

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

August 12, 2022
5:00 p.m.

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

CHAIRMAN TO CALL THE MEETING TO ORDER

Chairman Wright called the Challenge Hearing to order at 5:01 PM

APPROVAL OF THE AGENDA

Mr. Rower motioned to approve the agenda as written. Chairman Wright second the motion. Motion approved 2-0 Board Member Darryl Hicks was absent.

NEW BUSINESS:

OCGA 21-2-229 (a) Any elector of a county or municipality may challenge the qualifications of any person applying to register to vote in the county or municipality and may challenge the qualifications of any elector of the county or municipality whose name appears on the list of electors. Such challenges shall be in writing and shall specify distinctly the grounds of the challenge. There shall not be a limit on the number of persons whose qualifications such elector may challenge.

Hearing for Potential Challenged Voters (**Pages 1-6**)

Chairman Wright called up Suzanne Brown (Challenger)

Suzanne Brown -Fayette County Resident

My name is Suzanne Brown, and I am a Fayette County resident.

I am here today to defend and support my challenge of 35 electors who were residents of Fayette County but have moved to Florida per OCGA 21-2-229. I submitted this challenge in person on July 20 to the Fayette County elections office with a detailed cover letter explaining the reason for the challenge. I also included evidence that these electors are not qualified to remain on Fayette voter rolls by providing three spreadsheets outlining data for the 35 electors named in the challenge. Based on evidence I submitted to you via email on July 22. You will find that their current legal permanent residences are in the state of Florida, and they are registered to vote in Florida. Many of them have also voted in Florida.

According to Georgia's election statutes, they are no longer entitled to be on Georgia's voter rolls. This challenge is not based on a failure to vote in Fayette County or how recently if ever they voted in Fayette County. The challenge is based on the electorate doing a series of specific things which resulted in them registering to vote in Florida, and that makes them ineligible to vote. in Fayette County OCGA 21-2-229 states they are to be removed from the election rolls. They must vote from their current permanent legal residences in Florida. The data on the spreadsheet was taken from publicly accessible governmental records including the Fayette County voter rolls Palm Beach County, Florida, or St. John's County, Florida voter rolls, and the NCOA which is the National change of address list obtained from the United States Postal Office. Every one of these electors initiated their registration with NCRA to document an address change from their residence on or address on file on the Fayette County voter rolls to an address in Florida. We determine this by a careful examination of the chronological order of what each of them did, and what Georgia law states. Just as Georgia has on My Voter Page that displays the voters name, address, and status. Florida has a similar voter information page. I printed the Florida voter information page for each of the 35 electors, scan them and send them send the scanned copies to each of you on July 22.

I would say 21-2-217 paragraph 2 says a person shall not be considered to have lost such person's residence who leaves such person's home and goes into another state or county or municipality in the state for temporary purposes only with the intention of returning unless such person shall register to vote or perform other acts indicating a desire to change such person's citizenship and residents. This clarifies for you that you don't have to speak to the person about their intention to move temporarily or permanently when their actions indicate their desire to change their residence to another state by registering to vote in the new state OCGA 21-2-217 Paragraph 13 states if a person goes into another state and while there exercises the right of a citizen by voting such person shall be considered to have lost such person's residence in this state. Thus going into another state and registering to vote there is a critical action that changes your legal residence to the new state. Under Georgia law, it means you have lost your residence in this state and the ability to cast a vote in Georgia. The Fayette County voter rolls exists to document all persons who have proven they are legally eligible to vote as citizens or over the age of 18 and they meet all the other registration requirements, which includes having a legal residence within Fayette County. Thus, each of the 35 people named in the challenge meets the criteria to lose their resident status in Fayette County, because each of them voluntarily registered to vote in Florida, which is now the state in which they are legally registered to vote. The 35 people named in this challenge are all legally registered to vote in their respective County in Florida. Their name is on active voter rolls. They are currently legally eligible to vote in Florida and many of them have done so. I want to assure everyone that we can and did determine the people listed on the Fayette County voter roll are the same person that now appears on the Florida voter roll. The search criteria required a match of first and last name middle name when it was available. And that the year of birth. On the Fayette voter roll matches the full date of birth available on the Florida data row. Voter rolls the date of birth is redacted except for the year of birth. We set the database search at a level that goes well beyond the preponderance of evidence. If you have any doubt, you have the authority to ask the Fayette County Registrar to access the full date of birth in the face of voter roll to ensure the date of birth is an exact match for the month the day and the year. For the person on the Florida voter roll. The Florida voter roll we used was established or excuse me was published by the Florida Secretary of State Office in June. And is available to the public upon request. Currently, these electors are registered in both Fayette County and their current Florida residences. The National Voter Registration Act of 1993 requires accurate and current voter registration rolls are maintained removing these people from the Fayette County voter roll does not take away their right or their ability to vote in Florida. But it does prevent nefarious players from voting in their names here in Georgia. After careful examination of all the data, I believe you will come to the same conclusion that these electors should be removed from our voter rolls. I asked the Fayette County board of elections to remove these legal residents of Florida from the Fayette County voter rolls as outlined in Georgia law. Thank you

