

## BOARD OF ELECTIONS

Aaron Wright, Chairman  
Gary Rower, Vice Chairman  
Darryl Hicks

## FAYETTE COUNTY, GEORGIA

Brian Hill, Director  
April Crosby, Elections Supervisor  
Maria Chevere, County Registrar



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

## MINUTES

May 6, 2022  
10:00 a.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 Wright called the Special Hearing meeting to order at 10:15 am

### APPROVAL OF THE AGENDA

Mr. Hicks motioned to approve the agenda as is. Chairman Wright seconded the motion. The motion passed 2-0 (Vice Chairman Gary Rower was absent)

### PUBLIC COMMENTS:

Speakers will be given a five (5) minute maximum time limit to speak before the Board of Elections about various topics, issues, and concerns. Speakers must direct comments to the Board. Responses are reserved at the direction of the Board

Chairman Wright asked if there were any Public Comments

#### **Elaine Kilgore:**

As I was trying to pick up my poll watching documentation and was waiting in line. And I saw something and kind of overheard something that disturbed me greatly. A lady who obviously had lived before presented her Washington State driver's license and I guess she was wondering if she could vote. The worker said that she was inactive. But she checked with Mr. Hill, and he told her she can bring in a passport and a passport has no address. And so, you know that leads me to believe the lady might be going back to Washington State and voting for them and voting hear with us with an absentee ballot. So, I am very concerned that my vote was diluted. And you know, I do not go vote twice, I do not vote three times. I only vote once, and I hope it will count so that is just something I notice while I was waiting on my poll watching documentation. Thank you

#### **Suzanne Brown from Peachtree City:**

We want to help you clean the voter rolls. I want to tell you that our recent analysis has a wide range of what for right now, I'll describe as errors on the voter rolls. Some are minor data type entry errors. Others are not simply typos; voter rolls must be accurate. But those errors become a major stumbling block in many ways. The National change of address list does not easily cross reference voter data when the data is wrong. Voter rolls must be accurate. We found addresses indicating a voter lives in a huge apartment complex but there is no apartment number listed. You must have an actual apartment number. Your address must be your legal residence where your habitat and the voter rolls must be accurate. Other errors are more serious and may possibly violate various parts of Georgia Law, which establishes what a residence is and what cannot be considered a residence. We found addresses that are not

residences but are post office boxes, commercial property, or vacant lots and that's not legal. We have had duplicate entries with identical names having two different voter ID numbers and no junior or senior designation for either one. That is a problem. But it can be fixed. We found addresses which are entered incorrectly, spelled wrong or are missing a number or a designation of north, south, east, or west when its imperative to have one. How do you send notices to that person when the address is wrong? Dis everyone receive the recent notice you sent out with new voter ID cards which outlines the recent changes in house districts, school districts etc. How many came back as undeliverable? I would really like to know that should tell you something and how do you contact those voters if they have moved when you have incomplete data in the voter rolls? I do not know who on your staff examines these issues, but there are a lot of simple errors, more serious errors and egregious errors that violate election laws, which specify what constitutes a residence. These errors excuse me these errors and violations are not being identified and corrected by the board of elections and Administration and Administrative staff, do you need to get a new computer t o find these errors and fix them because I can suggest a few people you might want to hire. So, we would like guidance on how to present that information to you so you can correct it. Who should we hand it to? And what timeframe would be reasonable for you to fix the errors after we've given you a list? We anticipate we will continue to find such errors throughout our continued analysis. Are you prepared to have us deliver list periodically because we will? Your voter rolls are in serious need of repair, correction, and purging. You see we want fair elections and that simply cannot happen when voter rolls are dirty, incorrect, and bloated. You can choose to work with us or against us, one choice may be more painful for you than the other, but we would really like to know

### **Stacy Rose From Fayette County:**

I volunteer some of my time to go through these voters on this list that were submitted addresses changes to the NCOA. And most of them that were challenged has submitted an address change with the Postal Services and they sold their homes in Fayette County within the last 18 months to two years. I think this indicates a high likelihood that they moved to the new address that they provided in their address change, and I think that the sufficient to provide probable cause that action should be taken to remove them from the Fayette County Board rolls so that all other voters in Fayette County, protecting our votes from being diluted from illegal voters. Still remaining on the voter rolls and they are possibly someone could vote in their state even if its not them. If there are bloated rolls, how can all our voters be protected?

