, p. 312, § 2; Laws 1983, p. 884, § 6-3; Laws 1986, p. 32, § 1; Laws 1987, p. 1360, § 2; Laws 1989, p. 900, § 2; Laws 1993, p. 617, § 2; Laws 1998, p. 295, § 1; Laws 2001, p. 230, § 1.

**Formerly** Code 1933, § 34-406.

Notes of Decisions containing your search terms (0)

View all 10

Ga. Code Ann., § **21-2-6**, GA ST § **21-2-6**

The statutes and Constitution are current through Laws 2020, Act 322. Some statute sections may be more current, see credits for details. The statutes are subject to changes by the Georgia Code Commission.

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## Content of Act/Resolution

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*Act/Resolution 271 of 338*

**ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1994**

**LOCAL AND SPECIAL ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1994**

**1994 Vol. 2 -- Page: 4980**

**Sequential Number: 271**

**Short Title:** FAYETTE COUNTY -- STATE COURT; CREATION.

**Law Number:** No. 1129

**Origin:** (House Bill No. 1668).

**Type:** AN ACT

To create a court to be known as the State Court of Fayette County; to define its jurisdiction and powers; to provide for the election, qualifications, duties, powers, terms, and compensation of the judge and solicitor thereof; to provide for a court reporter; to provide for the pleading and practice and rules

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of procedure therein; to provide for jurors for said court; to provide for costs of said court; to provide for appeals from said court; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**Section 1.** Pursuant to Chapter 7 of Title 15 of the Official Code of Georgia Annotated, there is created a state court in Fayette County, which shall be known as the State Court of Fayette County, with the powers and duties set out in this Act.

**Section 2.** The governing authority of Fayette County shall provide an adequate place and facilities for the holding of the State Court of Fayette County. The said court shall be located in the City of Fayetteville, Georgia.

**Section 3.** There shall be a judge of the State Court of Fayette County, who shall be elected for a term of four years and shall be elected each four years thereafter at succeeding general elections. Qualifying and primary elections preceeding the general election shall be as required by law. The first election for said judge of the State Court of Fayette County shall be in the general election to be held in November, 1994, and the term of said officer so elected shall begin January 1, 1995.

**Section 4.** The judge of the State Court of Fayette County shall have been a resident of the State of Georgia for three years, next preceding the beginning of said judge's term of office; the judge shall also have been a resident of Fayette County for one year, next preceding the beginning of said judge's term of office. A qualified candidate shall not be less than 25 years of age at the commencement of his or her term of office,

shall have been admitted to the practice of law for at least five years, and shall be a member in good standing of the State Bar of Georgia. The judge of the State Court of Fayette County shall be a full-time judge and shall not engage in the private practice of law.

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**Section 5.** The State Court of Fayette County shall have terms two months in duration, to be held on the first Monday of every other month commencing with the first Monday in February, 1995. Succeeding terms shall begin in April, June, August, October, and December. Such terms shall remain open for the transaction of business until the next succeeding term of said court. The terms of said court are subject to being lengthened or shortened upon the sole discretion of the judge of said court. The court shall be open at all times for business. Each term of said court shall have a jury and a nonjury calendar. When there are not sufficient contested jury cases the judge of said court, in his or her own discretion, may omit the drawing of a jury for any term of said court; however, this will not prohibit said judge from having a nonjury calendar during any term of court at which said judge omits having jury cases.

**Section 6.** All actions in the State Court of Fayette County shall be commenced just as actions are commenced in the superior courts of this state. Chapter 11 of Title 9 of the Official Code of Georgia Annotated, the "Georgia Civil Practice Act," as it now exists and as it may be hereafter amended, shall serve as the rules of practice and procedure in the State Court of Fayette County.

**Section 7.** Either party may demand a jury trial at any time prior to the commencement of the trial by filing a separate demand for trial by jury; provided, however, where neither party demands a trial by jury the judge of the State Court of Fayette County shall have the right on said judge's own motion and in his or her own discretion to refer any cause involving an issue of fact to a jury for trial for a general verdict in said case, or said judge may refer any issue of fact to a jury for the rendering of a special verdict on such issue, said jury trial to be had in all other respects as if demanded by a party to said case. A jury trial once demanded by either party shall not be waived except by written consent of the opposite party.

