

Minutes
Special Called Meeting of the Board of Elections
CHALLENGE TO LANE WATTS BY RICHARD HOBBS
AUGUST 13, 2012
5:07pm

The meeting was called to order by Addison Lester who also introduced Darryl Hicks, members of the Fayette County Board of Elections and Voter Registration. He reported that the 1st order of business was to conduct the hearing and then take a brief recess. The board members would then meet for the regular monthly meeting of the Elections Board. County Attorney Scott Bennett will be acting as the moderator and parliamentarian. Mr. Lester reminded those in attendance that the meeting is being recorded and asked that those in attendance not to speak unless they were a witness and have been called upon to speak.

Mr. Scott Bennett was called upon to begin the proceedings. He reported that at about 1:45pm he had received an Emergency Motion to Quash and Brief in Support and thereof. Therefore, he also indicated that he had discussed this with the board members individually. There are three grounds listed for quash the subpoenas as issued to witnesses.

The first ground is whether or not Tom Sawyer had the authority to issue the subpoenas on behalf of the board. There is a statement in the motion that the board did not vote to allow Tom Sawyer to issue the subpoenas. The board's recollection is that there was in fact a vote to allow Tom the right to issue those subpoenas. Tom has executed an affidavit which Mr. Bennett passed to each of the tables. The affidavit states that he was in attendance at a meeting of the board on June 26, 2012 wherein the board voted to authorized him to issue subpoenas. Mr. Bennett said that it was his opinion that it was sufficient to was based on this affidavit that Mr. Bennett said he felt that it was sufficient to allow Tom to issue subpoenas. Mr. Bennett said that he felt there were no grounds to quash the subpoenas for lack of authority.

The second grounds allege were specific to Mr. Watts subpoena as to certain documents that the complainant, Mr. Hobbs had requested. Mr. Bennett stated that it appeared to him that those documents are the same type of documents that would be applicable for the board to consider under O.C.G.A. 21-2-217. In this code section, there is a litany of documentation that the board could consider in determining whether someone is qualified to register to vote or to qualify to run for elected office. Mr. Bennett said that it seemed to him that the list of documents requested is consistent with that list that is present in that subpoena. Mr. Bennett asked the board if they had had time to consider if the request in the subpoena was a reasonable request for documents or if that request should be granted. Board member Addison Lester stated that he had looked at the code and it looked as if it was consistent.

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Mr. Hicks also was of the opinion that it was in the code and it was not unreasonable if it was written in the code.

The third grounds as Mr. Bennett saw enumerated was that this board lacks authority to conduct a hearing on a voter registration that is not an elector's current voter registration. The allegation in this complaint are that Mr. Watts filed a voter registration in September 2011 which contained false information and that's what is alleged. Mr. Watts subsequently in or around March 2012 changed his voter registration to a separate address to a new address. The allegations that are in the complaint before the board at this time is the address that is in the voter registration between September to March. And the question that has been raised is the board limited in a challenge to the voters current voter registration elector's status or can they go back to prior registrations. Mr. Bennett stated that he had discussed this with the board and the consideration that we are having is whether section 220(e) – Mr. Bennett said that he would like to read this into the record for the edification of the audience: "If an applicant submits (voter registration applicants) false information, the Board of Registrars shall reject the application and shall refer the application to the District Attorney of the County for criminal prosecution. If the false information is not discovered until after the applicant's application has been approved and the applicants name has been added to the list of electors, the giving of such false information shall be cause to challenge the applicant's right to remain on the list of electors, which, if sustained shall result in such applicant's name being removed from the list and the application be submitted to the District Attorney of the county for criminal prosecution. Mr. Bennett stated that after discussing this with the board, the board has not made up its mind as to whether or not it believes you can go back to a previous voter registration or not – at least in the mind of one of the board members, it is open. The board plans to take this request under advisement and when it issues its ruling it will rule on that request. Mr. Bennett stated that he thought that this was a jurisdictional question. He was not sure if it was a subpoena question. Mr. Bennett said that if you were going to hold a hearing and if you have lawfully issued subpoenas, you could certainly take the testimony of those people. If you determine that you don't have jurisdiction, of course you would deny the challenge on jurisdictional grounds. You can take this under advisement and rule on at a later date. Witnesses are here today that have been subpoenaed and you could take their testimony and preserve it. If it turns out that you don't have jurisdiction, you have testimony that would be irrelevant. If you do have jurisdiction then that testimony would be relevant in your determination. Mr. Bennett said that he thought the subpoenas were lawfully issued and you are having a hearing, then subject it to 229. Mr. Bennett said that he would state for the record regarding that for that objection: 229 states that if someone files a challenge, the board

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Is required to have a hearing – the hearing is not optional. We are here for a hearing and a challenge has been filed. We are required to have a hearing. Mr. Bennett recommended that the board should move forward with the hearing today with the witnesses that are subpoenaed to be here.