### **Margaret Ross From Fayette County:**

I am a technology professional in my area of special focus, a cyber security it is exciting to have this special meeting in Fayette County, because that means we already have one. And there is a reason for a follow up. So, we appreciate that. And especially this call, I understand quirk of the law when electors are challenged and when they do, that is a very good thing. It is critically important that the voters on the rolls qualify to be on Fayette County's rolls. So, I'm going to be providing an overview of the giant spreadsheet and some details from rows 2 through 54 which I was a volunteer researcher on this. We call this we are calling this the California challenge because everybody on the list moved to California according to the United States government, so our two references and we will be using here is the United States government and Fayette county's government their property records. So why don't we start with California? So, there is lots of states people have moved to the past four years. We started with California because you must start somewhere. It is just that scientific, just so you know. And the people that are on this giant spreadsheet moved to California sometime between 2019 and 2022. And we know that because the US government told us so, using true NCOA and I want to mention to you that you might want to consider opening a free account there yourself and true and the NCOA we can submit our voter roll and without spending a penny they will give you top line information and then the most they can charge you just 20 dollars. It is just a credit. It is a flatline credit. And that might really help us as a team because I hope we are going to work as a team to clean them up one state at a time. And that way it is not overwhelming. That way the citizens can feel confident that we are all working as a team, positive way for election integrity in our county, which is what's people's concern is and so here we are. We are here today because we have a solution, and we are volunteering to help. Now the I want to call your attention to some of the columns, those of us that live in the world of spreadsheets and SQL databases, and so on. These are very comfortable for us. But let me just go ahead and call your guy's attention to some of the columns on the spreadsheet that you might find most useful. So, the first columns are things you'd expect you're going to see the voter number, their name, their address when they lived in Fayette County. So that is it. So, we are going to start moving all the way right. When we get to Column G. You see that says the reason that is the Georgia code that says if they don't live here, they need to be challenged and research. Then the official source is the next column H that is from true and NCOA. Again, it's a great resource, and it is USPS, so it is United States government as a good authority. The next column I gives you their official birth date when the post office said they were in that new place in California and then you can see J, K and L and M, that's

their new address in California. I mean all the details including the apartment number or county What city is all there. So again, it is provided by United State government, which makes it reliable. And then let us look at column O. Column O is our above and beyond for Fayette County with the volunteers did for the California list is we looked up every property record for that name at that address when they lived in Fayette County. And we also have the link right there. So, you could click through checking for yourself. So, there's so we have the Fayette County official property records. We have the United States government, official and NCOA and then let us go ahead and have a drill down just a few people in my section which is rows 2 through 54. And then quickly, so on row 3, if you look at your spreadsheet, you see Mr. Frank Ngo. Mr. Ngo move to California 2020. According to United States government, he owned a property in Fayette County. He sold his property in Fayette County. That's all part of what you can see there. And the reason code that Mr. Ngo record, you should know is that he doesn't live here anymore. You can look at row 2 and row 10 and you'll see a Shirk family. They moved to California in July of 2021. This was interesting and that when you click that link that hyperlink at the end of that row, you will see that they were living at one was 107 Eden's and that is what are your time has expired. Okay. So my closing statement is, I encourage you to decide that would be great to have us work as a team to help our county have clean and fair elections. Thank you

#### **Walter Hanley Jr from Fayette County:**

So, I was at the Fayette County library yesterday, polio watching and I noticed that there was an error on the sample ballots that were posted. And at this time, I would like to commend Brian Hill and his staff for promptly getting that corrected the 13<sup>th</sup> Congressional district was not on the Sample ballot. Thank You Brian

#### **Bradley Sanders from Fayette County:**

I live in Country Lace homeowners' association, district or Fayette County. And I just want to commend the Board for their diligence in trying to get to the bottom of everything that needs to be gotten to the bottom. And I also want to commend the presenters concerning the information they brought with us from California, Florida. I would like to know what will be the most efficient way to ensure that voters information has been accurate and if not accurate, has been voters have been notified so that that error can be cured. I'm interested in fair elections, as I'm sure everybody else here is and I want to make sure that we get bogged down in the gratuitous attitudes and overlook the purpose, the overall purpose and as far as being on the same team, we're all on the same team. We want fair elections, no matter where we live, where were from. Therefore, with that in mind, I would plead for advice. Hopefully a manual or some sort of sheet that can be studied. So that as people are being registered to vote, they can know that there are ways to do it accurately and what to do if they make a mistake. So, I'm looking for information that will help secure fair elections, and the state of Georgia. And throughout the United States of America, where I live. So, I would appreciate some advice on this matter. Thank you.