Chairman Wright stated, "Is that the conclusion of your presentation or will you be calling anybody else?"

Ms. Brown answered "No, I am not going to be calling anybody else up, but do you have any questions?"

Chairman Wright said to Brian Hill "I believe you have some additional information on the 35 challenged voters?"

Director Brian Hill said Yes, sir. Chairman. So, all these people currently we are on the list's maintenance. National Change of Address as Ms. Brown stated. So, they are going through their due process in which SOS has deemed necessary as a us by law to go through.

So, they placed these people on a National Change of Address, as I stated in the July 29. Election Board Meeting is that this was a process that was not always done. It is done every two years. Now, the Secretary of State's office did their due diligence, in which we were going out of the June 21 runoff, primary runoff that they did thankfully tell every election official that they needed to go ahead and take these people off and go through that National Change of Address and Cross State lists maintenance process. That is why they we

are doing this currently. We usually would not be doing this we will the next time we will be doing it which is odd year that will be next year. So as far as doing this next year I am that will be up for debate. I am not sure what they what their intentions is. But of course, we received those confirmations from all those transmissions from the SOS office. These people that are here are being challenged here are currently on the National Change of Address list.

Chairman Wright said:

So essentially, for the audience is what if I repeat kind of what you were saying is there's a process by which voters who are registered in Fayette County are removed when they are inactive and or registered to vote and other places or move once we have what's the Secretary of State has determined that they have met this the appropriate criteria to be removed and so that process happens every two years on odd years. And so, this particular year we're doing it at an even year as in an abundance of caution to make sure that voter registration lists across the state are accurate as possible.

Director Hill said:

Yes, sir for the general election. And I wanted to add is that with this process, of course a confirmation notice is sent out to these voters. Of course, they get their information from the post office. The post office says hey, this, these people that you have on your registry, they may have moved. We have confirmation that they move somewhere. So, what you must do is send out confirmation and that is what SOS did. They sent these confirmations to these voters. Of course, they come back to our office is returned mail, you know, sometimes they do not get them. Sometimes they get them, and they fill them out. But of course, in this case here, some of their voters were canceled. moved out of state, there is a small number of them. A lot of them are inactive status because of national change of address, the due process that we went through, and some of them are just inactive but all of them are inactive or moved out of county. So, all of these are out of state excuse me, shareholders naturally are on their way out provided they do not legally reestablish residents here in Fayette County. Yes sir. And now when you say reestablish resident in Fayette County, so what it is a person a type of contact is where I really want to say is contact. When a person makes any type of contact, they come vote. They change their address.

Or if they are telling us they are out of state or out of county of course they would do that transmission to another county within Georgia that is called a transfer voter. They will transfer out our county into another county or they would give us notice by either the Secretary of State's talking to each other. In this case it would be Secretary of State for the state of Florida and talking to our Secretary of State and they have given us word that they need to move this person out of state, and they will give that notice to our office. But if a person does some type of contact, they voted, whether it is absentee by mail, they came in early voted, they came in on election day. That is the type of contact that contact and for what our registry is our registration system is deemed to or built to operate is that it once they made that contact is switching them over into Active status. So, any type of contact changes their name moving within the county, of course, if they transfer into another county into another jurisdiction, of course that makes them active again. So, but that is the process in which we have been given from the Secretary of State's and of course the Secretary, our database that we work in, which is all 159 counties working use these processes which has been given by the SOS.

Chairman Wright said

Perfect thank you Mr. Hill. Mr. Rower do you have any questions for Suzanne?

Mr. Rower asked "Ms. Brown, you mentioned that you a database information from the postal service. Do you know which vendor provided that?"

Ms. Brown answered "No, but the person that does my IT work is here; would you like to me to ask him?"

