

*FAYETTE COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION
Regularly Scheduled MAY Monthly Meeting*

MAY 22, 2012

The regularly scheduled MAY meeting of the Fayette County Board of Elections was called to order by Chairman Addison Lester at 5:05 P.M. Also present were Members Darryl Hicks and Marilyn Watts.

A. REVIEW OF CHANGES MADE TO LANE WATTS VOTER RECORD

Chairman Lester called for the first item on the agenda. Member Marilyn Watts recused herself as this item is discussed. Kevin D. Abernethy, ESQ who was serving as attorney for Lane Watts spoke to present Mr. Watts' position on the status of his voter registration. The staff had met with him earlier in the day to review the information that he had obtained from Mr. Watts. Mr. Abernethy said that he and Mr. Watts were here today to verify the records that are in our files. He confirmed that the Voter Registration records that were in his position accurately portrayed Mr. Watts position. He also asked the Board of Elections to agree to sign a piece of paper saying that what he and Mr. Watts have in their file is correct. He offered to answer any questions that the Board might have after the Elections staff presented the information regarding Mr. Watts voter registration record. Member Hicks said that he would like to hear the Attorney's side of what the Board expected to hear from the Election staff. Attorney Abernethy stated that staff was going to tell that there were two addresses dealing with Mr. Watts and where he was registered to vote in Fayette County and that there was a change at some point in time from one to another. The file should contain the dates of these changes. There is a chronology dealing with the two different addresses which is reflected in the record. Member Hicks asked what was the issue at hand and why it this before the Board of Elections. Attorney Abernethy stated that this is before this board, without getting into too much detail, Mr. Watts serves as the chairman of the Fayette County Republican Party. There is a group within this body that has challenged these two addresses. Member Hicks asked if this challenge was in regards to him being chairman or as it relates to his voting. Attorney Abernethy said that it related to him as being chairman. Member Hicks asked the board why is that? He further asked to you just want the board to verify stated that he did not see this as an issue for this board – his chairmanship has nothing to do with his voting in the county. Member Hicks said that we could validate where he is eligible to vote. Attorney Abernethy said that was all that they were asking for. Attorney Abernethy further reported that he had statutory and case law to present to the Board of Elections -presented a Court of Appeals Opinion, HeadNote 7, which talks about the official code of Georgia permits a county board of registrars to challenge a person's right to register to vote or to remain on the list of electors and permits an elector to bring the same type of challenge. Attorney Abernethy stated that the way it was suppose to work was that the group contesting Mr. Watts voter registration should have filed a complaint with the Fayette County Board of Elections but they didn't. This group actually has the statutory burden to prove their case before the Board of Elections. They didn't. Lane Watts and his attorney stated that they had taken a preemptive step to come before this Board of Elections and tell you that this is our situation. This is why we are here to verify the

records in our files and hopefully we can take this back and say that this is where the board is. Attorney Abernethy said that they had asked them to do this in accordance with the Georgia Elections Code and hopefully all this will go away for Mr. Watts. Chairman Lester asked what difference this could make to the Fayette County Republican Party where Mr. Watts was registered to vote as long as it was within the county. Attorney Abernethy said that they would have to ask the persons raising this questions. He was of the opinion that as long as he was registered to vote within the county and within the jurisdiction that he represented, there is no issue. Member Hicks said that what he recalled reading was that both address were within the county.

Elections Officer Crosby presented a report that recapped information regarding Mr. Watts and the changes that had been made to his voting registration records and what we were asking the Board of Elections to sign. Supervisor Sawyer stated that we were reporting this as a review of his records rather than a hearing. Supervisor Crosby showed his application showing where he was currently registered. Also shown is where he was registered previously. We also showed a voting history as contained in the Secretary of State voter registration system. This also shows where we had made changes to his voting record addresses and also where he had voted in elections.

Copies of all applications filed by Mr. Watts where we get information that is entered into the Secretary of State's voter registration system were presented to the Board. The first card shown to the board was for the original registration made by Mr. Watts at 201 Patricia Lane in 1989. The second registration card shows where he changed his address to 109 Gelding Garth in Peachtree City on September 27, 2011 and the final card showed where he returned back to Patricia Land on March 07, 2012. The form that we prepared asking for the Board to sign shows only that the information from the cards presented by Mr. Watts to the Elections office was the information that we had entered into the Secretary of State's Voter Registration System.

Supervisor Sawyer said that electors normally have 30 days from moving within the county or in moving out of the county to fill out a new voter registration application for us to make the changes. It was noted that Mr. Watts did sign and affirmed that he had moved to and did live at the Peachtree City address. The staff did not do any investigative work since we did not consider this a challenge. In the information forwarded to members of the Board of Elections was a copy of a warranty deed showing that Mr. Watts did own this Gelding Garth property. Election Office Crosby stated that from looking at the entries made into the Voter Registration System, multiple people made various entries into this system. Member Hicks said that this would not be an official ruling but that we needed to sign indicating that they saw various application made by Mr. Watts and that this was the information that had been entered into the Voter Registration System was what we had received. Member Hicks stated that he was willing to sign since the evidence he reviewed was that he had filed all the documentations moving his registration from Fayetteville to Peachtree City and back to Fayetteville. Member Hicks said that he didn't think that we went back on anyone to verify with the neighbors. If there were any questions regarding the legitimacy of his domicile, the Secretary of State and the Fayette County elections office had a process to follow if we were being challenged. Staff reported

that we had not received any returned mail from this Peachtree City address. Member Hicks had one other question and that was if he had voted in any elections since he changed his moved to Peachtree City. The only election that had been held was the Presidential Preference Primary which was held in March 2012. Staff reported that he had not voted on anything since March 7, 2012. Member Hicks said that if he was in fact living in Fayetteville on Patricia Lane and was voting in Peachtree City, this may be an issue. But because it was a county-wide vote, he didn't gain any advantage. He would have received the same ballot regardless of where he actually lived within the county. Chairman Lester also agreed that he would sign the form that we had prepared that all registration application had been properly entered into the State's registration system.