#### **Sylvia Estes from Fayette County:**

I have lived here since 1986. I Called this past Wednesday, and I spoke with someone in your office regarding an error on the roll for voting and it is someone who has lived at my home. They move January 4<sup>th</sup> of 2018. But it never got changed. And so, when I called to see how this needs to take place, I was told quote unquote, you cannot do anything he has to be the one to make the change. And I said Well, what else can be done? And that is it. I am the property owner. And I said, there must be something else that can be done, because I do not know where he lives at this point. And I was told there was nothing I could do. So, I asked to speak to a supervisor. So that I could find what is the protocol? I do not know. And so, I ended up getting Mr. Hill and he told me that there would be a meeting today and to send an email to him so that I could get put on the list to speak today, which I did, but I failed to put the person's name and so now, it did not go on the agenda today. But you can rest assured I will be here the next meeting and I so my question is, what type of training, do your staff get to handle calls like this? Because basically, when I came here this morning, I was under the impression that if I brought my property statement showing that I was the owner of the property, and that I testified that this person did not live there, that it would be considered. So, this is my concern is that people will be trained appropriately, or the roles will not end up getting familiarized and the correct.

#### **Sherry Worthem from Peachtree City:**

I live in Peachtree City, and this is pertaining to the this has to do with the rights of citizens, and I recognize that Fayette County here is a county C, I am a Republican and I'm proud of it. You know, when I would place signs in my yard, I am going to get all sorts of harassment. They would come 33 times; they took my signs out of my yard and walked on my property. At first the city says well, you in

that city 30-foot buffer on your property. Then I loop it back I posted on the tree when no that was not appropriate. It was like police harassment. It turned into that I could not do it. So finally, I got the sign. Well, I did not take the sign down from the tree is on my property, but they say no you cannot do that. My rights and advertise high offend someone tell me what my rights are not. So anyway, this needs to be done. It is widespread. It is just not in patients say it is widespread. And for everyone and for them to enforce the law is what is needed here in all this and inviting for them to do the best of our ability and it is what God gave us the rights to do in shame on all of us and not to go forth and be the best that we can be. Thank you.

**Charles Bennett form Precinct 30:**

I am here to ask for the Fayette County board of elections to add to the ballot probably for the general election because you have ballots already prepared for this special and maybe even, they could be used on the runoff. Not many people voted for on the runoff. So, it would be better on the general election. A call for a constitutional convention for the state of Georgia. This is because the state of Georgia has the most versions of the Constitution at this point plus the latest revision is of 2017 to the 1983 Constitution. The Constitution of 1945. I do not see anyone over 90 here so I do not think there is anyone that read it so that it is a single page on the digital archives of the state. And then there are the 56 pages of the typewriter that was used in 1945. Make it very simple on that constitution, which was prepared by the Georgia legislature on the third of August 1945. They are the first state or federal agency ever did a non-people's constitution or an amendment. It was done by a commission appointed by the governor and that commission was three people. The reading that I had was only the people in the legislature that proposed a single law. I will say they can propose a single law house rule 11 That last day would take the constitution that was sitting on everybody's legal count of 1877 and add it with all amendments. And make it a new constitution. Within 11 days, it was brought into law. It basically says that the people unless they have come up and asked for it, do not have the right to amend the Georgia constitution or to amend or to make a new one. Which was the law on the last Constitution before there were Republicans or Democrats in the state? That law is unconstitutional from the People's convention of several 98. Now when you look at the 85 Plus page document, which is the Georgia constitutions 17-page document, you will see that everything is quoted down there in the last section of each things such as how you function you're being directed by the Secretary of State I believe. And that is in there. The school boards. My wife is running for school board there are others that are running for it or people that have been on the school board for years. Three years ago, I asked the school board, right, a change to the five pages of the Georgia constitution of 1983 that tell you what your tax whether you do East watch or do a mill levy on stopped at this point. The Constitution as it stands in the state of Georgia, and in the three copies that were done, 4519 76 and 1983 have all made the government over the people. Now the people over the government tell you once taxed, how it's taxed, how it's spent. So, I want to have a for the people and probably should not be the general election to call the Constitutional Convention. I propose to one of the candidates for Secretary of State.