Both members of the Board of Elections & Voter Registration said that they were in agreement with Mr. Bennett's recommendation. Mr. Hicks said that he thought that folks had come out here based upon 229 and the board needs to hear what's presented. The other question is whether or not we have the legal position or the authority to rule on whether someone gave us false information as it relates to a previous election is questionable. Mr. Hicks said that he thought the right thing to do was to hear it all and take it under advisement. If the board is able to, then it should rule on both. Chairman Lester said that he was in agreement. The issue of the prior registration is one that has puzzled him for quite some time as to whether this board had jurisdiction or not. But the code calls for the challenge and the witnesses and he thinks that we need to take advantage of this opportunity.

Mr. Bennett asked - that he had stated what he had read in your motion and he asked that if he had missed something to bring that to the board's attention at this time.

Mr. John T. Sparks stated that there was also a motion to dismiss that was filed by Mr. Watt's previous attorney. It's based upon the lack of authority of the board to hear this particular challenge. He said that he thinks that the board, before it, conducts any hearing with respect to the challenge that it address the motion to dismiss. In his mind this motion to dismiss would obviate the need for a hearing at all. And so before we get into witnesses and testimony, I believe the board should first hear that motion to dismiss.

Mr. Bennett asked if the Motion to Dismiss was the issue that they were just discussing about if the board could consider a claim of false information in a prior registration.

John T. Sparks responded YES and said that there were issues and matters that were not raised that are important to that issue that can show that the board does not have the authority and by its own conduct it correctly, tacitly, has already dismissed this hearing – already dismissed this challenge. He said that he would like to point these things out to the board.

Mr. Bennett asked if the board would like to hear him point these things out or to move on to the hearing.

Mr. Lester said that he would like to hear what Mr. Sparks had to say about the board not having the authority to hear it.

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5:18:00

Mr. Sparks said that he was sure that Mr. Bennett was aware of the facts behind this. He further stated that this is an internal fight in the Fayette County Republican Party. A group has attempted to remove Mr. Watts as Chairman within the party mechanism on July 17, 2012. This failed and so what has happened is that this group is attempting to use this board to do what they couldn't do within the party rules. Mr. Sparks stated that they presented an e-mail from a Jim Richter to that effect. The e-mail said in effect that Mr. Watts resign from the Fayette County Republican Party and that he wouldn't face these criminal charges.

Mr. Bennett stated that Mr. Richter was not the challenger in this case.

Mr. Sparks said that he agreed that Mr. Richter was not the challenger in this case. He believes that he was a part of the same group as Mr. Hobbs. That is the motivation. He stated that he wanted to get into the law and the procedure that he thinks that the board has followed, to a certain extent, and that it's important to note that. There is another statute which the board must address and that is 21-2-230.

Mr. Bennett responded that the board has already addressed it and that he has discussed it with them. This pertains to challenging a person's right to vote. Mr. Watts is being challenged on the voter registration which is in 21-2-229.

Mr. Sparks said that they both work together. In essence what Mr. Hobbs is trying to do is to remove Mr. Spark's client from the voter rolls. And upon that challenge, the board must immediately determine probable cause.

Mr. Bennett said that this was not what the statute says in 229.

Mr. Sparks said that no he was talking 230.

Mr. Bennett asked Mr. Sparks if he would agree that Section 230 says that if someone challenges someone's right to vote in an election. Section 229 says if they challenge the qualifications of a person to remain on the voter roll. These are two separate challenges.

Mr. Sparks said that if you remove someone from the voter rolls then you are challenging their right to vote. He said that this was his interpretation of 230. It cannot be read in a vacuum. He wanted to explain how he thought that the board acted correctly from 230(b), since the board was to immediately have a probable cause hearing for the challenge and if it finds probable cause then the board has to send notice to the poll officer that this person can't vote. Well, Mr. Watts voted on July 31st without a problem. No notice was sent by this board. There was no finding of probable cause, and if there is no finding of probable cause the challenge is

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dismissed. And so Mr. Sparks thinks that the board acted correctly when it tacitly dismissed the challenge. He felt that this was consistent with what the board did on May 22, 2012. These same matters came before the board, considered them and found nothing wrong with Mr. Watt's voter registration. They issued an order saying that there was nothing wrong with it. He stated that this same matter is coming up again. He thought that the board was right for not finding probable cause - the board was right in May in not finding that there was nothing wrong with Mr. Watt's registration and allowing him to vote on July 31st.

