

**FAYETTE COUNTY BOARD OF ELECTIONS  
AND VOTER REGISTRATION**

**MINUTES**

*February 26, 2013  
5:00 p.m.*

**Board Members Present:** Addison Lester, Chairman  
Marilyn Watts  
Darryl Hicks

**Staff Present:** Tom Sawyer, Elections Supervisor  
April Crosby, Election Officer  
Beverly Westmoreland, Part-time Election Clerk

**Others in Attendance:** Dennis Davenport, Interim Attorney for Fayette Co.  
Tony Parrott, Division Head, Fayette Co. Water Dept.

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**A. CALL TO ORDER**

Chairman Addison Lester called the February 26, 2013 meeting to order. All members were present. Supervisor Sawyer passed out copies of minutes of the June 26, 2012 meeting to be presented. He indicated that item B on the Agenda would be skipped for the moment in anticipation of staff member, April Crosby's arrival, in order to present the deceased electors and felons list.

**C. OLD BUSINESS**

Chairman Lester brought up the subject of the approval of the following minutes:

February 5, 2013 (Special)  
January 22, 2013  
March 28, 2012  
June 26, 2012  
July 24, 2012  
August 13, 2012

Chairman Lester stated that he had read all minutes that had been sent by Supervisor Sawyer. The minutes of the June 26, 2012 were completed earlier in the day and copies were made to hand out here at the February 26, 2013 meeting.

Member Watts indicated that that she had not received the minutes of the Board Meeting of June 26, 2012 and the August 13, 2012 which was held immediately following the hearing on the same date. Supervisor Sawyer stated that he had sent the August 13, 2012 minutes to only Chairman Lester and Member Hicks. Member Watts said that she would like to get a copy of these minutes for her records.

June 26, 2012 minutes will be presented again at the next Board meeting.

There was discussion regarding the June 26, 2012 minutes. Supervisor Sawyer said that these minutes were from the meeting where the recorder was jumbled and all words could not be understood at 100%. Member Watts said that the minutes of the first part of the June 26, 2012 meeting were different from what she recalled and she would like to come and listen to the recording of this meeting as prepared by Supervisor Sawyer. Member Watts said that she did not think that the board made a motion authorizing Supervisor Sawyer to sign the subpoenas. She said that she thought that it was just said that this was going to happen. Member Watts asked further that we defer approving these minutes. She stated that she would like to come and listen to the tape. Attorney Dennis Davenport asked if the minutes came from the tape. Supervisor Sawyer said that it came from his recollection. As you listen to the tape, you can understand a good bit and a lot you cannot understand. Supervisor Sawyer agreed that this might have come from the tape and it might not have come from the tape. Member Watts said that there was discussion but there was no motion and she stated that she remembered that very well. Chairman Lester stated that the approval of these minutes would be tabled until the Board had an opportunity to listen to the tape. It was clarified that only the June 26, 2012 minutes would be tabled.

Supervisor Sawyer asked Member Watts how she wanted to handle the August 13, 2012 minutes since she was not there.

Chairman Lester said that all three Board members would be prepared to act on all but the August 13, 2012 minutes and then he and Member Hicks would do a separate action of the August 13, 2012 minutes. Also, it was agreed to set aside June 26, 2012 minutes. All Members agreed to listen to the June 26, 2012 minutes before the next Board meeting.

Chairman Lester made motion to approve February 5, 2013 (Special), January 22, 2013, July 24, 2012 and March 28, 2012. Member Hicks seconded. The Motion carried 3 – 0 with no opposition.

Chairman Lester made motion to approve the August 13, 2012 Minutes of the Special Called Meeting following the August 13, 2012 Hearing and it was seconded by Member Hicks. The motion carried 2 – 0 with Member Watts abstaining.

Mr. Davenport made the point to confirm that this was not the hearing that was being voted on but only the minutes of the August 13, 2012 meeting that was held after the hearing. Supervisor Sawyer confirmed.

At this point, Election Officer, April Crosby arrived. Chairman Lester said to jump back to item B on the Agenda.

## **B. HEARINGS**

**1. DECEASED ELECTORS** - Election Officer, April Crosby, presented the list of deceased voters. She presented a list of deceased voters that came from the Secretary of State report which contained persons that might not be an exact match with our voters list and those of vital records of the State of Georgia. In addition, another report from the Secretary of State contained persons that are an exact match. These electors are automatically deleted by the Secretary of State and this report is not submitted to the Fayette County Elections Board. Family members have been notified for the reports that are not exact matches. Chairman Lester called for a motion to approve this list. Member Hicks made motion to approve the list of deceased electors to be removed from our records and Member Watts seconded. **Motion carried.**

**2. FELONS** - Election Officer, April Crosby, also presented the list of felons and indicated they had all been notified by letter.

Member Watts made motion to approve the list of felons to be removed from the electors list. Member Hicks seconded the motion. **Motion carried with no opposition.**

## **D. NEW BUSINESS**

### **4. SPECIAL ELECTION RUN-OFF – MARCH 5, 2013 – House District 71**

Supervisor Sawyer discussed the current Run-Off Election for the State Representative for the 71<sup>st</sup> District to be held March, 5, 2013. He said early voting has begun this week in our office and early voting begins on Wednesday, February 27<sup>th</sup> through March 1<sup>st</sup>, 2013 at the Peachtree City Library.

Member Hicks asked about the procedure if there was a tie. Member Watts said it would have to be re-voted. She said you must have 50% plus one vote. Further discussion ensued regarding the two candidates on the ballot.

(a) The Members agreed to be here on Tuesday evening, March 6, 2013, between 6:30 and 7:00 that evening. Supervisor Sawyer said that we should be able to certify and finalize the election that night.