**Chairman Wright** said that his time was up

**Jim Forestal from Peachtree City:**

several months ago, we had the pleasure of Brian Hill coming over and talking to us. And he explained a lot of what goes into cleaning up the voter rolls. And I think we learned at that time that county cannot do everything to clean up the voter rolls. Some of the responsibilities are shared with the Secretary of State's office. It is impossible to get a hold of the Secretary of State's office. I have tried numerous times. I am hoping that after May 24, that may change. And I'm recommending that you coordinate a meeting with the Secretary of State's office, and we have another meeting somewhere something like this where the public is invited to come and hear what the county responsibilities are, and what the Secretary of State's responsibilities are as far as keeping getting the voter rolls clean and keeping them clean. And you have heard us say that we have volunteers that are willing to help if there's not enough staffing to do that, and they're serious about that. So, I would request that as soon as possible. Probably not going to happen. Before this upcoming election. But as soon thereafter as possible. I'd like to you'd like to see a coordinated meeting with the Secretary of State's office, the county office and our public to address election cleaning up election rolls and keep them clean. I can tell you from firsthand experience over the last three or four months, there are many many many incorrect entries in that voter database and I think it has been going on for a while and it's time to get a cleaned up. This whole election every every time you hear a politician talk. Election integrity comes out in voter rolls is one of the big problems and dirty voter rolls are transparent to precinct captains. To poll watchers and to poll workers. So, you can have all the precinct captains and poll watchers and poll workers you want. But if those voter rolls are screwed up, they do not know what is going on under the covers. So, thank you for your time.

**Candace Erinca from Peachtree City:**

And just want to make remarks about Mr. Bennett's constitutional convention. And I feel that we do not even need to open that topic because we don't have clean voting anymore. And we need to clean up how we vote. We need to have free fair elections. Until that happens then I think we can look at opening a constitutional convention. Thank you.

**Sherlene Alexander from Tyrone Georgia:**

Just as background I did work for the best year for Garland Favorito on the voter Georgia Task Force. On the past previous CPA, I'm also a past expert trial. Witness for embezzlement. So, I understand how data flows. My concern is, as I talk to people now, we have had so many changes in the past, let us say a year with our new voter rights, our new voting law in Georgia. The changes with the drop boxes and with absentee ballots, and now we have redistricting that has been added. I get questions all the time that say, I can read what the district is making when they get the precinct card, which I think most people have received by now, but they do not know where the lines are. And it's very difficult for us to find online, you know, where whose district were in who's running. So, what I'm asking is, it would be great, if. Brian, as if you do not have enough to do; if we could put out some sort of a summary or have an access point that can help people understand what the changes are getting. Crushed their concerns about absentee ballots and that sort of thing. They are just very confused with what are the current laws and how people can vote and where they are supposed to vote. Not the precincts but who is running. I mean, it took me forever to figure out who was running in my district, for the State House. So, I am just asking that we have some summaries or somebody that can help people understand the changes and where they need to look. Thank you.

**Lynn Froetta from Peachtree City.**

And I have just a couple of questions. I am trying to figure all this mess out and have been ever since I have lived here. We had; I worked the last election, and the place was flooded with all these people that came in with these piles of unsolicited ballots that they had received, they were getting in the mail this was like Merry Christmas, everyone was crazy. So that was right after Mr. Hill predecessor was fired, I believe, or he took a vacation or whatever the deal was, but I had spoken to you, and I said How can this be? This guy we had moved to Arizona 15 years ago and I still getting an address mail ballot mailed to this old address and it was just totally out of control. You said that umm and I asked the main question is, what is whose responsibility is it? To go and look at the letter and look at the roles and say, oh, here is this guy, the obituary. He is no longer with us. So, we need to take him on who has that responsibility in Fayette County? The person who is supposed to do that.