Mr. Hicks asked if because we found no probable cause when we had the May board meeting as it related to where he lived, that he no longer - the plaintiff - no longer has the rights to challenge?

Mr. Sparks said that he was not saying this.

Mr. Hicks also asked did Mr. Sparks ask that the board not hear from other persons regarding residence.

Mr. Sparks said that he was not saying that. Mr. Sparks said that the board was not bound by estoppel. The board can revisit it. He said that what he was saying was that the board was correct in May for not finding probable cause. He feels that what needs to happen is that the board needs to go ahead and dismiss this as a matter that is merely an internal matter of the Fayette County Republican Party. There is nothing in the statute and no one can point to you in any statute that allows the Board of Elections to review previous registrations. There is nothing in the statutes that allows that. You can see by the remedies available - if there is a challenge to an application that is sustained, then you reject the application; if there is a challenge to a person being on the rolls under 229 then you remove them from the rolls. There is nothing in 229 about reviewing previous voter registration because there is no remedy. The remedy Mr. Hobbs is seeking is to have this board review this matter and send it over to the DA's office. This is the remedy that he's seeking. He is not asking that Mr. Watts be removed from the rolls. That was our original motion to dismiss. Mr. Hobs then amended and said that Mr. Watts should have provided his passport of his proof of citizenship in March 2012 even though Mr. Hobbs has known Mr. Watts since he was 11 years old. It wasn't necessary, but Mr. Watts came to the elections office and presented his passport and basically reregistered in August 1, 2011. The only issue now is the registration in September 2011 which there is nothing in the statute giving the board the authority to hear it or a remedy if it finds that there is a problem. There is an argument that if there is a false statement in a registration, then the matter should go over to the DA's office. Mr. Sparks stated that it wasn't that simple. If there is an allegation of a false statement in a registration, and the board finds that false statement, the board

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should remove that elector from the list. At this point the board can send this matter to the DA's office. Mr. Sparks said that you must find a false statement, you must remove the elector from the list and then you send it to the DA. There is no remedy if you find that there is no false statement. Also, if there is a false statement in a previous registration, there is no remedy or nothing in this statute that gives the board instructions or authority as to what it should do. NONE! If there is no remedy, Mr. Sparks said that he didn't know what the board was going to do.

Mr. Hicks said that he was still a bit confused. At the May board meeting, we basically looked at the information provided by Mrs. Watts, we looked at the voter registration cards of Mr. Watts and the board ruled. Mr. Hicks said that the purpose of this meeting since persons have been subpoenaed and information requested is to give this board a chance since they have been put in a position to do so, to now look at all the information. This is outside of the information that the board considered at the May board meeting.

Mr. Sparks stated that he was not talking about information that the board might hear. He said he meant should the board be able to proceed with this hearing with this challenge and considering the relief sought by Mr. Hobbs. This is a matter of abatement. This is not on the merits. This is not based upon the facts. But does this board have the authority to proceed. Mr. Sparks says that there is nothing in the statutes giving it the authority. Mr. Sparks position is that there is absolutely nothing in the statutes that allows this board to consider a previous registration. Now the idea is that there is some false statement and it's a crime. Any citizen who thinks that a crime has been committed can walk across the street to the DA's office and file a complaint. If Mr. Hobbs has evidence of a crime, then he should do it. Instead with here say, unidentified witnesses and a rehashing of a failed attempt to remove Mr. Spark's client as chairman of the Republican Party, he is trying to get the board to do what he is unwilling to do. He stated that Mr. Hobbs is trying to get the board to step outside of their statutory authority to do something that Mr. Hobbs is unwilling to do. Mr. Sparks said that he thinks that the board should dismiss it completely, along with the subpoenas. If Mr. Hobbs has evidence, then he should go to the DA.

Mr. Bennett asked Mr. Sparks that in his motion to quash, Mr. Sparks raised the notion that the board did not give Tom Sawyer the authority to issue the subpoenas. He asked if he still contended that?

Mr. Sparks stated that he had an affidavit from Marilyn Watts, who was also a member of the Elections Board, and that there was no vote on whether or not to issue a subpoena. Based on that affidavit, he still contended that Tom Sawyer did not have the authority to sign the

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subpoenas. He said that he believed that the board has to vote through a proper motion or if they don't then there is not a legal subpoena. He stated that the board must sign the subpoena and not an employee.

