



APPROVED MINUTES

BOARD OF REGISTRATION AND ELECTIONS REGULAR MEETING – MAY 13, 2021

The Fulton County Board of Registration and Elections met in Regular Session on Thursday, May 13, 2021 at 10:00 a.m.

VIRTUAL MEETING

**Please join the meeting from your computer, tablet or smartphone.
FGTV YouTube Channel**

<https://www.youtube.com/channel/UCYH7E0jH6HxE-3KTRiuH8SQ>

Presiding: Mr. Alex Wan, Chairman

Other Board Members Present:

Ms. Vernetta Keith Nuriddin, Vice Chairperson
Mr. Mark Wingate
Mr. Aaron V. Johnson
Dr. Kathleen Ruth

Staff Attending: Mr. Richard Barron, Director; Mr. Ralph Jones, Registration Chief; Ms. Nadine E. Williams, Elections Chief; Ms. Sharon Benjamin, Deputy Elections Chief; Ms. Brenda McCloud, Administrative Manager; Ms. Breauna Jenkins, Administrative Coordinator I; Mrs. Cheryl Ringer, County Attorney; Mr. David Lowman, County Attorney; Mr. James Reese, Production Manager; Mr. Rico Dollar, Senior Graphics Designer, Jessica Corbitt, PIO and Director of External Affairs

Guest Attending: Bridget Thorne, Mr. Nance

Chairperson Wan announced that this teleconferenced meeting is authorized pursuant to §50-14-1(g) of the Official Code of Georgia because of the Public Health State of Emergency declared by Governor Kemp on March 14, 2020, and renewed through June 29, 2021, pursuant to which public meeting spaces in state and local Government have been closed due to COVID-19, and because means have been afforded for the public to have simultaneous access to this teleconference.

#1– APPROVAL OF AGENDA

Chairman Wan entertained a motion to adopt the agenda. The motion was made by Vice Chair Nuriddin, seconded by Mr. Johnson and carried by a unanimous vote of 5-0.

#2– COMMUNICATIONS AND PUBLIC RESPONSE

Bridget Thorne

We have just finished a contentious election cycle. The Fulton County Supervisor of Elections was fired in a bipartisan vote by this nonpartisan board and then fine was overturned by the Board of Commissioners. Now a board member Mr. Aaron Johnson is working and paid by an elected official. He's serving as Nikema Williams, District Director on the outside

employment by an elected official could be looked at as a reward by that elected official and or it could be a way of gaining influence in the election process. As a member of this board, Mr. Johnson is in a position of authority over elections that could benefit his employer, either directly or indirectly. For instance, as a board member, would you have influence to make sure you get one of those eight drop boxes placed in your employer's district? Would a board member have influence with Richard Barron's office? Did Mr. Johnson vote to not terminate Mr. Barron simply to maintain influence for himself and NiKema? I am no way accusing Mr. Johnson of malfeasance, but it cast doubt that he can effectively and objectively make decisions as a member of this board while being paid by an elected official. This is a direct conflict of interest and counts more doubt on the integrity of the election process.

Mr. Nance agreed with Ms. Thorne comments.

OLD BUSINESS

#3- APPROVAL OF MINUTES

Chairman Wan informed the Board and Board Secretary of an error on page 13 of the meeting minutes. **Chairman** was credited for a passage that should be credited to **Dr. Ruth**.

- Regular Meeting- April 15, 2021

Chairman Wan entertained a motion to amend the minutes from April 15, 2021. The motion was made by Mr. Johnson, seconded by Vice Chair Nuriddin and carried by a unanimous vote of 5-0.

- Executive Session Meeting- April 15, 2021

Chairman Wan apologized for not providing the executive session notes. **Chairman** decided to move this item to the next meeting and ensured other members of receipt of notes prior to the June meeting. Again, Chairman apologized for missing that protocol.

#4- MONTHLY OPERATIONS REPORT FOR APRIL 2021

Mr. Barron reported:

- Municipalities' Packets was distributed, packets that included:
 - Projected budget proposals
 - Advanced voting locations
 - Timelines of documentation due dates
- ESPLOST revision to the budget of City of Atlanta and Fulton County School Board
- Polling locations have been contacted for the General Municipal
- **SB 202** reduce the amount of drop boxes countywide (map in packet)
- Curriculum for Poll worker
- Virtual demo by KnowInk to use the Poll Pads to assist with payroll
- **SB 202** made Mobile voting obsolete, **VEO** will utilize for Education and Outreach
- A legal hold remains on the **DRE** voting units from the April 18, 2017 and June 20, 2017 6th Congressional Special Election and Runoff Special Election (**Relocated to offsite facility**)
- Total voter registration applications received in 2021: **32,835**
- **6,751** voter registration applications received in February
- As of March 1st, **859,902**(822,491 active and 37,311 inactive) registered voters reside in Fulton County
- Total New Applications: **4,221**
- Felon Hearings: **0**
- Felon Letters Mailed:**255**
- **555** randomly selected AMB envelopes for UGA Researchers Audit Match

- Administration maintaining expenditures from Grant Funds and County Budgets
 - 2021 Processing Invoices
 - Budgeting Grant Funds
- Weekly meetings with various Departments
- Campaign Contributions and Late and non-Filers Reports were filed
- Personnel Vacancy: VEO Manager, Deputy Director
 - VEO Manager- Pending BOC approval

Mr. Wingate requested clarity on the statistics of transfers out of state (five in 2020 and sixteen in 2021)

Mr. Barron mentioned Georgia is a part of **ERIC** (Electronic Registration Information Center). **Mr. Barron** deferred to **Mr. Jones** to provided clarity.