**Chairman Wright** said, this is a public comment section not a public debate.

**Ms. Lynn** answered, well, that is my question? And Mr. Hill had said that it was oh, they were doing it all the time, every few weeks or whatever. And umm, I just want to know, that is the question, whose responsibility and I want to know the frequency. And when can I find this answer out? Will you eventually respond to our speaking?

**Chairman Wright** answered: Yes, ma'am. If you look later on the agenda, way more members report, and directors reports and we'll address any questions as we feel perinate.

Ms. Lynn answered, they go through and answer your questions and then you'll get back to us, to the to the people? To me?

**Chairman Wright** answered, At the conclusion of the meeting myself though, and our fellow board member, Gary's as well as Brian are available for anybody to come and talk to us. So, you can go in and finish a line to come back and ask you what your answer is.

**Ms. Lynn** answered I do not know I'm not sure of your system here.

**Mr. Hicks** said: The public comment is just for you to make a comment. It is not for us to answer it. If you have specific questions, you can call the office and they can answer your specific questions. This is not a debate side of it because we started to debate it will become a debate as opposed to a meeting about what we are here for. So, it is you can ask your questions, as the chairman has said,

if it's if it's germane enough, you may get an answer from here. If it is not, you can call the staff and they will be answered but I think if you watch our meetings, most of your hands and your questions to your answer, the questions that you have are answered in our monthly meetings are answered plan and our monthly maintenance and your monthly meetings.

**Chairman Wright** said: Later, in today's meeting and depends on the question and also our contact information is available on the website. You can contact us anytime many voters do so throughout the week, and we are happy to be responsive, just this format right now just for everybody else's time is just for Public Comment.

**Ms. Lynn** answered: Thank you

**Chairman Wright** closed the portion of the meeting for Public Comments

### **NEW BUSINESS:**

OCGA 21-2-230 (b) Upon the filing of such challenge, the board of registrars shall immediately consider such challenge and determine whether probable cause exists to sustain such challenge. If the registrars do not find probable cause, the challenge shall be denied. If the registrars find probable cause, the registrars shall notify the poll officers of the challenged elector's precinct or, if the challenged elector voted by absentee ballot, notify the poll officers at the absentee ballot precinct and, if practical, notify the challenged elector and afford such elector an opportunity to answer.

Hearing for Potential Challenged Voters (**Pages 1-4**)

**Chairman Wright** told Mr. Brian Hill to present the portion of New Business

**Mr. Hill** said so, first, how would you like me to proceed with the challenge?

**Chairman Wright** said If you would give us a timeline of how we got the challenge and how we came to this meeting and then we will have the attorney and address the challenge specifically

**Mr. Hill** said So, this challenge was brought to my attention I want to say I believe, it was brought to my attention on Tuesday or Wednesday. So, for the last election board meeting, which was last Friday, I believe. On the Public Comments of Ms. Suzanne Brown brought this to our attention, they Challenged voters residing in California. I apologize for today; I am not exactly sure when I got this. Ms. Brown, providing those being on a jump drive, and then of course our county policy, we were not able to of course, take alien USBs since our IT computer systems analysis, he is just have not gotten back to reinforce that with USB's. But Ms. Brown provided an email copy as well. I did not look at those at the time, of course, because this must be brought before a hearing and that is why we're here this morning. Ms. Brown requested a hearing. The Board election board and our county attorney got with me to call this special meeting and here we are this morning to deal with these, Chairman I was instructed by yourself to go ahead and check one of these challenged voters as far as our registration system and as far as we can go as far as our registration system as far as you asked me to do their registration status, which I have there in our findings and also the last state they have voted that you have in your handouts there. So here we are Chairman.

**Chairman Wright** said Thank you and Mr. Stough, if you would give us an overview of the laws and states as it pertains to this particular hearing and what we're required to do and how we're required to and how we are required to do it so what has been presented to me as a challenge on this is an email.