**Section 8.** The jurors for the State Court of Fayette County shall be drawn and selected from the jury box of the Superior Court of Fayette County. The judge shall draw a sufficient number of jurors in the manner required by law. All laws with reference to the selection of traverse jurors in the superior

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courts not inconsistent with the provisions of this Act shall apply to the State Court of Fayette County. The jurors so drawn shall be summoned by the Sheriff of Fayette County, or other lawful officer, in the manner authorized in the Superior Court of Fayette County at least five days before the court date at which they are called to serve, and from the jurors drawn and summoned as above provided, there shall be empaneled in all civil cases to be tried by a jury in said court, a panel of twelve prospective jurors, and in each case, each side shall have three peremptory strikes, to be used as required by Georgia law, and the six remaining jurors shall constitute a jury for the trial of such case. If there should be any deficiency of jurors from cause or absence, the sheriff by direction of the court shall complete the jury by talesman sufficient to meet the needs of the court. Each juror shall receive the same compensation while serving as a juror in said court as is paid in the superior court of said county, the same to be paid by Fayette County under the laws governing the payment of superior court jurors. All laws of force with reference to the qualifications, oaths, exemptions, and financing of jurors in the superior courts of this state shall, when not inconsistent with the provisions of this Act, be observed in said State Court of Fayette County.

- **Section 9.** (a) Proceedings in criminal cases in the State Court of Fayette County shall be by accusation or referral of indictment by the Superior Court of Fayette County and trial shall conform to rules governing like proceedings in the superior court, except that the jury in said court shall consist of six

jurors to be stricken alternately by the defendant and state from a panel of twelve, as provided by Georgia law. The defendant shall be entitled to four peremptory strikes and the state shall be entitled to two peremptory strikes. The remaining jurors shall compose the jury.

- (b) All prosecutions in criminal cases instituted in the State Court of Fayette County shall be by written accusation framed and signed by the prosecuting attorney of such court. The accusation need not be supported by an affidavit except in those cases where the defendant has not been previously arrested in conjunction with the transaction charged in the accusation and the accusation is to be used as the basis for the issuance of a warrant for the arrest of the defendant. Any prosecution for a

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county ordinance violation or traffic violation may be upon citation.

- (c) Proceedings in criminal cases in said court after accusation shall conform to rules governing like proceedings in the superior courts, except for the provisions for jurors set forth in this section.
- (d) Said court shall sit as a committal court upon all criminal warrants issued by the judge thereof, where demand is made therefor by an accused.
- (e) The clerk of the State Court of Fayette County is authorized to receive all criminal warrants for filing, to assign each such warrant a case number, and to forward each such warrant to the office of the solicitor of said court for purposes of having an accusation drawn.

**Section 10.** The judge of the State Court of Fayette County may appoint a judge pro hac vice to discharge the duties of the judge temporarily when the services of a judge pro hac vice are required or when the judge is unable or disqualified to discharge the duties of his or her office. A candidate for judge pro hac vice must conform to the qualifications required of a judge of the state court as set out in Section 4 of this Act. When the appointment of such a person as judge pro hac vice, together with his or her oath, which shall be the same as is required of the judge, has been recorded in the office of the judge of the Probate Court of Fayette County, such judge pro hac vice may exercise all the powers of the judge of said state court. Such judge pro hac vice appointment may be vacated at any time by order of the judge to be likewise recorded, and any other qualified person may be appointed as judge pro hac vice as provided in this section. The compensation of such judge pro hac vice shall be set by the judge of the state court subject to approval by the Board of Commissioners of Fayette County and shall be paid from county funds.

