

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

NOVEMBER 27, 2012

The regularly scheduled NOVEMBER meeting of the Fayette County Board of Elections was called to order by Chairman Addison Lester at 5:00 P.M. He asked that the record show that all members were present.

A HEARING

1. DECEASED ELECTORS - Supervisor Sawyer asked Elections Officer Crosby to present the list that she had prepared of electors who she determined were deceased and needed to be deleted from the Fayette County voter record. She indicated that it was not too long a list because of the cutoff for the voter registration deadline for the November General Election. She also reported that there may be a much longer list at the next meeting. Member Hicks made a motion to approve deleting the list of deceased voters as presented by Elections Officer Crosby. Member Watts seconded the motion. The motion carried 3-0. Elections Officer Crosby further reported that the Secretary of State's office automatically removed those records that are exact matches between the voter records and vital records. These exact matches are not being put on a report for the board's consideration since the Secretary of State's office is already removing these. The list presented are those that are not exact matches – maybe a typo between vital records and their registration. Officer Crosby said that she thought that the match was close enough and that they are the same person and should be deleted.

2. FELONS - Elections Officer Crosby presented a list of electors who had been convicted of felons. Member Watts made a motion to accept the list as presented of felons to be deleted. Member Hicks seconded the motion. The motion carried 3 – 0.

3. CHALLENGED VOTERS - Elections Officer Crosby reported that the first three on the list - Soleil Soleil, Shelett Pearl and Karl Pearl – had all registered at 125 Edmondson Way. Officer Crosby said that the board can go ahead and delete these since we know they don't live here or allow the voter's record to go inactive and all fall off by them self. Member Watts asked how we knew that they didn't live there. Mack and Joann Williams were reported to be living there as per a report from the Marshall's office. The Marshall's office was asked by the Elections Office to check out this address. These three were trying to register at a P.O. Box with similar handwriting and they had all been registered at this Edmondson Way address. They may have lived there in the past but they were trying to register to vote at a different P.O. Box in June. All three were trying to register at the same time with the same P.O. Box but with no residence street address. Our efforts to contact them were unsuccessful. Member Watts asked if they were mail in applications. Crosby reported that she had had no response to any correspondence and they had not voted in any of the last elections – with the exception of Karl who voted in the Primary Election. Member Hicks asked how long the Williams had been living at this address. Crosby read the Marshall's report which said that the Williams stated that they had been living at the Edmondson Way address for 2 years and did not know any

of these three cited voters. Member Hicks asked if the question was whether the staff was recommending that these three should be removed from the list. Officer Crosby answered yes. She also reported that she did not find them registered anywhere else in the State of Georgia because they could have moved. She also said that she could not find any returned mail. Member Watts asked if they did this in June. Crosby said that she had tried to contact them in July, but none of them voted in Georgia this last election. Chairman Lester asked if they had filed this in May and what was this June date on the application. Crosby said that June was the date that we had a postmark – these were all mailed in applications. She had tried to contact them but had received no response to her letters. Member Watts said that maybe they never lived there. Attempts to contact them at the new P.O. Box had been unsuccessful. There was no evidence that they registered even with a new application that was sent to them when we tried to contact them. Member Watts made a motion to remove these three from the Fayette County Voter rolls. Member Hicks seconded the motion. The motion carried 3 – 0.

Mr. Darryl Quarrael is being challenged by Mrs. Pittman to be removed. She has signed a statement that Mr. Quarrael has never lived at this address, he has not voted using this address and is not registered anywhere else in the State of Georgia. Mrs. Pittman is very concerned that he is using her address and maybe trying to use her identity. She is an older widowed lady and she gets angry when she gets mail addressed to Mr. Quarrael at her address - 274 Kite Lake Road. She had called and is really upset that we haven't removed him already. Member Watts made motion that we remove Mr. Quarrael from the voter records. Chairman Lester seconded the motion. The motion carried 3 – 0.

The board had requested proof that Kristin Lober did live at 305 Cumberland Court, Peachtree City 30269 and Kevin and Irma Rainey do not live at this Cumberland Court address. The Elections Office received a copy from Ms. Lober of a security deed via e-mailed showing this address. Member Hicks moved that Kevin and Irma Rainey be removed. Member Watts seconded the motion. The motion carried 3 – 0.

B. OLD BUSINESS

4. ELECTION FINAL RESULTS - Supervisor Sawyer provided final election results to members of the board on the Elections Summary Report. The first four pages of the Statement of Votes Cast were also presented to the board to show the turnout numbers for the General Election.