**Mr. Stough** said what I've seen as far as the challenge is concerned is an email from Susanna Brown accompanied by a spreadsheet of voters that are claimed to have changed their residence. From what I can understand this change this challenge being brought under 21-2-230, which requires the board to immediately

consider the challenge and determine whether probable cause exists to sustain the challenge. If the board determines that there is no probable cause, and no further action is taken that's what we're here to do today is determine if there's probable cause. I will note that all the voters that have been challenged period have been challenged on the basis of a change in residence. Looking at federal law 52 USC a section 20507. This is a National Voter Registration Act. Subsection D paragraph one of that acts as a state shall not remove the name of a registrant from the official list of eligible voters and elections for federal office on the ground that the registrant has changed residence unless the registrant either confirms in writing that the registrant has changed residence to a place outside of the registrar's jurisdiction in which the registrar is registering this register or either or the voter has failed to respond to a notice that we have sent out and then they've also not voted or appeared to vote in an election during a period beginning on the date of the notice and ending on the day after the date of the second general election for federal office that occurs after the date of the notice. So once you're going through this process, if we identify voters using change of address information that have changed their residence, we are send a notice and that's federal law specifically outlines what is the meaning that notice, once we do that, if they have to either not respond or they have to not vote for two cycles. Furthermore, it says a state shall not complete later. Excuse me, a state shall complete not later than 90 days prior to the date of a primary or general election for federal office and the program the purposes of which is systematically remove the names and eligible voters from the official list of eligible voters. What that means is we can't go through this process less than 90 days before an election. So based on this federal law, that is one reason I don't think that we have the probable cause required by section 21-2-230. Another reason I would say we don't have that probable cause it's because we have no information about any of these voters. That tells us whether or not they change their address for permissible reasons. Some people change their address because they want their mail sent somewhere else. Some people's change their address because they're moving out of the state temporarily in needs and intend to return. And those cases they have not changed the residents. We don't have enough information provided to us to determine if that's the case on any of these voters. So for those reasons, I don't based on my opinion of what's been presented I do not see the probable cause required.

**Chairman Wright** said Thank you, Mr. Stough.

**Mr. Hill** For the purposes of just clarifying for the audience for the public generally, would you mind walking us through the voter registration process? And the steps we take when we register someone initially and how we verify the address?

**Mr. Hill** answered Yes, sir, Mr. Chairman, so, new voter walks into our office or they go to the my voters page and they request to online, what's called OLVR, online voter registration. They're going to do it that way. Or voter registration drives that we have here; the entities that are in our county, they're able to register to vote with those entities give because those registration entities get those applications to us, or they're able to tell the voter to seal it and they're able to mail it but in the mail, and he also the Secretary of State's office, Secretary of State's office mailed room forwards those applications to us. So once our office receives that new voter we go ahead and put it in if adequate information is given that are only singled out, they are provide and or a driver's license number or a last 4 SSN. Either one of these that are provided is sufficient. Also an address that is verified by post office is viable, addresses that are RV or lot or a lot that provide parking for RV's as really not an address that USPS sees as an address, legitimate residence address, they are able to use 1 Center drive which is our Justice Center. And of course they can play in their mailing portion of their application their address where they're residing, so mail and be able to be sent to them, but they are you able to register to vote, at that point there is a 24 to 48 hour period where they're verified at the Secretary of State's office. They go through Social Security Administration; they go through the Drivers Services. Also we work with the Drivers Services, the DDS Of course, in a time a voter comes into a DDS facility, they are able to go ahead and register to vote there is a question on the application as their changing their address for their name or thei entering into our county or they're coming from out of state as a new voter. So, if someone comes through the DDS usually when they come over, they are verified there because they've already went through DDS verification process, so we work with the DDS and they're able to send them over.

**Chairman Wright** says Okay, and then lastly, would you mind if a voter registers to vote legally and they're now on the voter rolls, but they never choose to vote. Right? They just choose not to what is the standard process for that person being on the voter rolls and then subsequently being removed from the voter rolls?

