



APPROVED MINUTES

BOARD OF REGISTRATION AND ELECTIONS REGULAR MEETING – APRIL 15, 2021

The Fulton County Board of Registration and Elections met in Regular Session on Thursday, April 15, 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-3KTRluH8SQ>

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; Mrs. Pamela Coman, Registration Manager; Ms. Brenda McCloud, Administrative Manager; Ms. Breauana 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; Regina Waller, Senior Public Affairs Officer

Commissioner(s): Commissioner Hausmann

County Personnel: Michael O'Connor

Guest Attending: Bridget Thorne, David Ross (Democratic Party of Georgia), Gail McCown, Emma Hurt (WABE), Aileen Nakamura (Coalition for Good Governance), Marilyn Marks (Coalition for Good Governance), Melissa Runyan

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 April 30, 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 approve the agenda. The motion was made by Vice Chair Nuriddin, seconded by Dr. Ruth and carried by a unanimous vote of 5-0.

#2– COMMUNICATIONS AND PUBLIC RESPONSE

Bridget Thorne expressed supporting Senate Bill (SB) 202. **Ms. Thorne** continued to convey strong opinions about leadership and the 2020 elections.

Ben Howard commented:

"My comments we leave my comments relate to your agenda, your bylaws and your motto. Please consult with your parliamentarian about the difference between old business and unfinished business. For the sake of full transparency, item seven on your agenda, your agenda should be expanded rather than compressed or disputed for each amendment or to be published. So the public will know what the intent is for each of those proposed amendments. A link to the bylaws of the board of registration and elections ought to be housed on the BRE website, as does the Fulton County Commission on elder affairs. Regarding the motto, a motto has been defined as the general motivation or intention of an individual family, social group, organization, you say, because we can we so I've come to ask that you become motivated enough and caring enough to go out into the community virtually these days, and share with the community as much information as you can about what goes on with the elections and voting on related matters in Fulton County, as does board member, Aaron Johnson. Have a blessed day."

Marilyn Marks commented:

"I'm director of Coalition for good governance. Well, a rundown of SB 202 would require hours to cover and we've got a two minute limit. I've picked what I think is the most important topic for assuring fair and transparent elections in Georgia. And that is for this board to be well prepared to defend against any attempted takeover of its elections by Secretary Raffensperger and the State Election Board. He has made no secret of the fact that his desire is to control the Fulton board of elections. We at the Coalition for Good Governance are very concerned about these takeover provisions. And the loss of transparent and fair lunch would occur if there were such a state takeover, which we believe can happen extremely fast. As I wrote you this morning in my email, and I urge you all to read it. This is a takeover could happen very rapidly. But the first step is to protect these public meetings and the transparency of elections. That happens because this bipartisan board is in place. I think it's urgent for this board to take action to obtain personal insurance policies paid for by the county so that they will have access to legal advice, not having to take money out of their own pockets to do it. In the event that the Secretary in the state election board attempts to take over the election board, SB 202 does not permit the county to cover the legal expenses of this board. So on that note, I would just urge that the board take this action so that you all can stay in place continuing to protect the transparent in the transparency of the elections and the protection of the voters in Fulton"

Aileen Nakamura commented:

"My first comment is that given the passage of SB202, it is crucial that this Board obtain insurance as soon as possible so you can get legal representation should the Fulton BRE be "taken over" by the State Election Board. As a Fulton resident who volunteers most of my time on election integrity, I am keenly aware that the notion that Fulton's Board will be taken over is not one of "if", but one of "when."

Marilyn Marks from the Coalition for Good Governance has emailed you with more information, but what terrifies me as a Fulton voter is that the state can now take over the five members of this BRE, with ONE PERSON who may or may not know anything about the needs of our county, nor have the best interest of us Fulton voters in mind. I feel it's imperative that WHEN the state takes over, you, as suspended Board members, will have the ability to get legal counsel without having to do so out of your own pocket. So PLEASE, vote TODAY to obtain insurance for yourselves.

My second comment, which I feel is equally important, is that as you are revising the BRE By-Laws, please insert language to require that meeting documents, such as the packet that is sent to BRE members before each meeting, be posted on the Fulton Elections website.