Mr. Jones greeted the Board

ERIC:

Each member state receives reports that show voters who have moved within their state, voters who have moved out of state, voters who have died, duplicate registrations in the same state and individuals who are potentially eligible to vote but are not yet registered.

Georgia began using **ERIC** when **HB 316** was passed, currently used by 30 states and Washington, DC

Mr. Jones informed the BRE that several states do not subscribe to **ERIC**. The Secretary of State (SOS) now is putting some procedures in place for the communication between the states you should see that number grow more.

Mr. Wingate inquired about the use of NCOA (**National Change of Address**) and why NCOAs were not run during 2020

Mr. Barron mentioned that once the NCOAs run, the voters roll will reduce by 30-40,000

Mr. Jones mentioned a statute that only allows SOS to run during a certain time, because in the even years, there's a statute that prohibited from running NCOAs during a mayor election year. The NCOA process actually changes the voter statuses, if a person does not respond to a confirmation letter, their status can be removed from active to inactive.

Mr. Jones mentioned contacting SOS with regards to when they would complete the NCOAs in order for counties to complete their duties.

Mr. Jones agreed with **Mr. Barron** that NCOAs are ran in odd number years

Mr. Barron informed the Board will run a no activity and NCOA. The DRE will see a large number coming off at some point this year. **Mr. Barron** explained that the DRE has not received notification that the NCOAs will be ran

Mr. Wingate asked will ERIC replace NCOAs

Mr. Jones responded that the DRE has not received guidance on that but he believes the tools will work together.

Mr. Johnson inquired about the voter's file sent to the Municipalities and the reasoning was to ensure addresses are accurate not actual voters?

Mr. Jones explained that Municipalities were asked to provide any information that they can give the DRE to clean their files. The file is provided to the Cities and the cities return the edited version for Voter Registration to update.

Mr. Johnson inquired about double voting and the safe guards are in place

Mr. Jones responded in June, we had a lot of new poll workers and they might not have done their due diligence at that time.

Mr. Johnson requested a report of the results on double voting

Mr. Jones responded as soon as the DRE knows more the BRE will be informed.

Dr. Ruth inquired about double voting in January

Mr. Jones responded the SOS provided a list and it was about 20 voters that the DRE is required to investigate

Dr. Ruth inquired about the UGA audit results and the expected date of availability to the BRE

Mr. Jones answered that the DRE is waiting on the SOS to provide a report.

Dr. Ruth asked about the revamping of poll workers training. Have you thought about hiring a curriculum writer?

Mr. Barron answered the DRE will consult with the selected vendor on that currently we're working on the aspects of training that the DRE know that can be changed. Although, the DRE will need more direction on SB 202. The DRE intend to get some volunteer poll workers to go through some of what the DRE rewrite and evaluate the materials. The DRE may do some sample trainings as well.

Dr. Ruth directed **Mr. Barron** to keep the Board apprised of the poll worker training

Chairman Wan inquired about an inquiry **Mr. Wingate** mentioned in reference to a budget item for Happy Faces of a \$7.8 Million request

Mr. Barron explained

That is a not to exceed amount, and that includes a not to exceed for the entire year. And that will be for expenses that the DRE is currently incurring, for supplemental staff on board as well as the November and the December elections. So once per year, we go to the BOC and we ask for a not to exceed amount. And they authorize a certain amount of spending that we can have through that vendor. Happy Faces is a state contract vendor. The Purchasing Department goes through and they will evaluate some of the other vendors that are on the state contract, most don't have the ability to supply the number of workers that we need.

Mr. Wingate inquired about the request being tabled

Mr. Barron responded yes

Mr. Wingate asked of the proposed amount of \$7.8M what period will this be used for

Mr. Barron responded 2021, the municipal election and supplemental staff that we have on board right now.

Chairman Wan moved on to the additional item **Mr. Wingate** with regards to the consultant agreement of the RFP. **Chairman** asked who is deemed project manager from the county and who the final deliverable is given to at the end.

Mr. Barron responded that he will be responsible for that. Mr. Barron noted both the Director and the Deputy Director will work with the consultant on that making sure that the final deliverables are completed for that project.

Chairman Wan inquired about the structure in the three phases, noting organizational structure and staffing wasn't first phase.

Mr. Barron phases were switched to ensure the consultant had a good understanding of processes before changing the structure of the department.