5. POLL WATCHER COMMENTS - Member Watts said that she had received feedback from several of the poll watchers and that she thought that they needed better training because a lot of them were interfering. Member Watts stated that a lady was taking lunch into more than one precinct and that the only people that should be in there are voters or if they are poll watchers who should be going into the polling locations. She also reported that this lady was wearing a political shirt. Member Watts said that poll workers should have a better understanding of what the

role of the poll watchers is because some were taking an adversarial position about it. Others were glad to have them there. She suggested that this be brought up when the next training is conducted. Chairman Lester asked if this was the party's role or was it the responsibility of the elections office. The consensus of the board was that we should have all poll watchers together at one meeting for training since we know the law and we can eliminate any misunderstandings. Supervisor Sawyer said that the watchers were reminded when they called in that they should not take an active role in what was happening in the polling location, but should be there to strictly observe. He stated that it appeared that they were trying to get something stirred up. Member Hicks was asking what David Worley had sent an e-mail about. Supervisor Sawyer said that the poll watchers were telling David Worley that I had told them that they couldn't talk to the persons who were there to vote. They were saying that the talking with voters was taking place outside as they were leaving. Member Watts said that was not addressed in the code, whether in or outside. She thought that it had to do with the lady that followed the voter out who was not on the voter roll. This lady suggested that the voters should go back into the polling place and complain and also that she could vote a provisional ballot. Member Hicks said that David Worley had cited a specific code section and that it was a misunderstanding of what the person was doing. Supervisor Sawyer said that he had told them that they should not speak to the people within the precinct. Member Watts said that some of them were doing that. She also said that the code did not say inside or outside. Member Hicks said that Arnold Martin, of the Democratic Party had determined that the person was doing some of both – inside and outside. We should have detail training in the future for all poll watchers so that there is no misunderstanding of exactly how it works, especially when we have both Democratic and Republicans at the same locations. Supervisor Sawyer said that the parties would be notified so that the Elections Office could get some advanced notice to get the training pulled together. Member Watts said that some of the watchers took the attitude that they were watching the poll workers thinking that they were going to do something illegal. This appeared to offend the poll workers. Member Hicks said that it all stems from training. Member Watts said that they also should be informed. And that we should also have some good written literature to give to them. Member Watts said that maybe we should set the rule that persons cannot be poll watchers unless they have had training. Supervisor Sawyer said that the persons who were here doing vote review panel work with the UOCAVA ballots appeared to have a misunderstanding of exactly what they were here for. They raised questions that were immaterial to the task that they had volunteered to do. Member Hicks said the conspiracy theory raised its head, but that time would take care of all this. He said that the Election's Office was very open and transparent and that the more that people see this, the more people will know that there is no conspiracy. Member Watts said that she didn't think this year's turnout was anywhere as large as it was in 2008. Member Hicks said that he thought that the state-wide voter turnout was 72% . Supervisor Sawyer said that Fayette was one of the top 10 counties in the advanced voting.

6. CANDIDATE CERTIFICATES - These were prepared to present to the elected candidates in both the Non-Partisan Race in July 2012 as well as in the Partisan Races which were decided in November 2012. An error was noted on the certificates. Supervisor Sawyer said that he would get these corrected and would ask Chairman Lester to come by and sign them once corrected.

7. CERTIFIED RESULTS - Supervisor Sawyer said that this item could be deleted. This certification was signed by the board with all the others at the time that the election was certified on the Friday following the election.

D. NEW BUSINESS

8. POSSIBILITIES OF CHANGING POLLING LOCATIONS - This is something that we could discuss especially about locations that involve municipal locations. Member Watts said that they had given this a lot of thought at one time, but the City of Fayetteville had been on such a big annexation kick that it was impossible to make a change every time they made an annexation. She thought that this had calmed down now and we might could revisit this. Member Watts said that she also thought that some of the Peachtree City precincts should be combined. She thought that the outlying precincts should be left the way they are. Supervisor Sawyer said that he would attempt to work with the GIS coordinator to see what we could get worked out. Supervisor Sawyer said that at a presentation by Nancy Boren of Columbus – Muscogee that they had made a mistake by not including the governing authority in some of their planning. Member Watts said that we also should include the cities. Supervisor Sawyer said that he thought we should also include the County Commissioners. Member Watts said that we should definitely accomplish this before the next presidential. Member Hicks said that he thought we should include in this process a determination of the number of poll workers and the cost associated with opening and running these precincts. He thinks that we should go through the whole process at looking at what the cost is and the number of workers that we have at each precinct and if they are spread out evenly. This is strictly numbers versus cost versus location. This would also go into if we are being efficient. Member Watts stated that since we have such a large percentage of our voters that are voting in our advanced locations, we may not need as many polling locations and may be a good reason for combining some of our precincts. We must keep in mind that we have to have the minimum number of workers at each polling location. Member Hicks said that we should start by looking at the minimum and then the footprint and all in one process. We must also make sure that it is meeting the needs of the county. Member Watts said that we should meet with more advanced locations, or at least larger locations since there is more of a tendency for people to come to advanced locations rather than election day voting locations. Longer lines were at advanced voting locations while voting locations on election day did not have the long lines. Member Watts said that it would be good to be able to have the commission chambers the whole three weeks. For this to work, we would have to plan way ahead. Member Hicks said that when we look at the total cost, we may discover that it is cheaper to open them up for early voting. Member Hicks said that he wasn't sure of that. He