Especially in light of the fact that we have no idea how meetings will be run should the BRE get taken over, citizen oversight and transparency will be of paramount importance, and the only way we can guarantee that we have access to information is if the by-laws state that information be available to the public.

While virtual meetings have allowed all of us to see presentations online, should we return to in-person meetings, I remember sitting at every in-person BRE meeting having no idea what reports or documents the BRE members are looking at and discussing. I ask that the BRE packet be posted on the Fulton website BEFORE each BRE meeting, so that we, as active observers, can follow along when the Board discusses things such as which polls will change or what the operating budget is."

OLD BUSINESS

#3- APPROVAL OF MINUTES

- **Executive Session Meeting- February 11, 2021**
- **Regular Meeting- March 11, 2021**

Chairman Wan entertained a motion to approve the Executive Session and the Regular meeting minutes. The motion was made by Vice Chair Nuriddin, seconded by Mr. Johnson and carried by a unanimous vote of 5-0.

➤ **Special Meeting- March 30, 2021**

Chairman Wan made a motion to amend the reasons for convening into Executive Session was for litigation matters not personnel matters on March 30, 2021. The motion was made by Chairman Wan, seconded by Mr. Johnson and carried by a unanimous vote of 5-0.

Chairman Wan made a motion to approve the Executive Session minutes as amended. The motion was made by Chair Wan, seconded by Mr. Johnson and carried by a unanimous vote of 5-0.

#4- MONTHLY OPERATIONS REPORT FOR MARCH 2021

- The General Election is Countywide Election due to TSPLOST
- DRE will petition the court on City of Atlanta mandated time for closing polls at 8pm
- Municipalities' cost set based on a 2019 Resolution 9 by the BOC
- Rate per registered voter:
 - General Elections **\$2.96**
 - Runoff Elections **\$2.46**
 - Rates are too low due to the increased cost
- 2-Additional Check-In Centers added for future elections
- Inventory Systems pending
- Reorganizing Poll worker recruitment & training
- **SB 202** Impacts- Review in item #9
- 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: **26,084**
- **8,146** voter registration applications received in March
- As of April 1st, **859,594** (822,206 active and 37,388 inactive) registered voters reside in Fulton County
- Total New Applications: **15,122**
- Felon Hearings: **0**
- Felon Letters Mailed:**255**
- Street Audits identified Non-Residential Address: **1,280** sent letters to be removed
- Registration Division mailed letters to voters using nonresidential addresses
 - Voters are scheduled to join the BRE meeting for hearing
- SOS and University of Georgia are completing an audit of signature matches statewide
 - 557 ABM envelopes
- Administration maintaining expenditures from Grant Funds and County Budgets
 - 2021 Processing Invoices
 - Budgeting Grant Funds
- Weekly meetings with various Departments
- Ongoing Audit of the Department
- Personnel Matters:
 - Axiver Harris hired as Elections Officer
 - Pamela Coman resigned

Mr. Wingate asked does **SB 202** have a provision that actually puts together a time period for all elections to be uniform, and that is 7am to 7pm instead of 8pm in City of Atlanta

Mr. Barron responded that provision is only for early voting, early voting hours have to be open a minimum of 9am-5pm, and then they can be open a maximum of 7am to 7pm. There's a provision in the law that allows for any city with over 300,000 registered voters holding an election on Election Day, must stay open from 7am to 8pm.

Dr. Ruth

I'm happy to hear about the RFP bringing in a consultant to review internal protocols. Can you tell us the length of time for that consultant? What's the timeline for their assessment? And I would also love to be able to see the RFP

Mr. Barron

As soon as we get the final language ready, we'll send that up to the Board; possibly next week. And we're going to we're proposing that it be done in several phases and probably run through the end of February' for some phases to be completed before the November election. With a completion date in place for the May 2022, General primary.

Dr. Ruth asked will it also include looking at the logistic protocol

Mr. Barron responded yes, we're writing it so that they will look at every process in the department.

Mr. Johnson

First off, congratulations to Pam, we will truly miss you and very excited for you to have this new opportunity. Second, the drop boxes that are going to be removed, what is going to happen to them, and I guess we'll store them in our warehouse for the time being.

