#### **BOARD OF ELECTIONS**

Addison Lester, Chairman Darryl Hicks Aaron Wright



Floyd L Jones, Director April Crosby, Elections Supervisor Vacant, County Registrar



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

#### **AGENDA**

February 27, 2020 10:00 p.m.

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

#### **Chairman to Call the Meeting to Order**

Approval of the Agenda

#### **PUBLIC COMMENTS:**

#### **APPROVAL OF MINUTES:**

1. Consideration of staff's request to approve the March 23, 2020 Board of Elections' Meeting Minutes (Pages 1-4).

#### **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 (Pages 5-10).
- 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 (Pages 11-.13).

#### **CONSENT AGENDA:**

#### **OLD BUSINESS:**

4. Continued review of the Fayette County Board of Elections Bylaws (Pages 14-17).

#### **NEW BUSINESS:**

5. Update concerning the May 19, 2020 General Primary Election.

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**DIRECTOR'S REPORT:** 

**ATTORNEY'S REPORTS:** 

**BOARD MEMBERS REPORTS:** 

**EXECUTIVE SESSION:** 

**ADJOURNMENT:** 

### BOARD OF ELECTIONS AGENDA REQUEST FORM

MEETING DATE	03/27/2020	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 March 23, 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 March 23, 2020 Board of Elections' Meeting Minutes.

#### **BOARD OF ELECTIONS**

Darry Hicks, Chairman Addison Lester Aaron Wright



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



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

#### **MINUTES**

March 23, 2020 6:00 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 Hicks called the March 23, 2020 Board of Elections Meeting to order at 6:00 p.m.

#### Approval of the Agenda

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

#### **Approval of Minutes:**

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

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

#### **Hearing:**

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

Chairman Hicks explained the nature of hearing, gave a brief overview of the challenges presented by Mr. Inagawa, and informed Ms. Audrey Holliday and Mr. Rick Lindsey (who was representing Mr. James Inagawa) of how the hearing would proceed. Chairman Hicks then opened the floor for Ms. Holliday to give her presentation.

Ms. Holliday's case was that the law providing the qualification guidelines was set by the Georgia General Assembly. She acknowledged that there had been a local act in Fayette County in 1994 that provided a one-year residency requirement, but that the Georgia General Assembly has revisited the law after 1994 and did not provide any residency requirements at that time either. She stated that the local act was in violation of the law passed by the Georgia General Assembly and therefore was not able to be used as a reason to disqualify her candidacy. Ms. Holliday also suggested that the Governor could swear her into office several weeks into Calendar Year 2021 and, therefore, she will have been a legal resident of Fayette County for one year upon taking office. She provided her findings to the Board for consideration and entered into the record.

Mr. Lindsey's case was that the law was settled, that the local act supplements the law enacted by the Georgia General Assembly, and that the Declaration of Candidacy and Affidavit filed by Ms. Holliday and signed in front of a Notary Public states that Ms.

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Holliday has been a resident of Fayette County for only one month. He stated that the duty of the Board of Elections is not to interpret how the law was constructed but rather to determine if the requirements of the law had been met.

Ms. Holliday stated she did not have any further information to provide and that she respected the process as necessary.

Copies of the request and Ms. Holliday's records, identified as "Attachment 1," follow these minutes and are made an official part hereof.

#### **EXECUTIVE SESSION:**

Mr. Lester moved to recess into Executive Session to discuss Pending Litigation. Mr. Wright seconded the motion. The motion passed 3-0.

The Board recessed into Executive Session at 6:37 p.m. and returned to the Public Meeting Room at 7:09 p.m.

Mr. Lester moved to exit Executive Session. Mr. Wright seconded the motion. The Board returned to Official Session at 7:09 p.m.

#### **Hearing (continued):**

Mr. Wright moved to withhold Audrey Holliday's name from the May 19, 2020 ballot as a candidate for the Solicitor General of the State Court. Mr. Lester seconded the motion. The motion passed 3-0.