Mr. Barron mentioned once the RFP is awarded, an action item will be maintained on the agenda to review

Chairman Wan suggested

- Impact that can change along the way, including SB 202
- Work product that comes out of this consultants
- Reported into your monthly report, but
- Instead just showing us the Gantt chart,
- highlighting those areas that are being updated
 - no longer on track
 - change the timeline
 - impacted by the findings of SB 202

Mr. Barron informed the Board they will be given access to the AchieveIT and documents necessary uploaded for the BRE review.

Dr. Ruth inquired about the completion of the all of the deliverables from the RFP is April 2022. Is there a timeline for phase one?

Mr. Barron responded phase one will definitely be before the November election and the DRE will be working on phase two at that point.

Dr. Ruth encouraged the DRE before publishing the RFP to add completion dates for each of the phases. It doesn't allow you a lot of time to implement those recommendations that are made by the vendor

Mr. Barron explained the reason the DRE didn't put specific timelines in there for each one of the phases right now is because once the vendor is chosen, we wanted to sit down with the vendor, have them review what we want to do, and then try to have them give us some advice on how long they think it will take each one of them to go through each one of these items. Mr. Barron explained that he will speak with Felicia Strong-Whitaker (Purchasing Director) after this meeting and see if we can put at least some rough deadlines in the phases.

Dr. Ruth noted, even if they're rough, they can still be negotiated as you talk with the vendors and receive their proposals.

Mr. Wingate asked about projections and timeframes that Dr. Ruth pointed out for 2022. Based on that the April 2022 timeline, regardless of what transpired in terms of the project, does that have to be an end date to those activities.

Mr. Barron explained the May General Primary, is the reason the DRE selected April as an end date. Although, Purchasing Director mentioned that the DRE could negotiate an extensions.

Chairman Wan acknowledged **Mr. Wingate** request to receive updates on in Open Records Request

Chairman Wan suggested building in this process, to trace and track when we get specific inquiries. I think for transparency but then just so that the Board is aware. I'm hoping this new procedure will catch that

Secretary Bodison mentioned that for future open records request that information will be provided in the monthly report.

Mr. Johnson inquired about the county attorney's office having an open records request division or an attorney that's responsible for open requests, making sure that various departments are in compliance?

Secretary Bodison responded that is correct.

#5-BYLAWS AMENDMENT

Chairman Wan acknowledged **Mr. Wingate** requested item for discussion

Mr. Wingate requested to discuss which bylaws were changed

Mr. Wingate reiterated his concerns regarding conflicts and mentioned Dr. Ruth's suggestion on inserting a section into our bylaws that more explicitly discusses what constitutes as conflicts of interests.

Attorney Lowman responded that Attorney Ringer is working on that language that will move on track along with the actual code of ethics. And we can have further discussion in executive session today, if needed.

NEW BUSINESS

#6- APPROVAL TO REMOVE REGISTERED VOTERS WITH NON-RESIDENTIAL ADDRESSES

Mr. Jones informed the Board that during the DRE's discovered that voter's that are registered at post office boxes. Voters must register at a residential address not the post office mailboxes. The DRE mailed 1280 letters and 65 voters have updated their registration. Our recommendation is that we will remove 1215 voters from the roll due to not having a residence address. That will be our recommendation for the board

Mr. Wingate inquired about the address being valid

Mr. Jones answered that the address is valid; however, it belongs to an address that is not residential

Mr. Barron mentioned these are real voters registered at businesses such as U.S.P.S mailboxes.

Chairman Wan asked once the voter is removed, can they contact the DRE to discuss possible error

Mr. Jones answered yes.

Chairman Wan entertained a motion to approve the removal of registered voters with non-residential addresses. The motion was made by Mr. Wingate, seconded by Dr. Ruth and carried by a unanimous vote of 5-0.

#7- LIST MAINTENANCE AUDIT

Chairman Wan acknowledged Mr. Wingate requested item for discussion

Mr. Wingate

The discussion we've had, we can move on. I think that we've probably hit that, as much as we can at this stage. But again, I will just reiterate, just making sure that all of the list management functions we have are properly evaluated in its process and procedures

Chairman Wan entertained a motion to close the regular session and convene into executive session to discuss Pending Litigation. The motion was made by Mr. Wingate, seconded by Vice Chair Nuriddin and carried by a unanimous vote of 5-0.

Dr. Ruth delayed in returning.

After executive session, **Chairman Wan entertained a motion to resume into regular session. The motion was made by Mr. Johnson, seconded by Mr. Wingate and carried by a unanimous vote of 4-0.**

The Board took a few moments to discuss the upcoming meetings and whether those meetings will be held in-person or remain virtual.

Chairman Wan entertained a motion to approve the proposed meetings be held virtual in June and in-person in July. The motion was made by Mr. Wingate, seconded by Vice Chair Nuriddin and carried by a unanimous vote of 5-0.

ADJOURNMENT

With no other items requiring the Board's action, **Chairman Wan entertained a motion to adjourn. Mr. Johnson moved to adjourn the meeting. Mr. Wingate seconded the motion.** Collectively, the Board agreed to adjourn at 11:50 a.m.

The meeting adjourned.

Prepared by,

Mariska Bodison, Board Secretary