Mr. Barron

And then then we're going have to decide where best to place those eight. Since the County is 75 mile long, we're going to distribute them in an evenly throughout the county. I think we'll use the Government Center and our two annexes and then we'll choose five other locations.

Vice Chair Nuriddin

Some years back, we had a push back from Fulton County Board of Education, they wanted to kick us out of their schools. Do you think we're going to have get any resistance by adding these elementary schools back

Mr. Barron responded **Ms. Williams** spoke with them to add the for those schools as Check-In location on Election night

Vice Chair Nuriddin

And also, you said something about the drop boxes can only be inside the polls now. And I wonder if you were going to consult with the board of registration and elections, prior to deciding where you're going to put those polls? What's going to happen with that process? And you may not know this, right, because we're kind of in uncharted territory. But what if the BOC disagrees with that recommendation for polls? You think that's the legal question or?

Mr. Barron

The Board of Registration and Elections has the authority over the polls and then with regard to where we're going to put the drop boxes. The plan is to bring those recommendations to the BRE in order to have the Board approve the eight drop boxes. The locations when we had 38, I think it was 90% of the voters were within three miles of a Dropbox. Decreasing that to eight over 75 mile long county is going to be tricky where we place those, and they're only going to be accessible during early voting hours. So we've got to find the right places for each box. We'll probably consult with the Stakeholder groups in the community before and then we'll bring those recommendations to the board to approve.

Mr. Wingate inquired about the each Commission District having at least one drop box

Mr. Barron answered yes

Vice Chair Nuriddin

I do appreciate all the work your team has done. And I wanted to say, congratulations to Axiver, and to Johnny as well as to Pamela. And all those that are moving up, or getting a different position. So I was just really wondering about the municipal costs did you say you were going to meet with all the municipalities

Mr. Barron

We've sent them out three information packets already. And Nadine Williams can give you the details. But we have done surveys, we've asked them what races they have and if they have any ballot language. We've also given timelines and the

cost of what the election. We communicate with the City Clerk's who then take that information to their council member and Mayor.

Chairman Wan

Questions on the first one has to do with the possible double voting, those numbers? I don't have a point of reference as to whether those are higher or in line with normal elections. I'm assuming they're higher?

Mr. Barron

I think they are, they're actually much higher. Some of these could be clerical errors. So Ralph's team right now is researching all of those.

Chairman Wan directed **Mr. Barron** to follow-up with Board of the department's findings to the Secretary of State's Office (SOS). Secondly, Chairman requested the timeframe for the 2021 Audit and when will the report be available.

Ms. McCloud explained that no timeframe was provided, the audit will be ongoing until further notice

Vice Chair Nuriddin

You said that it was higher, I just wanted you to elaborate on what you were saying when Chairman Wan asked you about double voting. I think it's higher than normal? Because I don't remember seeing numbers since I've been here. I don't remember seeing any report. So are you saying double voting is normal?

Mr. Barron

We've never seen numbers come to us from the Secretary of State on double voting before. His question was he wanted frame of reference as to whether this was consistent with the past? Or if it's abnormal, and I would say this is abnormal.

Chairman Wan

You mentioned a number of changes that you are planning on for the Absentee Division part of your operations, including having to post the position and getting Board of Commissioners' approval on all those different pieces that they have authority over. If all goes well, when do you anticipate the changes being implemented in terms of having a new person in place and all those personnel shifts? Is that a three month or six month process?