said that we must look at cost and we might determine that it is better to do x versus y. We may determine that it would be better to have more advanced voting location open than to have the number of polling locations open. Member Hicks said that the numbers may show that the trend would be to do something different.

9. POSSIBILITY OF NOT OPENING THE COMMISSION CHAMBERS ON ELECTION NIGHT – We are beginning to have a much smaller group of citizens coming to the commission chambers on elections night to see the election results. Technology has really made a change in how things are done. It appeared that the only ones there were two people who didn't have computers. Supervisor Sawyer said that the results as released are posted on the County's website and everybody can see what is going on. He also thought that it might be best to also go to the governing authority to get their input on making this change. Member Watts said that we would probably want to give people some warning. The board discussed the possibility of having a TV in the window with the results being posted. They were looking at the cost to actually have this open – staff and utilities.

10. POT LUCK DINNER - Supervisor Sawyer said that all poll workers and staff had been invited to attend this luncheon which is going to be held at the library this Friday at 11:30am. Everyone will be bringing a dish of their choice. It will be opened up for all and we can eat until it is all gone.

11. TRANSCRIBE AUGUST 13, 2012 HEARING - Supervisor Sawyer said that he had gotten a call from Austin and Sparks saying that they had requested a delay in providing the transcript from the August 13, 2012 hearing. He also stated that he was unaware that this hearing was to have transcribed then or now. Member Hicks asked who was asking for a delay in providing the transcript. Supervisor Sawyer said that they had already asked for 1 delay – the law firm of Austin & Sparks – and that this time had run out and they were prepared to ask for another delay. Member Lester asked who this was to be filed with. Supervisor Sawyer said that he assumed that it should be filed with the Clerk of Court. Member Watts asked who was asking me for the transcript. The law firm of Austin & Sparks had a court reporter at the hearing. Member Watts asked if the hearing should be transcribed. Supervisor Sawyer said that he had not transcribed it because he was not aware that this was something that needed to be done. Member Lester said that the law firm's reporter should not be the official transcription of the hearing. Austin & Sparks said that if we did nothing, then the transcript from their reporter would be used as the official transcript of what went on in the meeting. Member Hicks and Lester said that they wouldn't want that. They would want what we had to be the official word of the hearing. Member Watts wanted to know if the court had requested this. Supervisor Sawyer stated that Jill from the Austin & Sparks law firm had agreed to request another extension of time to provide this transcript. Member Watts said that the request had been made to the County Attorney and had not gotten a response. Member Hicks suggested that Chairman Lester check with the County Attorney to find out what is our legal obligation whether to provide our recording or if we need to

provide the typed transcript. Member Watts pointed out that tomorrow was the deadline. Chairman Lester said that he would go and see the County Attorney.

12. STATE ELECTION BOARD - Supervisor Sawyer gave a brief report from the State Election Board meeting that he and the staff had attended earlier in the day.