Chairman Hicks explained that the Board's decision was based on the beginning date of the term of office, which is January 1, 2021, and therefore she would not have met the residency requirements. Chairman Hicks informed Ms. Holliday that she has a right to appeal.

Chairman Hicks also informed the Board that its next meeting would be held on Friday, March 27, 2020 at 10:00 a.m.

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

<u>Next Meeting:</u> Director Jones informed the Board that the next Board of Elections meeting had been already scheduled for March 27, 2020 at 6:00 p.m., but now it had been changed for the same date at 10:00 a.m.

<u>Canceled County Retreat:</u> Director Jones informed the Board that the Board of Commissioners Annual Retreat had been cancelled due to the pandemic. He suspected that the individual departments would be contacted to talk to Administration or the Commissioners on an as-needed basis, but he was uncertain of those details.

<u>Budget Concerns</u>: Director Jones stated that there are concerns with the budget especially given the postponement of the March 24, 2020 Presidential Preference Primary and the combination of said primary with the General Primary. An example he gave concerned a new State Election Board rule that requires ten percent (10%) of Emergency ballots be printed based on the number of voters assigned in each of the 36 precincts. He said that requirement made him print over \$13,000 in Emergency ballots only to see those ballots become useless once the March 24, 2020 Election was canceled. He reported that the costs were unbudgeted since at the time of the budget the rule did not exist. He said he had heard that Clayton County had spent over \$20,000 on Emergency ballots that are no longer able to be used. He reported that the ballots would now have to be reprinted and prepared for the May 19, 2020 Election. He reminded the Board that at the 2019 Board of Commissioners Retreat he stated that the Elections Budget could be defined as a large question mark since there would be unknown and unpredictable expenses with the new equipment and laws. He concluded that this was a prime example of the unpredictable budget.

<u>County Registrar and Additional Election Positions:</u> Director Jones reported that he had interviewed about six or seven applicants for the role of County Registrar. Three of the applicants have Elections experience but two want to start at a higher salary than the county's beginning salary. He further mentioned that when the County Registrar was hired two years ago, the Board wanted to meet

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the applicants before someone was chosen. He asked for the Board's direction. The Board stated they would like to meet the applicants prior to one being hired. Additional discussion followed on the need to raise the Elections Clerk's position from part time to full time and for the need to hire an Elections Technician.

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

There was no Attorney's Report.

#### **BOARD MEMBERS REPORTS:**

There were no Board Member Reports.

#### **ADJOURNMENT:**

inir. Lester moved to adjourn the March 23, 2020 Board of Elections Meeting. Mr. Wright seconded the motion. 0.	The motion passed 3-
The March 23, 2020 Board of Elections Meeting adjourned at 7:28 p.m.	

Floyd L. Jones, Director

Darryl Hicks, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Elections of Fayette County, Georgia, held on the 27th day of March 2020. Referenced attachments are available upon request in the Board of Elections' Office.

Floyd L. Jones, Director

### **BOARD OF ELECTIONS AGENDA REQUEST FORM**

MEETING DATE	03/27/2020	AGENDA ITEM #	Public Hearing Two (2)
PRESENTER(S)	Floyd L. Jones, Director		
TYPE OF REQUEST	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 Elector's List.

The Secretary of State's Office provides monthly reports to county offices detailing deceased voters. This request is based on 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								
Cancelled Date	Status with Reason	Last Name	First Name	Suffix	Race	Gender	Residence Address	Voter Registration #
02/24/2020	Cancelled Deceased	BOWER	SHEILAH		White not of Hispanic Origin	FEMALE	340 BUTTERFIELD LN FAYETTEVILLE GA 30214	10247726
02/24/2020	Cancelled Deceased	HAYNES	CHARLES		White not of Hispanic Origin	MALE	260 STONEHAVEN DR FAYETTEVILLE GA 30215	07574831
02/24/2020	Cancelled Deceased	HOWARD	SAMUEL	III	White not of Hispanic Origin	MALE	270 PINE TRAIL RD FAYETTEVILLE GA 30214	00089592
02/24/2020	Cancelled Deceased	TREAT	BERTHA		Unknown	FEMALE	317 WOOD RDG PEACHTREE CITY GA 30269	12397477
02/24/2020	Cancelled Deceased	WALL	DEREK		Unknown	MALE	223 TERRANE RDG PEACHTREE CITY GA 30269-4017	07133792