Mr. Bennett said that if these two board members stated that they did in fact vote to allow Tom Sawyer to sign the subpoenas

Mr. Sparks said that he had an affidavit from the third board member that is contrary to these two. He said this was the evidence that he had and that he wasn't there.

Mr. Bennett responded okay. He asked Mr. Sparks what about the request for documents from Mr. Watts by Mr. Hobbs.

Mr. Sparks stated that he thought that it was outrageous. He also said that he didn't know what Mr. Hobbs meant when he asked for all information that Mr. Watts had relevant to where he was living. He said that he didn't know what that meant. They were asking for photographs of everything and medical and dental bills which is a direct violation of HIPPA. Mr. Hobbs could have gone through HIPPA, but he chose not to. Mr. Hobbs also asked for Mr. Watts income tax returns Mr. Sparks said that tax returns were not confidential documents but they are quasi confidential. Mr. Sparks said that he should show some need for this information and that you couldn't get the information somewhere else. Mr. Sparks stated that there had been no such showing. The scope of the subpoena was extremely broad and improper. Also if you look at the relief that is being sought, he is asking this board to send this over to the DA for a possible felony prosecution. Mr. Sparks said that we still a 4th and 5th Constitution Amendment and that Mr. Watts cannot be required to present documents in this form to be used against him in a criminal prosecution against him. Mr. Sparks said that Mr. Bennett had indicated this to Mr. Hobbs that Mr. Watts did have rights un the 4th amendment of the constitution. Mr. Bennett stated that he had not made a determination. Mr. Sparks stated that this e-mail was in there as part of the record. Mr. Sparks said that what it boils down to is very simply matter – this is an internal spat of a private club. Mr. Sparks said that he thought that they were trying to get this board to get rid of their chairman they want the board to do what they weren't able to do within their own rules. Mr. Sparks said that this was an improper use of this board.

Mr. Hobbs asked if he could respond briefly. Mr. Hobbs stated that Mr. Sparks had covered a lot of issues and he wanted to respond to several. Mr. Hobbs said that the subpoenas definitely tracked with what the statues say. Mr. Hobbs indicated that the subpoena stated that he would have been happy to redact any personal information that might infringe upon

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Mr. Watts privacy. Mr. Hobbs stated that he has tried to work with Mr. Watts repeatedly and to date he has not even answered the first question. Here today, he is attempting to stop the power of the subpoena. Mr. Hobbs indicated that several months ago he had included in all the documents of the challenges that he made to the board he has tried to provide to this board the personal background of where this was going. He stated that he wasn't hiding what was going on with the Republican Party. He didn't want the board to assume that he was back dooring anybody. Mr. Hobbs stated that he was up front about the whole thing. Mr Hobbs stated that "we" had filed with the Republican Party in hopes of doing what they thought that they could do. However, they didn't have the power of subpoena. Mr. Hobbs stated that Mr. Watts went behind their back and appeared before this board to challenge himself. at the May meeting. Mr. Hobbs felt that the ludaracy of that was no one was there to be an adversary to question whether or not he was being truthful – to dig into it and see if any was wrong or right. This was not a proper authorized challenge. He felt that this was a means to circumvent the law in some fashion in order to get the Republican Party to change their minds about this matter. Mr. Watts attorney wrote Mr. Hobbs on May 7th that if there was a question about these issues, they should have this matter adjudicated before the Fayette County Board of Elections. It was upon Mr. Watt's attorney's request that we have this hearing today. That is why we are here. Mr. Hobbs said that he filed it after they told him to. He is questioning them to now get up here and say that this board doesn't have the authority that they relied upon in throwing it out at a different level is ludacrice. Mr. Hobbs said that Mr. Sparks is saying that we believe that the evidence will show that Mr. Watts did not live at the residence that he says that he did according to his signed oath. The oath that he signed says that if you give false information you are guilty of a felony. He says that Mr. Sparks is saying now – "Let me give your money back." Don't prosecute. Mr. Hobbs is saying that this is ludacris. Mr. Hobbs has issued the subpoenas and wishes to have the board go on with the hearing. Mr Hobbs stated that he has followed all the statues - Mr. Sparks knows that he has to honor those and that Mr. Hobbs is here today to receive the requested information and documents and to receive the testimony of those people that have been properly subpoenaed. Thank You!

Mr. Lester asked Mr. Bennett what was the other code that you mentioned that does not make a distinction between current versus previous.