B. HEARINGS

1. DECEASED VOTERS
2. FELON ELECTORS

Supervisor Sawyer presented a list of voters that the Elections office has deleted based upon a report of death certificates issued by the Fayette Probate Judge and also the SSVRZ 561 (R1 to R8) list maintenance reports from the Secretary of State's office. This list was presented as a result of Election Officer Crosby's research. The staff is recommending that the list of deleted voters who had died and also those that had become felons be approved by the Board of Elections. Member Hicks made a motion to approve the list as presented of those deceased voters that had been deleted from the county election rolls. Member Watts seconded the motion. The motion passed 3 – 0. Member Watts made a motion to approve the list of felons that had been deleted. Member Hicks seconded this motion. This motion carried 3 – 0.

D. NEW BUSINESS

The Board agreed to skip to Item No. 6 of the Agenda regarding the maps to be used for qualifying in the upcoming election.

6. MAP SELECTION FOR QUALIFYING – BOARD OF COMMISSIONERS / BOARD OF EDUCATION

Supervisor Sawyer reported that he had gotten a call from Anne Lewis of the law firm that was representing the county in the NAACP lawsuit which had been brought against the Fayette County Board of Commissioners and Board of Education. Her recommendation to the Fayette Board of Elections was that hopefully we would get preclearance very soon so that we could use the new Board of Commissioners map for qualifying for the commissioner seats. Supervisor Sawyer contacted County Administrator Jack Krakeel who was trying to get an answer from DOJ. The latest word was a request from DOJ to call them back about 2:30pm this afternoon and also to get a fax number here at the Fayette County Administrative Complex. Jack called DOJ back about 2:30PM and they indicated to him that they were not prepared to

issue the preclearance and that they had until the 29th to issue the preclearance. Anne Lewis and her law firm had recommended that we not use the new map until we had actually received the preclearance from DOJ. Following the last contact with DOJ, Federal Judge Timothy Batten was contacted and he issued a court order staying the qualifying of the Board of Commissioner for 1 week until May 30th through June 1st and for these races only. Supervisor Sawyer recommended moving the qualifying for the County Commissioner races until Wednesday, May 30th. Member Watts moved that qualifying for the County Commissioner races be moved to May 30th through June 1, 2012 based upon the recommendation of Attorney Anne Lewis and also based upon the court order issued by Judge Timothy Batten. Member Hicks seconded the motion. There was no additional discussion, the motion passed 3 – 0. Supervisor Sawyer will notify both parties of this stay in the commissioner races tonight after the meeting so that they will have this information before regular qualifying begins in the morning. Discussion regarding the qualifying for the Board of Education continued. Supervisor Sawyer reported that the map that the Board of Education passed earlier in the year was a part of the Consent Decree which had been vacated by Judge Batten. There is no indication that the new map of the Board of Education has been filed with the DOJ. Anne Lewis and her law firm are recommending that we use the old district maps which is the latest map which has been precleared by DOJ and that we conduct the election “at large” since we are back at square one as it relates to the Board of Education and the consent order which has been vacated by Judge Batten. Member Hicks moved that we conduct qualifying for the Board of Education using the old maps and that the election should be conducted “at large”. Member Watts seconded the motion. There was not further discussion, the motion carried 3 – 0. Chairman Lester stated that we are letting it be known that we are postponing qualifying for the Board of Commissioners for one week.

The Board agreed to move back up the agenda beginning with Item No. 5.

5. BOARD OF EDUCATION – CONTINUATION OF SPLOST ELECTION

The Board of Education approved at their meeting last night the continuation of the 1% SPLOST which is set to expire at the end of March 2014. They are not wishing for any delay in renewing this SPLOST. More information will be presented as we get closer to the election on November 6, 2012 which will contain this 1% SPLOST question.

NOTE: Member Darryl Hicks left the meeting.

4. DATES TO CERTIFY

Since we are being required to get paperwork to the State Highway Patrol Station in Griffin on Monday following the Tuesday election, we are asking that the Board of Election meet on Friday August 3, 2012 at 5:00pm to certify the results of the July 31, 2012 General Primary / Non-Partisan / Special Election. We also are asking that the Board of Election meet on Friday, November 9th at 5:00pm to certify the results

of the November 6, 2012 General Election. The county will be celebrating Veterans Day on Monday November 12, 2012.

C. OLD BUSINESS

JUNE 3 – 6, 2012 VRAG CONFERENCE – SAVANNAH HYATT REGENCY

Supervisor Sawyer reported that the VRAG CONFERENCE has been set for June 3, 2012. The following Board Member and staff will be attending:

Addison Lester, Board Member
Thomas L. Sawyer, Election Supervisor
Brenda Jones, Election Officer
April Crosby, Election Officer
Beverly Westmoreland, Part-time Election Clerk

Staff will be staying at the River Street Inn at a savings of \$50 per night per person. This has freed up funds for us to be able to take this extra person.

OTHER BUSINESS : NONE
PUBLIC COMMENTS : NONE
OTHER ITEMS FOR CONSIDERATION : NONE

ADJOURNMENT ; Member Watts made a motion at 5:30PM to adjourn the May meeting of the Fayette County Board of Election. Chairman Lester seconded the motion. The motion carried 2 – 0.