

## BOARD OF ELECTIONS

Addison Lester, Chairman  
Darryl Hicks  
Aaron Wright

## FAYETTE COUNTY, GEORGIA

Floyd L Jones, Director  
April Crosby, Elections Supervisor  
Brian Hill, County Registrar



140 Stonewall Avenue West  
Elections Office, Suite 208  
Fayetteville, GA 30214

## MINUTES

January 22, 2019  
5:00 p.m.

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

### Chairman to Call the Meeting to Order

Chairman Lester called the January 22, 2019 Board of Elections Meeting to order at 5:00 p.m. It was noted that Mr. Darryl Hicks was not present at the meeting since he needed to pick his wife up at the airport and since her flight was delayed.

### Approval of the Agenda

Mr. Wright moved to approve the Agenda as provided. Chairman Lester seconded the motion. The motion passed 2-0 with Mr. Hicks not present.

### PUBLIC COMMENTS:

No one spoke during Public Comments.

### APPROVAL OF MINUTES:

#### 1. Consideration of staff's request to approve the December 10, 2018 Board of Elections' Meeting Minutes.

Mr. Wright noted there were some grammatical and syntactical errors in the December 2018 minutes, but he did not have the corrections available to him. He stated that the errors did not affect the message or results of the meeting.

Chairman Lester moved to approve the December 10, 2018 Board of Elections' Meeting Minutes. Mr. Wright seconded the motion. The motion passed 2-0 with Mr. Hicks not present.

### PUBLIC HEARING:

#### 2. Public Hearing of staff's recommendation to remove registered Fayette County voters from the Electors List who are registered in the State of Georgia's Secretary of State Voter Registration System as deceased.

No one spoke in favor of or in opposition to this request.

Mr. Wright moved to approve staff's recommendation as presented. Chairman Lester seconded the motion. The motion passed 2-0 with Mr. Hicks not present. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

**3. Public Hearing of staff's recommendation to remove registered Fayette County voters from the Electors List who are registered in the State of Georgia's Secretary of State Voter Registration System as felons.**

No one spoke in favor of or in opposition to this request.

Mr. Wright moved to approve staff's recommendation as presented. Chairman Lester seconded the motion. The motion passed 2-0 with Mr. Hicks not present. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

**CONSENT AGENDA:**

Director Jones stated that the five Intergovernmental Agreements (IGAs) listed on the Consent Agenda are word for word to previous IGAs for municipal elections held every two years; the only difference being the dates in the IGAs. He further added that each IGA had been reviewed by legal. He explained that upon passage of the IGAs, the IGAs would be forwarded to the County Board of Commissioners for approval and then to the respective municipalities for their approvals. Once the approvals were made, then the County would conduct the municipal elections. Mr. Jones further advised that each IGA be voted on individually.

**4. Consideration of staff's recommendation to enter into an Intergovernmental Agreement with the City of Fayetteville for the purpose of conducting the city's 2019 municipal election(s), and authorization for the Elections Director to attest said agreement.**

Mr. Wright moved to accept the agreement as presented. Chairman Lester seconded the motion. The motion passed 2-0 with Mr. Hicks not being present. A copy of the request and IGA, identified as "Attachment 3," follow these minutes and are made an official part hereof.

**5. Consideration of staff's recommendation to enter into an Intergovernmental Agreement with the City of Peachtree City for the purpose of conducting the city's 2019 municipal election(s), and authorization for the Elections Director to attest said agreement.**

Mr. Wright moved to accept the Peachtree City Intergovernmental Agreement. Chairman Lester seconded the motion. The motion passed 2-0 with Mr. Hicks not being present. A copy of the request and IGA, identified as "Attachment 4," follow these minutes and are made an official part hereof.

**6. Consideration of staff's recommendation to enter into an Intergovernmental Agreement with the Town of Tyrone for the purpose of conducting the city's 2019 municipal election(s), and authorization for the Elections Director to attest said agreement.**

Mr. Wright moved to accept the Tyrone Intergovernmental Agreement. Chairman Lester seconded the motion. The motion passed 2-0 with Mr. Hicks not being present. A copy of the request and IGA, identified as "Attachment 5," follows these minutes and is made an official part hereof.

**7. Consideration of staff's recommendation to enter into an Intergovernmental Agreement with the Town of Brooks for the purpose of conducting the city's 2019 municipal election(s), and authorization for the Elections Director to attest said agreement.**

Mr. Wright moved to accept the Brooks Intergovernmental Agreement. Chairman Lester seconded the motion. The motion passed 2-0 with Mr. Hicks not being present. A copy of the request and IGA, identified as "Attachment 6," follow these minutes and are made an official part hereof.