Mr. Bennett replied that in Section O.C.G.A. 21-2-220 it says that "Giving of such false information shall be cause to challenge the applicant's right to remain on the list of electors." It speaks of giving false information. He said that he thought that this issue alone was something that the board wanted to take under advisement. We would make a determination and that is the motion that they filed. Mr. Bennett also stated that what the code section said is "Giving of

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false information is grounds for a challenge. “ Then when you look under the challenge code section of O.C.G.A. 21-2-229, it says “Upon such challenge being filed with the Board of Registrars, the Registrar shall set a hearing on such challenge .” The burden is on the elector making the challenge to prove the person being challenged is not qualified to remain on the list of electors. Giving false information is grounds for a challenge. Mr. Bennett said that this is the reason that the board should move forward with the hearing.

Mr. Hicks asked Mr. Bennett that regarding the question that was posed if the board had the right to hear this, what is his opinion on this?

Mr. Bennett said that he believes that the board does have the right. Mr. Bennett disagreed with defense counsel that Section 230 applies in this case. Mr. Bennett said that he believes that this applies to someone challenging someone’s right to vote in a specific election. If you challenge a voter’s right, you must immediately do things because that challenge is that day. What 229 say’s is that if a challenge is filed, you shall set a hearing. This is inconsistent in 230 and a probable cause. It wouldn’t say you shall set a hearing and also have a probable cause before you set the hearing. These are two separate situations. Mr. Bennett thinks that 230 applies when you show up at the voting booth and you challenge someone’s right to vote in that election. That is different than challenging someone’s right to remain on the voter rolls. Those are two separate challenges. If it says you shall have a hearing, it doesn’t say anything in 229 about after you have made a probable cause determination.

Mr. Hicks stated that he agreed that the code here requires that since a challenge has been made, we need to hear it. He stated that we need to move forward.

Mr. Lester said that he thought that he agreed with him. He further stated that he had had a big question in his mind until he read 21-2-220(e) which he said does not distinguish between current and past registration. And once he read that which did not make a distinction, then he felt that we should move ahead.

Mr. Sparks asked, for the record, that they should read further in that sentence, it has to do with removing someone from the voter rolls. That can only mean current voter rolls otherwise it makes absolutely no sense. He stated that you can’t remove somebody for making a false statement if they’ve moved out of state – they are no longer on the rolls. This code section talks about the current list of electors.

Mr. Lester asked Mr. Sparks if he thought there was never a consequence for giving false information.

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Mr. Sparks said that he wasn't saying that at all. He said that what he was saying was that this board doesn't have the authority to hear it. The DA certainly does, but not this board. This board's authority is set forth in that statute – 220 and 229. If it is not in that statute, then this board cannot hear it. That's our position.

Mr. Bennett said that Section 220 says that giving of false information, in and of itself, shall be cause for challenging the applicant's right to remain. It doesn't say within a certain time period, in their current voter registration. It just says that giving of such false information. Mr. Bennett said that he thought the board had made its decision that the challenge is that false information was given, we are required to have a hearing and that's what we are going to do.

Mr. Sparks asked if he could cite just for the record that his belief is that the entire section should be read as a whole. He cited for the board - Eubanks vs. Brooks – as to the subpoena. Mr. Sparks stated in order to subject the witness to the penalty of contempt, he must be legally summoned. If the subpoena or the service thereof was so defective or irregular to impose upon the witness no duty to obey it, he cannot be punished for contempt. Mr. Sparks' position is that this board doesn't have the authority to hear the matter and therefore irrespective of a vote, the subpoenas are irregular on their face and are not valid.

Mr. Bennett stated that opening statements would be heard from each person regarding the evidence.

Mr. Hobbs stated that he needed a few moments to talk with the witnesses. Mr. Hobbs also stated that since the board had agreed to honor his subpoenas, he wanted to know if Mr. Watts and Mrs. Watts and the information and documents subpoenaed would be at the hearing.

Mr. Bennett asked if they were going to appear for their subpoenas.

Mr. Sparks stated that they do not plan to produce any documents and do not plan to appear.

Mr. Lester stated that there would be a five minute recess.

Mr. Sparks stated that a Peggy Perkins has received a document as she had walked in today reported to be a subpoena. She has talked with Mr. Sparks and she has retained him to represent her. She is not going to honor the subpoena since she felt that it wasn't timely served and she is no longer here at the hearing.