**Section 11.** The State Court of Fayette County shall have jurisdiction, within the territorial limits of the county and concurrent with the superior courts, over the following matters:

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- (1) The trial of criminal cases below the grade of felony. All such cases that are pending in the Superior Court of Fayette County as of January 1, 1995, shall be immediately transferred to the State Court of Fayette County;
- (2) The trial of civil actions without regard to the amount in controversy, except those actions in which exclusive jurisdiction is vested in the superior courts;
- (3) The hearing of applications for and the issuance of arrest and search warrants;
- (4) The holding of courts of inquiry;

- (5) The punishment of contempts by fine not exceeding \$500.00 or by imprisonment not exceeding 20 days, or both;
- (6) Review of decisions of other courts as may be provided by law;
- (7) All county ordinance violations that have been within the jurisdiction of the Magistrate Court of Fayette County are, as of January 1, 1995, within the exclusive jurisdiction of the State Court of Fayette County. All county ordinance violation cases that are pending in the Magistrate Court of Fayette County as of January 1, 1995, shall be immediately transferred to the State Court of Fayette County;
- (8) All cases involving violations of the traffic laws of the State of Georgia that have been within the jurisdiction of the Probate Court of Fayette County are, as of January 1, 1995, within the exclusive jurisdiction of the State Court of Fayette County. All such cases that are pending in the Probate Court of Fayette County as of January 1, 1995, shall be immediately transferred to the State Court of Fayette County; and
- (9) All that jurisdiction that is allocated to state courts in Chapter 7 of Title 15 of the Official Code of

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Georgia Annotated as it now exists and as it may be hereafter amended.

**Section 12.** The clerk of the Superior Court of Fayette County shall be the Clerk of the State Court of Fayette County. The Sheriff of Fayette County shall perform for the State Court of Fayette County all those duties and service that are presently, or hereafter may be, performed by the Sheriff of Fayette County for the Superior Court of Fayette County, and are consistent with the duties and services which are required by the State Court of Fayette County. The clerk of the State Court and the Sheriff of Fayette County are to receive compensation as required by law.

**Section 13.** The judge of the State Court of Fayette County may appoint an official court reporter who shall report such cases as the court may require. The reporter shall receive the same fees as allowed for similar service in the Superior Court of Fayette County which shall be taxed and enforced as in the Superior Court of Fayette County.

**Section 14.** All civil cases that are pending in the Superior Court of Fayette County as of January 1, 1995, may be transferred to the State Court of Fayette County, providing said cases are within the jurisdiction of the state court. Such transfers require the consent of all parties. In the event a case is transferred from the Superior Court of Fayette County to the State Court of Fayette County, the case will proceed as if it had originated in said state court.

**Section 15.** Costs for all cases in the State Court of Fayette County shall be the same as costs that are employed in the Superior Court of Fayette County.

**Section 16.** From and after the passage of this Act, the clerk of the State Court of Fayette County shall pay into the county treasury of Fayette County all amounts of cost, fines and forfeitures collected by said court, such amounts to be paid in the fund of the county treasury.

**Section 17.** The judge of the State Court of Fayette County shall receive as compensation an amount equal to

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percent of the base salary of a judge in the superior courts in the State of Georgia. Such compensation shall be paid in equal monthly installments from the funds of Fayette County.

**Section 18.** All cases in the State Court of Fayette County shall be subject to review to the Court of Appeals or the Supreme Court of Georgia in the same manner as judgments and orders of the superior courts are now reviewed.

**Section 19.** There shall be a solicitor of the State Court of Fayette County who shall be elected for a term of four years and shall be elected each four years thereafter at succeeding general elections. Qualifying and primary elections preceding the general election shall be as required by law. The first election for said solicitor of the State Court of Fayette County shall be in the general election to be held in November, 1994, and the term of said solicitor so elected shall begin January 1, 1995.

**Section 20.** The solicitor of the State Court of Fayette County shall, on the date he or she takes office, permanently reside within Fayette County, shall have been a resident of Fayette County for one year, next preceding the commencement of his or her term, shall as of such date be at least 25 years of age, shall have been admitted to practice law in the State of Georgia for three years, and shall be a member in good standing of the State Bar of Georgia. The position of solicitor shall be a full-time position, and the solicitor may not engage in the private practice of law.

**Section 21.** The solicitor of the State Court of Fayette County shall receive as compensation an amount equal to 75 percent of the salary of the judge in the State Court of Fayette County. Such compensation shall be paid in equal monthly installments from the funds of Fayette County.