**8. Consideration of staff's recommendation to enter into an Intergovernmental Agreement with the Town of Woolsey for the purpose of conducting the city's 2019 municipal election(s), and authorization for the Elections Director to attest said agreement.**

Chairman Lester moved to accept the Woolsey Intergovernmental Agreement. Mr. Wright seconded the motion. The motion passed 2-0 with Mr. Hicks not being present. A copy of the request and Intergovernmental Agreement, identified as "Attachment 7," follows these minutes and is made an official part hereof.

**OLD BUSINESS:**

**9. Continued consideration of a letter received from The Lawyers' Committee for Civil Rights Under Law requesting the Board of Elections and other parties to reconsider the placement of the Sheriff's signs at polling places in Fayette County.**

Director Jones recapped the discussion held during the December 2018 Board of Elections Meeting. He reminded the Board and the audience that he received a call from The Lawyers' Committee for Civil Rights Under Law on December 4, 2018 requesting that a Sheriff's sign be removed from North Fayette Baptist Church polling location (Kenwood- Precinct 23). He reminded the Board that December 4 was a Runoff Election, but during the November 6 General Election some poll workers felt intimidated by a man who was at the precinct very early prior to the opening of the polls. Mr. Jones stated he thought the call was questioning a sign that had been placed at the polling location in response to the poll worker intimidation.

Mr. Jones reported that once he realized what sign was in question that it was one of many signs printed by the Sheriff's Office and given to the Elections Office notifying everyone at all precincts that the precincts were under the protection of the Sheriff's Office. He further explained that the duties of the Sheriff were explicitly written in Georgia Law O.C.G.A. 51-16-10(a)(3) which reads:

*It is the duty of the sheriff: to attend, in the same manner specified in paragraph (2) of this subsection, at the place or places of holding an election at the county site, on the day of the election, from the opening to the closing of the polls, and to take under his charge all subordinate officers present, as police to preserve order.*

Mr. Jones added that at the December 2018 meeting, a question was raised with regard to having uniformed officers stationed at the schools where voting occurs and, if signs are intimidating, does that mean uniformed officers are also intimidating. Mr. Jones then asked Major Brian Eubanks of the Fayette County Sheriff's Office to bring his incites to the Board regarding this matter.

(Note: The audio recording of Major Eubank's comments is difficult to hear for the production of minutes.)

Major Eubanks affirmed the information provided by Director Jones. He added that the signs were printed by the Sheriff's Office and provided to the Elections Office approximately six years ago, and that the sign had the working of the law and a picture of a badge on it. He said the signs were provided to give understanding to the voters why deputies sometimes drop in on polling places. It also provided insight into why a uniformed officer was stationed at the schools during voting hours. Major Eubanks stated that uniformed officers are located at the schools by request of the Board of Education in order to keep order and ensure safety is maximized during voting hours for all involved.

It was noted that no other complaint had come to the county during the previous six years about voter intimidation by the signs.

Chairman Lester stated he did not see a need to change the current procedures. Mr. Wright agreed with Chairman Lester and he added he was thankful the Sheriff's Office was on duty to help during the elections.

Discussion occurred about whether a response should be made. Director Jones suggested that the response be provided by the County Attorneys since this was a legal response. Chairman Lester and Mr. Wright directed that Director Jones write the response and provide it while utilizing input from Major Eubanks and Assistant County Attorney Patrick Stough.

**Charles Bennett:** Mr. Bennett from Precinct 30 was a Poll Watcher in Precinct 29 when the county transitioned from At-Large Voting to District Voting in 2016. He said based on the confusion at Precinct 29, and given as many people who came to the precinct and were turned away since they could no longer vote at their old precinct based on the district changes, it was comforting to see the Deputy Sheriff's come by the polling places- about once or twice through the day- to know that the Sheriff's Office was available.

#### **NEW BUSINESS:**

There were no New Business items.

#### **DIRECTOR'S REPORT:**

**Fire Station #4:** Director Jones reported that on Friday, January 11, 2019, Chairman Lester and he met with County Administrator Steve Rapson regarding the possibility of moving the Elections Office from its current location to Fire Station #4 located next to the Sheriff's Office. He reported that the discussion involved meeting the Mr. Carlos Christian, Director of Buildings and Grounds, to draw a basic rendering of how the fire station could be utilized. Director Jones reported that a meeting has been scheduled with Mr. Christian for Wednesday, January 23. Director Jones further added that the Elections Office has \$8,000 currently earmarked to renovate its current location on the second floor. He stated that he would request that the \$8,000 be moved to the next Fiscal Year budget to be used at the fire station since there is no need to renovate a department before vacating it. Discussion followed providing additional insight on why a move is warranted and regarding the intention of the Georgia Legislature to make changes both to voting equipment, bylaws, and procedures.