### **5. UPCOMING EVENTS – BUDGET CALENDAR**

Supervisor Sawyer passed out a copy of the budget from 2010 which will be a comparable election to what is anticipated for 2014. His plans are to present the budget at the next Board meeting in March. Budget submissions from County Departments are due on April 12, 2013.

Supervisor Sawyer passed out a list of upcoming events/open meetings that he received from the new county administrator.

There was more discussion about the budget year being from July 1 through June 30. Supervisor Sawyer said he will give the Members a year-to-date as to where we are this year. He will give the members a proposal for the fiscal year 2014.

Further discussion was held on the redistricting. Supervisor Sawyer said he has been in touch with the reapportionment office which is part of the Georgia Legislature to make a proposal for our county. He will give that office his thoughts on redrawing those lines. He also said April and May will be the months to have workshops on this. He said to be prepared to finalize them with the governing authorities (the cities and the county administrator) in June or July. He welcomed any ideas from the Board on re-drawing of these lines.

#### **6. ENABLING LEGISLATION – BYLAWS – CHEROKEE COUNTY**

Supervisor Sawyer told the Board he had discussed with the Elections Supervisor of Cherokee County as to how their Board is structured. He learned that Cherokee County's Board is very independent and Supervisor Sawyer passed out a copy of their enabling legislation and their by-laws. Supervisor Sawyer learned Cherokee County has a five member board: 2 Democrats, 2 Republicans and they appoint a 5<sup>th</sup> member, who is their chairman. These four elect this 5<sup>th</sup> person.

#### **7. MUSCOGEE COUNTY BOARD OF ELECTIONS AND REGISTRATION PROPOSED PRECINCT CHANGES**

Supervisor Sawyer told the Board that this office had gone to a meeting in 2010 where Nancy Boren, from Muscogee County, had made a presentation on how they went about reducing the number of precincts in their county. They went from 48 to 28 precincts. He passed out information on how this county went about the reduction of precincts.

#### **8. LEGISLATIVE ISSUES DEALING WITH VOTER REGISTRATION AND ELECTIONS – 2013**

Supervisor Sawyer made remarks about another item that was passed out with the logo "VRAG" that he received from Veronica Johnson regarding bills that have been presented and their status that are currently in the Legislature. He stated that our office used to do all the Campaign Contribution Reports. House Bill 143, if passed, would bring Campaign Contribution Reports back to our office for handling. He said this was information for the Board that has Senate and House Bills that are proposed. House Bill 143 has already passed the House.

## **9. VOTER REGISTRATION DRIVE – KNIGHTS OF COLUMBUS – APRIL 2013**

Supervisor Sawyer indicated the Board had been given information on voter registration drives for the High Schools in the County. There is not a date set for Our Lady of Mercy but they have indicated they would like to do that the second week in April.

Supervisor Sawyer told the Board that the Democratic Party has plans to do voter registration drives in the Fall.

Member Watts moved that the Board approve the voter registration drives for the Knights of Columbus and allowing them to set a precise date for Our Lady of Mercy in April. Member Hicks seconded. **Motion carried with no opposition.**

(Chairman Lester brought up the subject of re-drawing of precinct lines and there was further discussion as to how this will be done with cities and annexation proposals in the future. Supervisor Sawyer wants the cities to be redrawn first. This will be further discussed in the March meeting and the workshops will be in April and May.)

### **E. OTHER BUSINESS**

None.

### **F. PUBLIC COMMENTS**

None.

### **G. OTHER ITEMS FOR CONSIDERATION**

Executive Session.

Member Hicks made a motion that the Board go into Executive Session for pending litigation. Chairman Lester seconded the motion. The motion carried 3 – 0 with no opposition.

Member Watts said it was her understanding was that minutes had to be kept during Executive Session. Mr. Dennis Davenport, Interim Attorney for Fayette Co., answered Member Watts comment by saying the answer is “Yes and No”. He said there are two types of Executive Session minutes. One type is for land acquisition and personnel. These would carry the same standard as the regular open meeting requirements. He further said that the other type is the type that we are dealing with tonight. These are confidential and are attorney / client information. Minutes will be produced but they will not be in near as much detail as normal minutes.

Mr. Davenport told Member Watts that this was an appeal by Lane Watts to Superior Court. Mr. Davenport asked if Member Watts wished to stay in the room for Executive Session. She said that she would but that she wouldn’t say anything. Since there would be discussion of litigation strategy, he would leave this up to her to make a decision if she should be part of the Executive Session or to recuse. Many topics/issues would be discussed pertaining to this litigation. It is

confidential information that is impartial. If it were a public meeting, it would be okay for Member Watts to stay in the room. Member Watts chose to recuse herself and left the room.

### **EXECUTIVE SESSION COMMENCED**

Attorney Davenport briefed the Board on impending litigation and motion was made to authorize him to go forward.

Member Hicks made motion to come out of Executive Session. Chairman Lester seconded.  
**Motion carried.**

### **BOARD OF ELECTION MEETING RESUMED**

Chairman Lester asked if there was any other business.

Supervisor Sawyer told the Board that the next scheduled meeting for the Board would fall on March 26, 2013. The whole Elections Office will be attending a training class in Athens, GA on that date. **It was decided that April 2, 2013 at 5:00 will be the next meeting.**

Mr. Davenport asked if the Board needed him to attend their future meetings and Chairman Lester asked if he would attend the next meeting and it would be decided month-to-month from that point.

### **H. ADJOURNMENT**

Motion was made to adjourn by Chairman Lester. Member Hicks seconded and meeting was adjourned.

The foregoing minutes were approved at the Board of Elections meeting held April 2, 2013.

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Thomas Sawyer, Elections Supervisor  
Fayette County Board of Elections