Mr. Bennett stated that he wanted to make a statement on the record. One of the witnesses who had been subpoena contacted Mr. Bennett and the nature of her call was did she have a

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right to court-appointed counsel and Mr. Bennett told her that there were no criminal charges against her – that is when that would apply. He stated that he wasn't her lawyer and he couldn't advise her on her subpoena. She intimated to Mr. Bennett that she thought that perhaps the proceedings here had affected her job, that she had lost her job recently. He told her if she felt that way she should file a complaint with the County and that we would investigate that. She said that she didn't know that – it just may be a coincidence. Mr. Bennett was asked by Mr. Sparks the person's name. He responded – Patricia Clemens - and Mr. Hobbs stated that she was here at the meeting. Mr. Bennett just wanted to report for the record that he was contacted by her. He stated that he did not know who she was when she called. After he learned who she was, he told her that she was not going to be provided with a lawyer. She said that she was going to plead the 5th. He told her that there were no criminal charges pending against her. He reported that she was a lay person but he wanted the proceedings to know that he had been contact by her. There had been no discussion regarding the merits of the case, there was no discussion of her testimony and there was no discussion of what she might or might not say. Mr. Bennett wanted the record to reflect that he had had a conversation with her.

5:49:37

Mr. Hobbs opened by saying that he was here today to show whether or not Mr. Watts actually resided in his home as he claimed as his residence in September 2011 in Peachtree City - the Gelding Garth location. That is the reason that we are here today - primarily to determine if there was false information provided. Mr. Hobbs stated that he had brought three witnesses. He stated that his conversations with them stated that Lane Watts did not live at this address and they didn't even know who Lane Watts is. Mr. Hobbs stated that this is going to be the testimony that we are going to hear. From that point on, Mr. Hobbs said that he would go over what the law says we should do in that matter.

Mr. Sparks stated that Mr. Watts has signed a verification attached to the petition which has been filed in Superior Court that he did in fact live there in September. This is attached to the Motion to Quash. He also stated that he thinks that this is an internal fight within the Republican Party.

Mr. Bennett asked Mr. Hobbs to call his first witness.

Mr. Hobbs called Brad Parsons. Mr. Hobbs issued the oath to Mr. Parsons.

Mr. Hobbs asked the witness to state his complete name.

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He responded that it was Bradford Paul Parsons, Jr.

Mr. Hobbs asked if he had been living in Fayette County for some time.

Mr. Parsons answered Off and On.

Mr. Hobbs asked him where he was living in September 2011.

Mr. Parsons responded at 109 Gelding Garth, Peachtree City.

Mr. Hobbs asked who was living with him.

Mr. Parsons responded Christian Alfonso and Yohand – he didn't know his last name.

Mr. Hobbs stated that two other gentlemen were living with you at that residence – so how many bedrooms were at that residence.

Mr. Parsons responded with 3.

Mr. Hobbs asked if each one of you shared or did you have your own bedroom.

Mr. Parsons responded that each person had his own bedroom.

Mr. Hobbs asked him if he knew who Lane Watts was.

Mr. Parsons responded No, not really. JUST--

Mr. Hobbs asked if it would be fair to say that the first time he met him was a month or so ago.

Mr. Parson responded YES.

Mr. Sparks objected that Mr. Hobbs was leading the witness.

Mr. Hobbs said that he would withdraw. He asked Mr. Parsons if he remembered the first time he met Mr. Watts.

Mr. Parsons said that he remembered vaguely.

Mr. Hobbs asked if other than that one time did you ever see him at that house. Had he every slept at that house.

Mr. Parsons answered NO.

Mr. Hobbs asked if he had every used that residence in any way shape or form.

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Mr. Parsons responded NO.

Mr. Hobbs asked if he thought that there was any way that he could have lived there without Mr. Parsons knowing about it.

Mr. Parsons NOT POSSIBLE.

Mr. Hobbs asked Mr. Parsons how long he had lived there - when did he leave there.

Mr. Parsons stated that he had lived there from September around labor day until March 23, 2012 – a couple of days before his birthday.

Mr. Hobbs said that was all he had.

Mr. Sparks asked if Mr. Parsons didn't remember Jonathan's last name. He asked if there were two people living there with you. He asked again if he didn't remember his last name.

Mr. Parsons tried to say his last name.

Mr. Sparks said that that was all he had.

Mr. Hobbs asked if the person who Mr. Parsons was having a hard time trying to his last name.

Mr. Parsons stated that he was his current roommate.

Mr. Hobbs said that he was just having a hard time remembering his last name.

Mr. Sparks objected – Mr. Hobbs is continuing to lead.

Mr. Bennett sustained. He also asked if either attorney was going to need this witness for any other purpose. Mr. Bennett told the witness that he was free to leave.

Mr. Hobbs called Patricia Clemens. Mr. Hobbs administered the oath to Ms. Clemens. He also asked the witness to tell the board her full name.

She responded with Patricia Clemens.