13. 2012 ORGANIZATION CHART – Supervisor Sawyer showed the board an organization chart that had come from Human Resources. He asked if the board agreed or if there needed to be changes made. Member :Hicks asked if the Fayette County Board of Elections reported to the Secretary of State. Member Watts stated that the Board of Elections was a quasi state agency under the Secretary of State. She further stated that the Supervisor and staff did report directly to the board. She did not agree with the chart. Member Hicks said that he would think at the very least....Member Watts said that Tom reports directly to the board and the staff is under him – he supervises them. The Board oversees the entire operation. Member Hicks stated that this was the question that we had last time. Member Watts said that she knew that this organizational chart was not correct. Member Hicks said that we just had to get the written documentation. Member Watts said that she had shown him the code sections. Member Hicks said that he didn't interpret it the same way. Member Watts said the Secretary of State does. Member Hicks said that he would be curious to have the Secretary of State render an opinion or to whether or not these folks report to the Board of Elections. Member Hicks said that the chart as shown does not have the Supervisor reporting to the Board of Elections. Member Watts said that we have lots of mandates from the Secretary of State that we have to follow and we have to do what they tell us to do. The Secretary of State through the State Election Board could call the board to task for something that was not done. Member Watts said that the Supervisor should have a full solid line to the Board of Elections. Chairman Lester said that he didn't know if it was a full straight line. He felt that the County Administrator would listen to the board if they need to make any changes in the Supervisor or staff. Member Watts stated that the County Administrator does not hire the Supervisor. Chairman Lester asked how Supervisor Sawyer was chosen for this job. Member Watts said that the board hired him – Chris Venice was the administrator at the time and she sat in on the interview process only. The board had made the final decision after a number of people had been interviewed. The applicants had made their applications through the Human Resources Department. Member Watts said that all persons who are now working in the office were hired by the board. Member Watts said that County Administrator Venice sat in since the county had certain criteria for all department heads and she made certain that these criteria were met. Chairman Lester asked Mr. Parrott of the Water Department if he was hired by his Water Board. He stated that he was hired by the County. Chairman Lester asked what was the difference. Member Watts asked if the Water Board was created by an act of the state legislature. Mr. Parrott stated that the Water Board was a recommending board only. Member Hicks stated that he had seen where the Board of Assessors appointed the Director and Deputy Director. These appointed persons hire and manage their own staff. Member Watts said that the code sets out what the board's duties and responsibilities were and that they were to hire staff to

carry out their duties. Member Hicks said that he interpreted that to be Tom (Supervisor). Member Watts said that none of the other Georgia counties handle it that way. Member Hicks said that was not true in Fulton County. The person in the Fayette County Supervisor's position in Fulton works with the County Administrator to hire their people. He stated that that was it. Everybody else up under them..... Member Watts stated that many counties that she had been in contact with at the various trade organizations were handling it the way she thought that it should be handled. Member Hicks and Member Watts said that they thought that we should get a ruling on this. It was suggested by Supervisor Sawyer that Dennis Dunn, from the Attorney General's office, be contacted and asked for an opinion. Member Hicks said that he was indifferent as to how it was handled, he just wanted to have it done legally and correctly. Member Hicks said that he thought that we should write a letter to the Secretary of State and or a letter to the Attorney General asking for their opinion. Chairman Lester talked to Secretary of State Kemp when he stopped by the office and he and he was told that maybe they could get legal folks from his office to assist if we had questions. Hopefully with the new County Attorney, Member Hicks said that he hoped we could all agree on how this should be handled and that we could get an impartial opinion. Member Hicks said that if we get an opinion as proposed by Member Watts, he would definitely make changes to the organizational chart as presented from Human Resources. Member Watts asked why she thought that this had been happening for 30 years and she asked if she thought that it was wrong. Member Hicks said that he thought that it was because of tradition. He said that he didn't think the law supported it. Member Watts asked if he disagreed with the code section that she had shown him. Member Hicks said that he merely interpreted it differently. Chairman Lester said that he would get with Supervisor Sawyer and that letters would be drafted in order to try and get an answer to this situation.

14. INVITATION TO - Supervisor Sawyer asked Mr. Parrott to complete the rest of this invitation. Mr. Parrott stated that the Water System ;has completed Lake McIntosh and they are having a dedication on Friday, December 7th.

D. OTHER BUSINESS

Member Watts said that she wishes to move that we have someone from the Attorney General's Office to give instructions on open meetings and open records. Member Hicks asked why that was. Member Watts said that she thought that instructions were needed. Member Watts asked that when there was a request, how long do you have to respond to that. Member Hicks stated that you have three days to respond to as how quickly you will have the documents. Member Watts stated that the staff might need instruction on this. Member Hicks stated that if the staff was not responding to open records request in a timely manner, the County Attorney should be the one to advise the County Administrator of the repercussions of not following it. This is why every request should go through the County Attorney's office. The Attorney or the Clerk is typically the gate keeper. Chairman Lester asked if Marilyn has an example.