**Mr. Brian** answered Yes, sir. Mr. Chairman. So, what it is called is the NGE process that stands for no general election process and that list come from the Secretary of State's office offices. Our office just does not say oh, yeah, this is new. This has to come from Secretary of State's office; we have to receive all our guidance from the Secretary state's office. But they send us a list to each county in all 159 counties in Georgia. And what we do we're tasked to send a confirmation notice, and it's telling me now is even a warning so let me go through the whole process. So, a voter comes in and they register to vote, they have their contact with us. So, we have a voter you know, doesn't participate in one general election. They are put in an inactive status. So inactive status doesn't mean a voter can't vote, you can vote, you can go vote. So, if a voter comes in, that is some type of contact with us if they change their registration form as they come in and they contact as a contact and automatically changes their contact aid to that contact, and you wish they had that contact with us? So, I personally would not vote for two general elections. And that can be six to eight years. And when they haven't done, of course, put into inactive status. So that's their warning saying, Hey, you're ready to be taken off if you don't participate in the general election. And they if they don't in the second general election. Of course, we just don't take them off. We get a list from Secretary of State's office, and we're deemed to send them a confirmation notice and when they respond to that confirmation notice as a contact, so it changes the times back over here they've had they send a confirmation notice back to us and we put it in as a contact clock starts over. But if they do not respond, they are automatically cancel when states notice period ends.

**Mr. Hicks** asked Mr. County Attorney; So, what you were saying is that these this list to be deemed to have probable cause they would have one had to have done it more than 90 days from the date of the upcoming election.

**Mr. Stough** answered Well, that is that really isn't what I'm saying. What I'm saying is, we have to have a permissible reason to remove somebody from the rolls and if we do not have that permissible reason that I don't think we have probable cause to remove them, we cannot. as I mentioned earlier, we cannot remove someone based on a change in residence unless we go through a particular procedure. And if we haven't completed that procedure on these voters, then we don't have a permissible reason to remove them

**Mr. Hicks** answered Okay, and so it is the like the Elector who is bringing in these cases to us responsibility to give us enough evidence

**Mr. Stough** replied I don't know if there really enough evidence.

**Mr. Hicks** replied But I'm just saying in general, for example, the young lady and the young lady who came up and said that there's a person who doesn't live in their house, but they put their registered there. They wouldn't have to show us that that person is voting at their address, but they live in another city. They have to give us enough information for us to send out something to the voter.

**Mr. Stough** replied It's really not even I'm not even sure that would be enough type of challenge that we survive.

**Mr. Hicks** says Here's the thing. When you guys talk, we didn't say anything. We didn't laugh, we didn't do anything. We didn't make any outstanding comments because we were respecting your time to talk. We're going to ask that you respect our same process. You may not like it, but it is a process and it's a law that guides us,

**Mr. Stough** replied, the type of challenge based on the residents that could possibly survive under this subsection would be one where you're saying this person hasn't never lived at the address. They say they



registered under. If they live there at one time, and you're saying that they have moved, we can't do anything until we go through this process to confirm that.

**Mr. Hick** replied, And from my experience on the board I've attended a lot of Secretary state's State Board of Elections meetings and if someone is found to have violated meaning that they were they said they were registered to vote here. They voted here but they live somewhere else and get even voted somewhere else. It is the State Election Board that determines the penalty around that person and then give them then obviously you can remove me from the polls and as determined, State Board of Elections. I've seen a Secretary of State because I've heard a lot this morning, but it's the state board of elections. My point that I'm right up here with most people think that the county board of election has the authority to do whatever it wants to do. We are governed by state law. State law is made up by state legislators and then the governor signs that law our job as a board is to carry out what the law says. And unfortunately, that means that it's not a carry out what citizens say, and citizens can believe that there is an error in the process and even if there is erroneous information on the rolls, we are governed by the state law on how we function, not based on anything else. So, from my perspective, and I'm happy to speak for the chairman of the board members. I only deal in the law. I don't I don't have any personal issues around it. I just deal with the law. In this case, as has been explained, there is not enough probable cause that cause me as a board member. There's not enough probable cause for me as a board member to then go against the law. I follow the law.

**Mr. Stough** replied; And if I can add to that, in addition to state law, we're also bound by federal law, which in federal law will preempt state law. So, if the state law says we can do something with federal law says we can on federal law wins, right at least with regard to federal elections,

**Chainman Wright** said, which I reiterate that reiterating the 90 day thing we were talking about.

**Mr. Stough** replied; So, the process by which we send out the notices and they must not vote in a certain number of cycles. That is a systematic process. And the law says that we cannot we have different warrants to do that. We must complete it at least 90 days before the date of a primary or general election for federal office.