Mr. Hobbs asked her where she currently resided.

Ms. Clemens responded that she lived at 107 Guilding Garth, Peachtree City.

Mr. Hobbs asked if she was familiar with the house next door at 109 Guilding Garth.

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Ms. Clemens responded that she was.

Mr. Hobbs asked if from September until March 2012 was she familiar with the people that were living at 109 Guilding Garth.

Ms. Clemens said that she was.

Mr. Hobbs asked if one of those persons that lived there was present at this hearing.

Ms. Clemens responded that 2 were.

Mr. Hobbs asked that Ms. Clemens to tell the board who was living there between September 2011 and March 2012.

Ms. Clemens said Christian Alfairo and Brad and I can't remember the other person's last name. She pointed out the last person there was present in the hearing.

Mr. Hobbs asked her how she knew that these were the only three boys living there.

Ms. Clemens reported that Christian was her boyfriend. She said that she spent a lot of time there.

Mr. Hobbs asked if Christian had every told her that there was another boy living there.

Ms. Clemens said that he did not have a roommate then but that he did have a prior roommate who now lives in Florida.

Mr. Hobbs asked if Ms. Clemens knew who Lane Watts was.

Ms. Clemens said that she knew his name from some mail she had seen come to the house. She said that she had met him in persons the other day. They had gone to look at a house and he was there showing it, but other than that she had never seen him. She said that this was the first time that she had seen him.

Mr. Hobbs asked Ms. Clemens that in all the time that she had frequented her boyfriend's home, and so if Lane Watts would have been there she would have been able to see him if he resided there.

Ms. Clemens said that she believed so. The house is not that big.

Mr. Hobbs said that that was all he had.

Mr. Sparks asked Ms. Clemens if she was there 100% of the time.

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Ms. Clemens stated that she was probably there from 90 to 95%.

Mr. Sparks asked if she had received her witness fee.

Ms. Clemens said that she had received a check which came yesterday by a lady.

Mr. Sparks asked how much was it?

Ms. Clemens stated that it was \$30.00. She also reported that she hadn't cashed it.

Mr. Bennett stated that she was free to go.

Mr. Hobbs said that the last witness was Mr. Alfairo. Mr. Alfairo was brought into the courtroom and was administered the oath.

Mr. Hobbs asked Mr. Alfairo to state his name for the record.

Mr. Alfairo stated that his name was Christian Alfairo.

Mr. Hobbs asked Mr. Alfairo to tell the board where he lived from September 2011 until March 2012.

Mr. Alfairo responded that he lived at 109 Guilding Garth, Peachtree City.

Mr. Hobbs asked if he leased this property.

Mr. Alfairo said that that was correct. .

Mr. Hobbs asked who he leased that property from.

Mr. Alfairo stated that he leased it from a realtor.

Mr. Hobbs asked who that realtor was.

Mr. Alfairo said that the realtor was Marilyn Watts.

Mr. Hobbs asked if he was familiar with her son Lane Watts.

Mr. Alfairo said that as far as he knew he was the owner of the house.

Mr. Hobbs asked if he had ever met Lane Watts.

Mr. Alfairo said that he had met him once.

Mr. Hobbs asked if Lane Watts had ever lived with him between September and March 2012.

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Mr. Alfairo responded that he did not.

Mr. Hobbs said that's all he had.

Mr. Sparks asked if Mr. Alfairo got his witness fee.

Mr. Alfairo stated YES.

Mr. Sparks ask if he had cashed the check.

Mr. Alfairo said that he had not.

Mr. Sparks asked Mr. Alfairo if he had been asked to bring a lease with him.

Mr. Alfairo said NO.

Mr. Sparks said that he had no further questions.

Mr. Hobbs asked if he was currently residing there now.

Mr. Alfairo responded NO, I do not.

Mr. Bennett said that Mr. Alfairo was free to go. He asked Mr. Hobbs if he had anything else.
WITNESS OR EVIDENCE.

Mr. Hobbs said that he did not have other witnesses. Only arguments dealing with the evidence that was or was not provided to him.

Mr. Bennett asked Mr. Sparks if he had any evidence or witnesses that he would like to put up.

Mr. Sparks stated that he wishes to reiterate his belief that the board lacks authority to hear this matter. And REST.

Mr. Bennett called for closing arguments.

Mr. Hobbs wishes to bring before the board all the documents that were subpoenaed and were not presented to him. The failure to present these documents that were requested pursuant to the subpoena should be construed by law as being against the interest of Mr. Watts. Mr. Hobbs said that the law presumes that if you are not going to supply the evidence, we are going to ask you to presume that the evidence, if it was available, would not be to his advantage. Mr. Hobbs said that he was going to ask the board to do this as well. He also is going to ask this board to consider the facts. Mr. Hobbs said that the facts were very simple.