	GEORGIA SECRETARY OF STATE VOTER REGISTRATION SYSTEM								
	CANCELLED VOTERS								
Cancelled Date	Status with Reason	Last Name	First Name	Suffix	Race	Gender	Residence Address	Voter Registration #	
03/02/2020	CancelledDeceas	ANTRIM	JAMES		Unknown	MALE	110 WHITE OAK WAY FAYETTEVILLE GA 30214	11528535	

	CANCELLED VOTERS								
Cancelled Date	Status with Reason	Last Name	First Name	Suffix	Race	Gender	Residence Address	Voter Registration #	
03/12/2020	Cancelled Deceased	STRICKLAND	CLARA		White not of Hispanic Origin	FEMALE	847 OLD GREENVILLE RD FAYETTEVILLE GA 30215	00094671	
03/12/2020	Cancelled Deceased	HANSON	LINDA		White not of Hispanic Origin	FEMALE	165 SYCAMORE BND FAYETTEVILLE GA 30214- 1240	07532656	
03/12/2020	Cancelled Deceased	LARSON	HARRY		Unknown	MALE	252 SPRUCE PINE CIR PEACHTREE CITY GA 30269	12156977	
03/12/2020	Cancelled Deceased	POPE	ELIZA		White not of Hispanic Origin	FEMALE	507 PORTAL DR APT L202 PEACHTREE CITY GA 30269	11206243	
03/12/2020	Cancelled Deceased	THOMAS	LEONARD	JR	White not of Hispanic Origin	MALE	204 PANSTONE DR PEACHTREE CITY GA 30269-1247	00094929	

GEORGIA SECRETARY OF STATE VOTER REGISTRATION SYSTEM  CANCELLED VOTERS								
03/17/2020	Cancelled Deceased	EWING	WILLIAM		White not of Hispanic Origin	MALE	166 OAK RIDGE TRL FAYETTEVILLE GA 30214- 3156	00098578
03/17/2020	Cancelled Deceased	GARRINGER	DONALD		White not of Hispanic Origin	MALE	2407 PARK AVE PEACHTREE CITY GA 30269	10499707
03/17/2020	Cancelled Deceased	GOODWIN	CHRISTINA		Unknown	FEMALE	120 GINGERBREAD PL FAYETTEVILLE GA 30214- 1598	07214757
03/17/2020	Cancelled Deceased	HANLEY	FAITH		White not of Hispanic Origin	FEMALE	200 MADISON PL FAYETTEVILLE GA 30214- 7362	07714363

GEORGIA SECRETARY OF STATE VOTER REGISTRATION SYSTEM									
	CANCELLED VOTERS								
Cancelled Date	Status with Reason	Last Name	First Name	Suffix	Race	Gender	Residence Address	Voter Registration #	
03/25/2020	Cancelled Deceased	BROWN	HARRY		White not of Hispanic Origin	MALE	1440 HIGHWAY 92 S FAYETTEVILLE GA 30215- 5438	08251762	
03/25/2020	Cancelled Deceased	JOHNSON	RICKY		White not of Hispanic Origin	MALE	360 BATES AVE FAYETTEVILLE GA 30215	12529386	
03/25/2020	Cancelled Deceased	PADGETT	ROBERT		White not of Hispanic Origin	MALE	435 SHERWOOD RD FAYETTEVILLE GA 30215	11097017	
03/25/2020	Cancelled Deceased	ROLFES	HANS		Unknown	MALE	175 HEARTHSTONE LN FAYETTEVILLE GA 30215	12189571	
03/25/2020	Cancelled Deceased	RAIFORD	CLYDE		Unknown	MALE	228 WILKINS RD FAYETTEVILLE GA 30214	12283682	

## BOARD OF ELECTIONS AGENDA REQUEST FORM Page 11

MEETING DATE	03/27/2020	AGENDA ITEM #	Public Hearing Three (3)
PRESENTER(S)	Floyd L. Jones, Director		
TYPE OF REQUEST	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 felons.