Mr. Rower replied "Please"

Unknown IT person replied "I do not have the information right of the top of my head. It has been a while since I ran this information. It has been a month or two"

Chairman Wright asked, "You do not know where you got it from?"

Unknown IT person replied "I do know where I got it from, but I have to look it up"

Mr. Rower said "Because there is a limited number of certified number of vendors. For the audience that are licensed to provide this type of information. It does not come from the Postal service, so I just wanted to know what that source information was"

Chairman Wright asked Ms. Brown "In preparing for this challenge hearing; Are you working with any groups? Voter Registration groups? Transparency groups? Any groups that assisted you in presenting your case today?"

Ms. Brown replied "No, I have worked with groups, but no one has helped me prepare this as a group. No"

Chairman Wright asked, "No one help you or given you any guidance on code section or anything?"

Ms. Brown replied "No, I wish I had a lawyer"

Chairman Wright asked, "Do you have any questions Mr. County Attorney?"

Attorney Stough answered:

Before moving any further along we should probably allow or at least find out if there are any of these voters that are being challenged here to speak and make sure they have an opportunity to speak.

Chairman Wright asked:

Are there any voters here that are on the list of challenge voters here today? kind of assume there would not be Thank you. Thank you. Pleasure to be here. Okay. And before, would you mind as kind of a way to getting into it? Would you mind explaining to the audience, the code section, and what it means and then what exactly is required of us as a board?

Attorney Stough replied

Okay, well, the code section that we are operating under today is OCGA 21-2- 229, which allows any elector effect of the county to bring a challenge to anyone's ability to remain on the voter list essentially. Basically, the challenger would be saying that this person is not eligible. They lacked the eligibility requirements in this instance, that appears that the challenge is based on residence. A few other laws apply to this type of issue. A number of those laws regarding residence have already been discussed. But there is a few other things I want to bring to the board's attention. Federal law has the National Voter Registration Act contains several provisions that are relevant to what we are talking about today. In particular, it allows states to go through a process of cleaning up their voter rolls, but there are limitations placed on that and one limitation that exist is a state cannot 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 until the registrant either confirms in writing that they have changed their residence, or they failed to respond. To a notice sent out as part of a voter roll cleanup program. And they fail to vote in an election for two cycles. Georgia has codified its own process for going through this and that is found in OCGA 21-2- 235. And under that process, once they failed to vote in those two elections, they are placed on inactive status, and they will remain on inactive status until the day after the second November general election held after they are placed on that list. Or they are they can petition to be removed from it. If they want, they can attempt to vote, they are allowed to do so if they have not changed residence. And they must affirm in writing when they come to vote that their address is the same as it was before. So, all these people that have been identified are within this process. We can't take steps to change their status in this process, which is what I'm afraid is what's what we're trying to do what the challenger was trying to do here, and I don't believe that we can take steps to change their status. Without letting the process play out. So that if there are any other questions about that, I can answer those.

Chairman Wright asked

If they responded, they had moved out of state then?

Attorney Stough answered:

Yes, and I can take a few forms they can register to vote in another state, that itself is a writing to that state that they want to change the residents and we do receive those eventually. I think that Ms. Brown indicated that all these people have registered to vote in Florida if that is the case. We would be notified of that eventually. And we have been notified in a few instances. However, we do not have anything. We do not have any authenticated record to show that they have registered to vote. We just have Ms. Brown statements that they have. Or that sheets she read their names on a list. provided on the Florida's website.

Chairman Wright replied:

Okay. And then once we have received that authenticated record from the state of Florida or whatever state then at that point, then we have the authorization under the federal law to remove that person.

Attorney Stough answered: Yes, we do.

Chairman Wright replied: Very good. All right. Is it illegal to be registered in multiple states?

Attorney Stough answered "Its not illegal to be registered in multiple states. Its illegal to vote in multiple states"

Chairman Wright relied "If I were to vote somewhere where you would not be legally permitted to, so in other words, if I registered to vote in my current address, and then I moved to the state of California or New Jersey, then I do not notify Georgia of my status register legally in that new state. I am now legally allowed to vote in that new state provided I followed all the laws to register appropriate and that appropriately in that state. I am not breaking the law by having my registration to vote, remain active in the state of Georgia. That is not an illegal act on my part. I it would be illegal for me to vote in Georgia, potentially again, if I were if I did not meet the criteria to legally vote in Georgia. So, I have not broken any laws simply by moving to another state and registering to vote. Just because administratively the county has not caught up with the on the paperwork side does not mean that I have committed an illegal act.

