



APPROVED MINUTES

BOARD OF REGISTRATION AND ELECTIONS SPECIAL CALLED MEETING- October 21, 2021

The Fulton County Board of Registration and Elections met in Special Session on Thursday, October 21, 2021 at 9:00 a.m.

CHALLENGE HEARING

FulcoLab

141 Pryor Street, SW
Suite # 3077

Please join the meeting from your computer, tablet or smartphone.

FGTV YouTube Channel

<https://www.youtube.com/channel/UCYH7E0jH6HxE-3KTRluH8SQ>

Presiding: Cathy Woolard, Chairwoman

Other Board Members Present:

Mr. Aaron V. Johnson
Dr. Kathleen Ruth, Vice Chairperson
Mrs. Teresa Crawford

Absent Board Members

Mr. Mark Wingate

Staff Attending: Richard L. Barron, Director; Ms. Nadine Williams, Elections Chief; Ms. Holly Smith, Registration Chief; Mrs. Cheryl Ringer, County Attorney; Regina Waller, Senior Public Affairs Manager; Jessica Corbitt, PIO & Director of External Affairs; Mr. James Reese, Production Manager

Guests Attending: None

#1– APPROVAL OF AGENDA

Chairwoman Woolard entertained a motion to adopt agenda. The motion was made by Ms. Crawford, seconded by Dr. Ruth and carried by a unanimous vote of 4-0.

#2– RESIDENCY CHALLENGE HEARING AGAINST VOTERS REGISTERED IN FULTON COUNTY

Madam Chair announced the reason for this Special Called Meeting:

A residency challenges against a number of voters registered in Fulton County. According to the law, we've notified voter's appropriately within the designated time and we're holding the meeting within the 10 day window from the notification of the challenge. Madam Chair asked if Ms. Pauline Cupp and Mr. Samuel Ambrose are here for the challenge.

Mr. Barron announced that challengers were not present and both rescinded their challenges.

Chairwoman Woolard responded the BRE will proceed with the hearing and make our own determination as you all know, the burden of proving the challenge falls on the challengers so to initiate this process and not show up for the Special Called Meeting to me is an indication that we can move forward in dismissing this or whatever action the board might care to take. And I'm open for comment at this point.

According to the law, I am not a lawyer, so please correct me. Once we've made whatever determination we choose to make if they disagree with our determination, they can appeal that decision in superior court. I don't know if the law addresses whether they're able to come back with the same list and re-challenged. I would think that they would have to challenge our determination first, right. That's when they would have to go to court to challenge our decision on each and every one of these that they would care to bring back. And then whatever the court says we do is we would handle it

Mr. Johnson asked the process for citizen or voter. What's the process to begin to be able to even challenge someone?

Mr. Barron replied anyone can challenge a voter, with no reasoning or limitation in number
Revision to Code Section 21-2-229
Revision to Code Section 21-2-230

Attorney Ringer responded that the challenger is relying on the NCOA.

Mr. Johnson ask what is NCOA?

Attorney Ringer responded National Change of Address

Mr. Johnson asked if that was something the Secretary of State (SOS) uses

Attorney Ringer responded yes and will allow Ms. Smith to expound

Ms. Smith added:

Pursuant to 21-2-233. The National change of address process is a process the Secretary of State's office is allowed to do what they take the official list of electors, and they compare it to the United States Post Office change of address. And that process actually ran back in 2020. And it's a process like I said they compare the elector's addresses if it is changed. If it appears that the address has changed, have an elector who has moved to a different address within the county that they are presently registered. The list of electors shall be changed to reflect the new address and the electors shall be sent notice of the change by forwardable mail to their old address. If it appears that the Elector has moved outside of the county where they are presently registered, they will receive a confirmation notice and that's the confirmation notices that were sent out was a huge chunk back in December 2020. They receive a confirmation notice to the old address.

Mr. Johnson asked do the challengers are using a list that the Secretary of State's office is already using in order to check addresses and to update voter's status

Ms. Smith answered the VR Division went through the list to see exactly what the voter's status was and about half of the voter's statuses were already in either inactive NCOA or an inactive no contact type of status, but the majority of them are inactive NGOs.

Dr. Ruth asked so a number of the voters that were a part of this challenger's list? I think, Mr. Johnson brings up a good point that this is something that will probably be reoccurring, and it's incumbent on us to cross check those challenges with what the Secretary of State list. Mrs. Ringer is it possible to make that known to the challenger?