**Town of Brooks:** Director Jones stated that he has been invited to discuss the issues at the Brooks Precinct during the November 2018 election. He said the bottom line is more people showed up to vote than typically do, and that the Elections Office is glad that such a large amount of vote were cast. Discussion followed about other conversations Chairman Lester had with the Mayor of Brooks about this matter. It was also decided that Director Jones would do fine at the meeting and no Board member was intending to go to the meeting.

**Report on those who voted between 7:00 and 8:00 A.M.:** Director Jones reported that during the last week of early voting for the November 2018 General Election (held on the days of October 29 through November 2) that 11,049 citizens voted. Of the 11,049 who voted, 784 or 7% took advantage of the extra hour provided each day from 7:00 a.m. until 8:00 a.m. Director Jones then reported that during the only week of early voting for the December 2018 General Runoff Election, held on the days of November 27 – November 30, 8,396 citizens voted. Of the 8,396, 208 took advantage of the extra hours, meaning only 2% voted between 7 a.m. and 8 a.m. Mr. Wright added that the numbers do not necessarily reflect if the voters who took advantage of the extra hours would have voted during regular hours, and Director Jones agreed that the numbers could not predict how a person may have voted otherwise.

**Records Retention:** Director Jones stated that County Registrar Brian Hill has taken on a project of going to the records storage facility, reviewing the records, and preparing records for destruction in accordance to the county's and Secretary of State's record retention policy. He stated that most of the election records have a two-year retention period attached to them, but given the number of elections in the past years there has been virtually no manpower or time to review the records. Director Jones stated that since there is time, Mr. Hill is looking into the records in order to clear up the records. Director Jones stated there are some records still available from 2008, meaning this will be a lengthy job. He further explained that since the Elections Office keeps records for Clerk of Court Sheila Studdard, Mrs. Studdard will likely have the records reviewed by a Grand Jury before destruction- so this work is a long process.

**Poll Worker Training:** Director Jones reminded the Board that during the December 2018 Board of Elections Meeting, Mr. Wright had asked for the poll worker training material. Mr. Jones pointed out to the Board that Poll Worker Training Manuals had been provided to each Board member for review since he was unsure how the Board wanted to make its review. Mr. Wright stated he would like to take the manual home and look through it. He noted that during the past election there seemed to be a repetition of certain issues regarding how the election was conducted with areas such as how to work with poll watchers and advancing elderly and handicapped voters to the beginning of the line. Brief discussion followed and Director Jones stated he looked forward to the Board's input.

**ATTORNEY'S REPORTS:**

There was no Attorney's Report.

**BOARD MEMBERS REPORTS:**

**GEOA / VRAG Conference:** Mr. Wright asked if anyone on staff had been asked to make a formal presentation at the GEOA / VRAG Conference in the coming months. Director Jones replied that no such request had been made of staff. He further added that he believes this conference will cover only the basics since it seemed there was a scramble by the organizers to get a conference started. He acknowledged that his impression could be wrong, but that was the sense he was getting. Director Jones further added that hotel rooms had been reserved and the conferences already paid for, and he said itineraries would be issued in the coming weeks.

**Update on the Legislative Session:** Mr. Wright stated that Director Jones kept the Board in the loop on upcoming changes that he is aware of at the Georgia Legislation, and he asked for Mr. Jones to continue to let the Board know as soon as able. Director Jones said he would be glad to keep the Board abreast of any potential changes and he added that the Association of County Commissioners Georgia (ACCG) had just published their list for changes and that election reform was at the top of the list.

**Presberg Ballot:** Chairman Lester asked if there was any update on Mr. Leonard Presberg's son's ballot not being received by Elections before the designated deadline. Director Jones stated that Mr. Presberg came to the Elections Office and obtained copies of the envelope and other related items regarding his son's ballot but since that time there had been communication with Mr. Presberg on the matter. Chairman Lester suggested it would be a good idea to get a definitive understanding of how letters are distributed in the County. Director Jones replied that staff was already aware of the procedures and he quickly described them to the Board. Admittedly, Director Jones speculated that the ballot may have been received by a third-party who signed the envelope, realized the letter was intended for the Board of Elections, and then re-mailed- arriving to the Board of Elections late.

**EXECUTIVE SESSION:**

There was no Executive Session.

**ADJOURNMENT:**

Mr. Wright moved to adjourn the January 22, 2019 Board of Elections Meeting. Chairman Lester seconded the motion. The motion passed 2-0 with Mr. Hicks not present.

The January 22, 2019 Board of Elections Meeting adjourned at 5:34 p.m.

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Floyd L. Jones, Director

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Addison Lester, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Elections of Fayette County, Georgia, held on the 26th day of February 2019. Referenced attachments are available upon request in the Board of Elections' Office.

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Floyd L. Jones, Director