#### **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 Elector's List.

The Secretary of State's Office provides monthly reports to county offices detailing deceased voters. This request is based on 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.

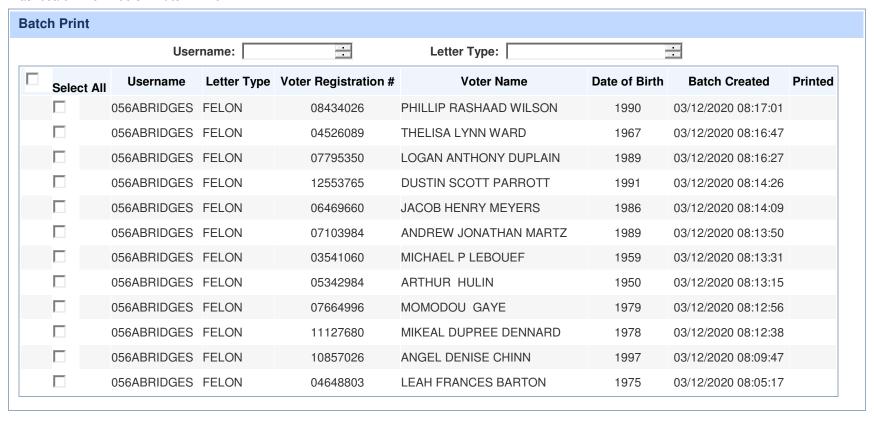
#### SPECIFIC ACTION / DIRECTION SOUGHT

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 felons.

## **FAYETTE COUNTY FELONS**

## **MONTH OF MONTH 2020**

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# BOARD OF ELECTIONS AGENDA REQUEST FORM Page 14 of 17

MEETING DATE	03/27/2020	AGENDA ITEM #	Old Business Four (4)	
PRESENTER(S)	Floyd L. Jones, Director			
TYPE OF REQUEST	Old Business			
WORDING FOR THE A	GENDA			
Continued review of the	current Fayette County B	soard of Elections' By-L	aws.	
BACKGROUND / HISTO	DRY / DETAILS			
	current By-Laws were ad laced on the February Ag	•	·	
Staff recommends consideration be made concerning the appointment of a Vice-Chairman who will function as Chairman, as needed, in the absence of a Chairman. The Board directed a draft of the revisions be provided at the next Board meeting. The draft revisions are provided in red.				
The Board is further asked to consider if it wants to revise the term of the Chair and Vice-Chair from two years to one year.				
SPECIFIC ACTION / DIRECTION SOUGHT				
Review the current Faye	ette County Board of Elec	tions' By-Laws.		

#### **BYLAWS**

#### FAYETTE COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION

#### **ADOPTED IN SESSION JANUARY 22, 2008**

#### AMENDED OCTOBER 24, 2017 MARCH 27, 2020

#### I. NAME

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

#### II. PURPOSE

The purpose of this Board is:

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

#### III. CONFLICT OF INTEREST

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

#### IV. ORGANIZATION OF THE BOARD

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

administration of the affairs of the Board pursuant to law and duly adopted resolutions of the Board as prescribed by law. The Chairman will be elected among the Board members at the February meeting of each even numbered year to serve for a term of two years. In addition, there will also be a Vice-Chairman elected from among the Board members at the February meeting of each even numbered year to serve for a term of two years. The duties of the Vice-Chairman shall be to perform the duties of the Chairman during those times in which the Chairman is unavailable, including presiding over meetings of the Board.

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

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

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

#### V. INVESTIGATIONS

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

#### VI. CONFLICT WITH STATE ELECTIONS BOARD RULES

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

#### VII. PENALTIES FOR VIOLATION OF BYLAWS

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

#### VIII. AMENDMENTS TO BYLAWS

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

ADOPTED this day of	, 20 <u>20</u> <del>17</del>
Darryl Hicks, Chairman	
Addison Lester	
Aaron Wright	