Attorney Ringer responded the challenger is already aware because their getting a list from SOS

Mr. Barron mentioned another mechanism for ensuring voter's roll are as accurate as possible. Electronic Registration Information Center (**ERIC**) utilized by 29 states plus Washington DC

Mr. Barron stated, I don't think we can be positive on these lists by what is matched because we don't have for example, the last four digits of the social security number or any sort of birth date or anything like that, to match against the person that is in another state. The DRE have the names and no identifying information to really make a determination

100% elimination on anybody that's where I would be hesitant to remove someone unless we had more information. When voters are removed there are multiple layers they can match a person against and in this case we aren't getting that luxury to make our determination.

Attorney Ringer provided clarity, the list in front of the board. It's not a list that your staff created. This is what the challenger sent to the DRE.

Mr. Barron responded yes.

Attorney Ringer added that the DRE have an issue with trying to verify what the challenger sent.

Mrs. Crawford asked do we normally get lists like this that are done by House Districts?

Chairwoman Woolard emphasized for the public that might be watching that the burden is on the challenger. To prove to us that there is a problem with the voters. It is not up to us to go find birthdates, track people down, and do all that they have to bring us the evidence that makes it clear that there's something we can do beyond what the Secretary of State's already set into motion.

Mr. Johnson shared a scenario that could jeopardize an elector and their right to vote with the information the challenger provided when multiple electors have similar information as someone in a different state.

Madam Chair

One of the things just given my background that I've been looking at is a lot of new law, most of which is untested in terms of its actual functionality, and that at some point, we should be working with other counties to bring forward process improvements because just so people know once we get the notification and it can come under the transom over the transom through the front door; however, it comes at that moment that starts the 10 days from which we have to have a hearing. Only make it really clear how much I appreciate the staff. You all are great you are in the process of trying to run an election in many jurisdictions, right on top of having to stop and do these things. On top of that, we're all volunteers. We all have jobs. We all have families and other responsibilities. I've been on this board for a month. This is my second special called meeting I doubt it'll be my last one for the month. And I don't mind doing the duty but I do mind. Having to listen to things that are not fully baked and receive notification in the middle of the night from the challengers that they don't want to come down. Well, that's not on them. They've now started the clock and we are now responding to that. So again, I want to thank the staff and I want to thank you all members of the board because we all had to mobilize very quickly we are meeting in this room, because one of the challenges we had was to find a room where we could be videotaped and everything so that we could do what we needed to do to fulfill our part of the law and the other room isn't available to us. So it is not easy to thread the needle on the 10 day clock on top of making the notification once we could figure out where we could even hold the meeting in that time frame. So all that is to say one things I would ask the staff to do is to work with us to think about very specific process improvements. In my mind these challenges should start with the Secretary of State's office. They should be wonderful if the secretary of state determines that all of these people are already on the list, and everybody's cognizant of where they are and the clock is started on that. Then me that's where the buck should stop for every county and then anything else that needs to flow through as a challenge that isn't currently being addressed through the Secretary of State's process will become something that we need to take action on. This is putting a burden on us. Right? There's not a burden on the challenge or this is a burden on us and it's time and money spent with our staff to try to get this done. So I'm I am hopeful that we will continue to be mindful of that and it is my goal by the next session to you know, to have a list, even if it's one or two things that we can continue to put forward. That will help us make this a smoother process or otherwise we'll get around to the federal elections. Next year in particular and when you see these challenges come forward, it will make it very difficult to run elections as smoothly as our intent.

Mr. Barron mentioned in the future there could be multiple 10 day clocks.

Madam Chair

Again, to me the solution is it starts in the Secretary of State's office gets resolved if people are already on a list for removal or being inactive then if that is a legitimate challenge that needs to come forward that has all of the required documentation that would let us make a decision. You know, you said you know a birth date a social security number, some other indication because regardless if somebody sends us a list like this, the determination will always be the same. We don't have the information we need to be able to reach out to remove somebody reliably from the list. So it's almost a failure completely.

Chairwoman Woolard entertained a motion to deny Ms. Pauline's Cupp's challenge. The motion was made by Mr. Johnson, seconded by Mrs. Crawford and carried by a unanimous vote of 4-0.

Chairwoman Woolard entertained a motion to reject Mr. Ambrose's challenge. The motion was made by Mrs. Crawford, seconded by Mr. Johnson and carried by a unanimous vote of 4-0.

ADJOURNMENT

With no other items requiring the Board's action, **Madam Chair entertained a motion to adjourn. Mr. Johnson moved to adjourn the meeting. Mrs. Crawford seconded the motion.** Collectively, the Board agreed to adjourn at 9:29 a.m.

The meeting adjourned.

Prepared by,

Mariska Bodison, Board Secretary