I say that also because my sister has been caught up on some of these lists before her husband's military staff to move around a little bit. And so, she keeps getting caught up on these lists. And so, she is legal to vote register to vote where she is legally registered to vote. People keep trying to get her off the voter rolls, and she keeps having to send that information but thank you, Mr. Mr. County. attorneys thank you for the answering my questions. Okay. All right. That being said, I would accept a motion to reject the challenge for these particular voters and allow the process to continue.

Mr. Rower replied: Based on the information that we have been provided; I'd make a motion that we reject the challenge of the listed members.

Chairman Wright said I will second the motion any further discussion up here?

All right, all those in favor signify by saying aye. Aye. Aye. All right passes unanimously. Motion approved 2-0 Board Member Darryl Hicks was absent.

ATTORNEY'S REPORTS:

There were no Attorney Reports

BOARD MEMBERS REPORTS:

Mr. Rower said "I just like to remind the audience at our last meeting one of the things that came up was interference with the activities of our staff and our board of elections. And I just want to reread the code section as it applies for folks it is 21-2-597 and it says any person who intentionally interferes or hinders or delays or attempts to interfere with hinder or delay any other person in the performance of any act or duty authorized or imposed by this chapter, shall be guilty of a misdemeanor. The other thing that I want to bring up is there is a lot of tension towards election staffs all throughout the country. And I would ask everyone here to not only respect the hard work of our staff, but to respect the law and we have had reports of threats of violence against the individuals and that will not

be accepted in any in any fashion. So, I would ask you to share with your friends and neighbors that we're trying very hard to do this exactly by the law. And we have a very hardworking, conscientious staff, who works long hours and in difficult conditions, and they are doing a great job on behalf of all the voters in Fayette County. That is all I have.

Chairman Wright said "Alright, for me, I think I would say just in reference to the action that we just took, I am very much in favor of keeping our voter registration lists clean, making sure that the only the people that are legally registered to vote in Fayette County are legally registered to vote in Fayette County. And there is a process that we must follow that is established by us the people through their elected representatives and in this case in the state of Georgia and under federal law, so we have to abide by those laws as best we can. And follow the process as best we can. I am grateful for those processes, because fortunately, we have wonderful citizens who are looking into making sure that we keep our voter registration rolls clean, like Miss Brown, and bring things to our attention and would welcome anybody to continue to do so if they have further actionable intelligence. We welcome very much public participation in the process because, you know, if you provide information that does allow us for us to move forward or does allow for us to and you know, stop voter fraud or voter suppression or you know, keep people who are registered to vote, or people who are registered to vote, eat illegally from voting. And we wanted to protect the county and the rest of the citizenry from those under the law. So very much welcome to challenge and the opportunity to have the conversation and in this case, I'm grateful that the process is working and it's working smoothly, and these folks are being removed under the law from their status as registered voters in Fayette County. Most of them most of them have not even attempted to vote since 2018. Or earlier. So that's kind of a, a sign that the system is working. So, I am grateful for that grateful for Miss Brown and her efforts. And for all of you guys for coming in. I would also say in about what Mr. Rowe was saying. You will notice in the back of our meeting here today; we have got one of our wonderful sheriff's deputies here today. We do not normally have those here. And that is a direct result of some of the some of the folks who have been presenting challenges to us have folks that are in league with them who have actively and loudly or threatened violence against members of the board and their staff. And that is something that we cannot really continue to move forward without addressing those kinds of threats will not be tolerated and we will be pursuing options to the fullest extent of the law whenever any threats to the staff or the board are, are put forward. Just wanted to put that out there. We take those things very, very seriously. And we would ask for everybody here to let your friends know. You know, we are here to do a job we are here to keep everybody is right to vote safe. We want to keep it secret. We want to keep it safe; we want to keep it legal. And that is what we are doing here as best we can in our attempt to follow the law. So, we are all on the same side here. So, there is no reason for us to get you know, nasty unnecessarily. So, let us keep the tone down out there as best we can, and we would appreciate your help in doing so.

EXECUTIVE SESSION:

There was no Executive Session

ADJOURNMENT:

Chairman Wright made a motion to adjourn the August 12th, 2022, Challenge Hearing.

Mr. Rower seconded the motion. The motion passed 2-0. Board member Darryl Hicks was absent. The election board meeting adjourned at 5:31 pm

Brian W. Hill, Director

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 12th day of August 2022. Referenced attachments are available upon request in the Board of Elections' Office.