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Mr. Sparks objected since he felt Mr. Hobbs is asking the board to consider evidence that has not been put on as part of his case. Mr. Sparks said that he felt Mr. Hobbs was going straight to his argument. Mr. Sparks said that he would object to the court hearing anything or considering anything that Mr. Hobbs has not put on in his case. He has rested. He is done. The board should consider nothing else.

Mr. Bennett said that he thinks that he is speaking to inference.

Mr. Sparks said that if he hasn't submitted the subpoenas or the documents, then this board cannot consider it. He stated that Mr. Hobbs had his time to put his case up. If this is not in his case, then the board is not authorized to consider anything other than what he presented in his case.

Mr. Bennett said that Mr. Hobbs could close.

Mr. Hobbs said that again the defendant's failure to honor a valid subpoena and to provide this board with relevant, specific information about where he lived according to the subpoenas is in and of itself can be used against him. Mr. Hobbs said that he didn't even need that. All I need is the witnesses that we came here today to testify to. Mr. Watts has had ample opportunity to say that he lived there or didn't live there or to make some reason why that this was the case. Mr. Hobbs said that this sounds rather silly for why Mr. Watts may have wanted to do this other than his pleadings have indicated that when Gov. Deal signed the law where he redrew the lines, Mr. Watts who is very politically active likely wanted to remain in the 3rd Congressional District

Mr. Bennett said that this had not been in evidence.

Mr. Hobbs said that that was an argument that he was going to be making. He agreed to withdraw that. Mr. Hobbs said that his evidence was plain and simple that we had three witnesses that were here during September when he signed an affidavit stating that he did live at that residence. This was included in the original pleading that were presented to this court. Mr. Hobbs stated that he also has presented these same documents to this body in the form of a warranty deed and his signed authorization saying that he lived there. Mr. Hobbs said that he did not. Mr. Hobbs was asking this board to kindly rule in favor of the challenge and find that he was not a proper elector at that particular time. Mr. Hobbs also asked about his supplemental complaint.

Mr. Bennett said that we were not here about the supplemental complaint.

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Mr. Hobbs said that that was all that he had.

Mr. Bennett called upon Mr. Sparks.

Mr. Sparks said briefly that he would not reiterate the issues that were raised in the Motion to Dismiss. He said that he would incorporate them by reference. Mr. Sparks said that what we have seen today is no lease, no document – the last witness stated that he was not even asked to bring a lease. They got paid. The first witness didn't even remember the last name of his roommate – even his current roommate. The testimony is absolutely incredible. Mr. Sparks said that he was looking for it and apologizes that he did not have the exact statutory pinpoint site, but he believes that once the board accepts the voter registration application and puts the person on the roll, he said that he believes that the statute says that there is a presumption that it is correct. Mr. Sparks said that he would find it and submit it to the board at Mr. Bennett's request. Mr. Sparks said that he didn't think the witnesses were creditable at all. He said that he thinks that the board lacks the authority to hear the matter. And again this is an internal fight within the Republican Party. He felt that it was a tragedy that this board is being called to mediate this fight. If there is a crime that is committed, then everyone within the room has the authority to step over to the DA's office. Mr. Sparks asked Mr. Hobbs rhetorically, "WHY DIDN'T YOU DO THAT" . If you have evidence of a felony, why didn't you just step over to the DA's office. Mr. Sparks said that he can speculate as to why and that is because he has no credible evidence at all. That is the only thing stopping him – there is no evidence. NONE. There is an allegation, there is an internal fight within the Republican Party and he hopes that this board realizes that this fight must stay within the Republican Party. There is no reason to air this dirty laundry - it harms the party, it harms the County and harms the taxpayers. It should to stay internal. Thank You!

Mr. Lester thanked everyone for their conduct today. This hearing will conclude at this time. Mr. Lester stated that he and Mr. Hicks would deliberate over the next few days. The goal is to get a written response within the next five days; however we are setting ten days as the outside goal. The board is shooting for sooner than that. With that, the hearing is concluded.

Mr. Sparks asked if he might submit a letter brief on that matter that the statute states about the presumption.

Mr. Bennett said that he certainly could.

Mr. Lester stated that with that this hearing is adjourned. After a brief recess, the board will reconvene for the regular August meeting of the Fayette County Elections and Voter Registration Board.

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The hearing was adjourned at 6:07:25