Mr. Barron

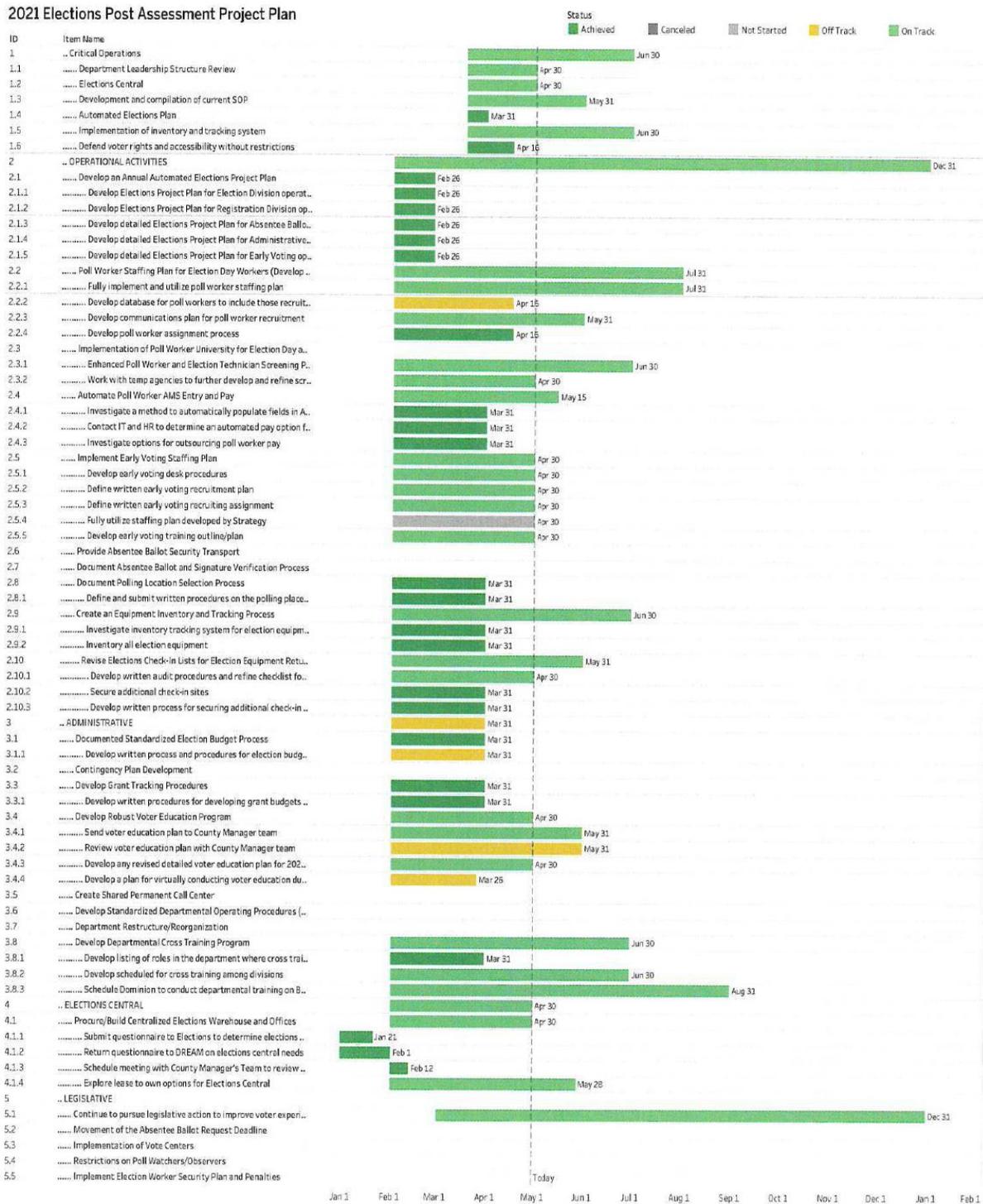
I would say it's probably at this point, because the PDQs have all been completed and submitted to Human Resources, I would say closer to a three month process. In 2019 BOC approved 13 new positions for us and we were able to post and hire all those positions within six weeks. The staffs really good about getting through the list of qualified candidates, getting interviews scheduled and getting that process done quickly.

Ms. Williams

The only comment I have is that regarding the location of the new polling sites. We are working with the schools to make Election Day a Teacher's work day. But we're avoiding schools as much as possible.

#5- POST-ELECTION ASSESSMENT UPDATE

2021 Elections Post Assessment Project Plan



Mr. Wingate

Before we move on from there, is there any individual or body that has the responsibility to verify the completion of these activities as so described here?

Mr. Barron

The best way to go through this in depth for the board would be to have a work session. And that way we can, we can, you can be apprised of who in more in depth, who is assigned each one of these duties, who's assigned to do it. And we can give you more details on each one of these plans, because I think it would probably take a full meetings length, just to go through each one of these items. And so I think that might be the best way to go. Is to schedule a work session for the board and key staff to go through this.

Chairman Wan

So I have a question on this chart itself, though, lines that have no bars on them. So for example, 2.3, 2.6 and 2.7. What's the reason for that?