Member Watts asked Supervisor Sawyer if he had had an open records request. He responded that he had partially complied to Mr. Logsdon's request - the request has not been completely complied with. Member Hicks asked who had received this request. Supervisor Sawyer stated that the request was brought to him. Member Hicks stated that the request should have been taken to the County Attorney. Supervisor Sawyer said that he did not. Member Watts asked if a request was made for tapes if it was complied with within 3 days. Supervisor Sawyer said that as far as he knew any request for tapes had not been made to him in the form of an open records request. The tapes provided to Member Watts were merely as a courtesy to her. Supervisor Sawyer said that there had been no other request for the tapes. Member Watts said that the day she was in Supervisor Sawyer's office and Scott Bennett came in and got the tape that he stated was in order to comply with an open records request. Supervisor Sawyer said that he did not know that for a fact. Scott Bennett had gotten the request and he had come in and had made the demand for the tape. Member Watts asked what would be done with Supervisor Sawyer received an open records request. Supervisor Sawyer said that this was the only one that he had received. Member Hicks said that it was the county administrator's function to make sure that every single staff knows that if an open records request comes in that it should be forwarded to the County Attorney and then it can flow back the other way with the information requested. If an open records request comes into this office, it should be sent to the County Attorney. Member Watts said that this is the reason that some advice should be given to perhaps every department. This would be a good idea. Chairman Lester said that this sounded like a local issue and if the County Attorney is up to date on what the law is - Member Hicks said that if not then they should not be the County Attorney. Member Hicks said that it is the County Administrator's responsibility to get this edict out to all staff. He said that people filing an open records request should know who should be getting the request. Member Watts said that if a person comes and ask for something from a department - Member Hicks said that the request should be sent back to the County Attorney. The Department head should know this. Member Hicks said that this was why the County Administrator should be telling all department heads. And the department head should be telling all their staff. Supervisor Sawyer said that they came often when he was in Finance, but that they had come from someone else within the department. Member Hicks said that the reason you do this is so that you have a gate keeper. Supervisor Sawyer said that because of the election he was behind in preparing minutes from all the past meetings. He also told Mr. Logsdon that they could not be presented to him until they had been prepared and submitted to the board for their approval. Member Hicks asked whatever happened to the tape that Member Watts was given by Supervisor Sawyer. Supervisor Sawyer said that the tape had been returned. Member Watts said that she had asked for the minutes from Supervisor Sawyer and he reported that they had not been transcribed. Supervisor Sawyer gave her the tape and she had it put onto a CD and returned the tape to the Elections Office. Chairman Lester said that he heard that it had taken several request to get the tape back. Member Watts said that she had requested the minutes for several weeks from Supervisor Sawyer and that he finally told her to just take the tape that had been

made of the meeting. She said that she had not asked for that tape and would have never taken that tape. The meetings are now being recorded digitally and are being backed up on Supervisor Sawyers computer. Supervisor Sawyer said that he had asked Logsdon if there was specific information that he wished to find out about and he said no. All agendas were e-mailed to him and no further contact has been made with Mr. Logsdon. Chairman Lester said that they had been understanding of the pressure that staff had been under the last several months. Supervisor Sawyer said that he would get these minutes typed up as soon as possible.

Chairman Lester said that based on the board's discussion that he thought that this matter had been determined to be a local issue and that possible we could defer asking the Attorney General's office to come to discuss the open records. Member Hicks said that it was imperative that such request be forwarded to the County Attorney or County Administrator once made. He further stated that we must respond. He also said that the law was not designed to stop us from functioning. Supervisor Sawyer said that he had responded to him by sending him copies of all 2012 agendas. He was told that I did not have the minutes prepared at that time. Chairman Lester asked that Supervisor Sawyer forward any future open records request to the County Attorney if received. Member Hicks said that any future responses or directives will come from the County Attorney. This will take Supervisor Sawyer out of the loop.

E. PUBLIC COMMENT

Tony Parrott of the Water System said that they receive open records request all the time and that the request and the response are immediately forwarded to the County Attorney. Tony said that they complete an Action Agenda within 3 days after each meeting of the Water Committee. He further stated that the Clerk at the Water System that handled this is in fact state certified. He also stated that he had to vote in two locations in the last election - because he lived within the city of Fayetteville. He said that this wasn't a big deal.

F. OTHER ITEMS FOR CONSIDERATION

Member Watts made the suggestion that it would be a good idea to get a staff member to handle the minutes for the board.

Chairman Lester suggested that in regards to changing polling locations or consolidating precincts, it might be a good idea to develop a time line when we ultimately want to have this done and then backup to get each step completed to get it completed on track.

Discussion was held about canceling the December board meeting since it falls on Christmas day, especially if there is a lack of agenda items. The board agreed to meet at a special meeting if one became necessary. Chairman Lester made the motion to cancel the December meeting of the board. Member Hicks seconded it. The motion carried by a vote of 3 - 0.

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G. ADJOURNMENT - Member Hicks made a motion to adjourn the meeting. Chairman Lester seconded this motion. The motion carried 3 – 0. Fayette County Board of Elections
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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.