**Section 22.** The solicitor of the State Court of Fayette County may appoint a solicitor pro tempore who shall have the same authority as the solicitor in the solicitor's absence. A candidate for solicitor pro tempore must conform to the qualifications required of a solicitor of the state court set out in Section 20 of this Act. The solicitor pro tempore shall be paid from funds of Fayette County such reasonable amount as the solicitor

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may determine, subject to approval by the Board of Commissioners of Fayette County. The solicitor pro tempore shall serve at the pleasure of the solicitor.

**Section 23.** All provisions of this Act, excepting those which refer to the election of the judge and solicitor of the court, shall become effective on January 1, 1995. Those provisions of this Act relating to the election of the judge and solicitor of the State Court of Fayette County shall become effective upon the approval of this Act by the Governor or upon its becoming law without such approval.

**Section 24.** All laws and parts of laws in conflict with this Act are hereby repealed.

## **NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION**

Notice is hereby given that there will be introduced at the regular 1994 session of the General Assembly of Georgia a bill to create the State Court of Fayette County; to provide for all related matters; and for other purposes.

This 7th day of January, 1994.

William R. McNally County Attorney Fayette County

January 12, 1994

GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Dan Lakly, who, on oath, deposes and says that he is Representative from the 105th District, and that the attached copy of Notice of Intention to Introduce Local Legislation was published in the Fayette County News, which is the official organ of Fayette County, on the following date: January 12, 1994.

/s/ Dan Lakly Representative, 105th District

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Sworn to and subscribed before me,  
this 3rd day of February, 1994.

/s/ Susan Gordon  
Notary Public, Cobb County, Georgia  
My Commission Expires Jan. 5, 1997  
(SEAL)

**Approval Date:** Approved April 13, 1994.

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[Previous](#)   [Next](#)



**Summary**

Parcel Number H02 0015 004  
 Location Address 120 DEPOT ST  
 Legal Description H/LOT DEPOT STREET HARALSON  
 (Note: Not to be used on legal documents)  
 Class R3-Residential  
 (Note: This is for tax purposes only. Not to be used for zoning.)  
 Tax District HARALSON 07 (District 07)  
 Millage Rate 30.13  
 Acres 0.85  
 Neighborhood EAST COWETA HS 0914 (0914)  
 Homestead Exemption Yes (S1)  
 Landlot/District N/A / 1

[View Map](#)

**Owner**

HOLLIDAY AUDREY D  
 120 DEPOT ST  
 SENOIA, GA 30276

**Land**

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	RES FF 70.00	Front Feet	37,024	208	178	0.85	1

**Residential Improvement Information**

Style	One Family
Heated Square Feet	1561
Interior Walls	Plaster
Exterior Walls	Vinyl Siding
Foundation	Conc. Wall/Masonry
Attic Square Feet	0
Basement Square Feet	0
Year Built	1940
Roof Type	Asphalt Shingle
Flooring Type	Pine
Heating Type	CH, AC
Number Of Rooms	0
Number Of Bedrooms	0
Number Of Full Bathrooms	1
Number Of Half Bathrooms	0
Number Of Plumbing Extras	0
Value	\$64,733
Condition	Average
Fireplaces/Appliances	Const. 1 sty 1 Box 1

**Accessory Information**

Description	Storage Bldg (R/A/C)
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Dimensions/Units	Year Built	Identical Units	Value
8x8 / 0	2007	0	\$196



[View as PDF](#) [View Demographics](#)

### Information

PO Box 155  
Haralson GA 30229-0155

[View on Map](#)

PHONE:  
(770) 599-3985

FAX:



### At a Glance

POPULATION (OFFICIAL):  
166

RC:  
Three Rivers

POPULATION (ESTIMATE):  
193

GMA DISTRICT:  
4

YEAR OF INCORPORATION:  
1907

COUNTY:  
COWETA



### Hours & Meeting Times

CITY HALL OPERATING HOURS:  
9 to 5, Mon & Wed. only

GOVERNMENT MEETS:  
2nd Monday at 7PM except July  
& December

### Elected Officials

**Mayor**  
Ms. Audrey Holliday

**Council Member**  
Mr. John Greer

**Council Member**  
Mr. Scott Beaumont

**Council Member**  
Ms. Belinda Wilson

### Appointed Officials