**Chairman Wright** replied Thank you very much.

**Mr. Hicks** replied, So one of the things chairman. I will follow my comments. That said and I say this all the time as well. If there is an issue with the state law, you have a right to have this same conversation with your state representatives. They're the ones that make the law. They're the ones that determine what the law they and their roles as state representatives, state senators, they write laws. And when they write those laws and the governor sign it, they send it back to us and we don't have any room to interpret that law. So, I understand your concerns and frustration around the process. But you're in many instances, your kind of talking to the wrong people. In order to affect the change that you want. It has to be a law change. Not a not a board decided that we're going to remove Darryl Hicks from the rolls. Darrell Hicks don't have any clue that this is going on. The state protects Darryl Hicks right. To vote protects Darryl Hicks right to move out of state and say that I'm moving temporarily just to take care of a parent. I still want to know my rights to vote in Fayette County protects Darryl Hicks right to say that I am in the military and the military has reassigned me to a different location. I still have my rights to vote in Fayette County, it protects Darryl Hick rights along those lines, just like it's protecting your rights. So, I just say that to balance my comments around the fact that you may not like where we are, but we have to follow the law.

**Chairman Wright** replied, and then it also kind of if you step back and think more broadly about somebody's right to vote or there is the security around their security around the registration process and how seriously we take the protection of that person's voter registration and information. I can tell you like I've showed this example many times my sister would show up on a list like this. She is registered vote where she's properly registered to vote where her legal residence is. She has a couple of different properties and has mail shipped all over the place that she showed up on various lists like this in the past. So just because the law is not only designed to protect the citizenry from people voting who shouldn't be allowed to vote, but it's also designed to

protect people who can vote from undue challenges or challenges that don't meet the burden of proof. So, what you would I personally wouldn't like would be if somebody who just didn't like me or had a different political opinion from me, if they could challenge my right to vote and cause me all kinds of hassle just to be able to vote. So, the law is designed not only to protect the citizenry from improper voter registration is also designed to protect people who are properly registered to vote. They have complicated lives because they are, they're exercising the liberty that God has given them on their daily day in day out basis doing their own business. From undue and unwarranted, perhaps challenges. So, you've got to balance each other. Right. And actually, it's not relevant to our ability under the law to act today. But I did just because I was curious was looking through the list that was submitted of the 159 or submitted 57 and never voted period. Only 34 have actually voted. If I did my math, right, only 34 and even voted since 2020. So, all the remaining Actually no, it's not 34, Yeah, things 34. So, it is 134 135 of the remaining haven't voted since before 2020. So that's there's a lot of churn that happens within voter registration, people coming and going and people voting and not voting. So, the list doesn't give me a lot of heartburn just looking at the actual data. And a lot of the data on this spreadsheet that was provided to us indicates that some of these folks have moved or changed addresses perhaps we don't know the case. But the action that is alleged to have been taken by this voter took place after the last time they voted. And so that doesn't give me heartburn. If you want to vote and then move that's perfectly okay. 100% That's okay. I wouldn't want to cause anybody any kind of stress or, or undue burden just because they move, or they have another property someplace else. So no heartburn in there. So just even if I had the ability to do something, this list does not give me anywhere near adequate information to cause a duly registered citizen. Any kind of hardship in their ability to remain registered to go.

**Mr. Hicks**, do you have any further questions?

**Mr. Hicks** I'd like to make a motion to make a motion that we request we reject the request based on not enough probable cause.

**Chairman Wright** replied I will second the motion, any further discussion?

Seeing none I will call for a vote all those in favor, say aye.

**Mr. Hicks** replied to Aye.

**Chairman Wright** replied, Passes unanimously. It Passes 2-0

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

No Attorney Reports

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

Chairman Wright said that if anyone wants to stay after the Board meeting has adjourned, they are welcome to stay.

#### **EXECUTIVE SESSION:**

There was no Executive Session

#### **ADJOURNMENT:**

Chairman Wright made a motion to adjourn the May 6, 2022, Election Board meeting

Mr. Hicks seconded the motion

The motion passed 2-0. The election board meeting adjourned at 11:15 am

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Brian W. Hill, Director

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Aaron Wright, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Elections of Fayette County, Georgia, held on the 6<sup>th</sup> day of May 2022. Referenced attachments are available upon request in the Board of Elections' Office.