Mr. Barron

That has been impacted by Senate Bill 202, our procedures are going to be rewritten for these two items. The signature verification process has essentially been eliminated and it's going to be a different process. The ballot security transport, those procedures are going to change. And the implementation of poll worker University for Election Day is on hold. We will add a date on that in the near future and then get started on it.

Chairman Wan

I really like this a lot. I guess it's a really easily digestible way of saying of what the tasks are projects are if we're on track or not. And I would suggest, in addition to a potential work session is that we write this into your monthly report. And, we'll see that dashed line moving down the path with each subsequent board meeting and we can see the ones where, if the deadlines are missed or not, or if they start flipping to off track, will be aware of it as part of your monthly report.

Mr. Wingate

Just to your comment, Chairman, what this Gantt chart represents is a, an itemized listing of those activities with an end date that is proposed. It is not a tracking type of instrument. So what is the proposal as you have laid out to us that verifies the tracking of progress to each of these activities?

Chairman Wan

I think that goes back to the suggestion of the work session, I think, if we can take a deeper dive into exactly what each one of these components are. And then I think at that point, we can kind of discuss, um, I liked your question about verification of completion. Just because it's presented to us in a chart doesn't necessarily mean it's done. So I think that's something that we can, once we get into be able to start dissecting this in more detail, let's figure out what those checkpoints and monitoring pieces. And again, I'm following up from the last meeting the satisfaction survey information that someone will be raffling for a little more detail and background

Mr. Barron

There were four 4803 voters that were surveyed. 2769 of those were for the November election, and 1983 of those work for from the January election and 51 people filled out the survey for the December election.

Chairman Wan

There were additional questions about where in the county those data points came from? I think that would be somewhat informative and enlightening

Mr. Barron

I can get all the data points from Bridgette Bailey. I think that I can get all of the surveys in detail if you'd like to see them. And then I believe that the locations of those will be stamped on there

Mr. Wingate

Follow-up item from last meeting. I want to acknowledge that that ask was out there. And I do think some of the information and questions that the board members and the public made on that, to the extent that we can make sure we get responses or the data requested

Dr. Ruth

I think it's really important if we have an overview. I mean, not just submitting numbers, but a real overview of the assessment is really important with those demographics, that demographic information would be really helpful. I did want to mention with the dashboard, I don't see any comments around training

Mr. Barron

That's part of the implementation of the poll worker University, which is the item that doesn't have a deadline on it right now. But Nadine has given personnel direction on what to do with regard to developing the poll worker training plan going forward. And she's on here, so she can give you the details on that. But that is going to be something that we will we will add to item 2.3.

Ms. Williams

We have conducted a roundtable with the poll managers and have received all of their input to what they want, what they need and what we need to revamp and training. So we are waiting for also for the SB 202 guidelines to come out as well. And once all that is done, we're going to completely revamp all the curriculums for training.

Mr. Barron

The Secretary of State's office indicated to us I think it was last week that they would have all of their interpretation of Senate Bill 202, completed in a couple of months.

Dr. Ruth

I would just recommend that within that, as you all revamp the training, I think it's really important that we also put a put some focus on developing a more robust evaluation of the training to ensure that learners are obtaining the necessary skills and materials and knowledge that are needed to successfully run the polls.

Mr. Barron

So, going forward to we're going to have to, we're going to be demanding more of the poll workers because of some of the provisions in SB 202. So it's going to be important for us, to lengthen the training. We're going to the Commissioners to request an increase to poll worker's pay, to increase the stipend for poll worker training; especially with the poll managers due to the demands of the deadlines that are in SB 202. And so it's going to be important for us to make sure that we compensate poll workers for the increased training that we're going to they're going to have to undergo, and I think the increased demands on their time. In addition, one of the items is that we can now hire poll workers from adjacent counties. So I think there may be some competition out there with regard to pay between the counties on who can attract the better poll workers with pay. It's my understanding that it was sometime around 2008 was the last time poll worker pay was increased.

#6-Monthly Legal Update

- Litigation – Cheryl Ringer, David Lowman
- Open Records Requests – Mariska Bodison

Chairman Wan

This was off of feedback from the last meeting. The way I'm envisioning this is that we just want to make sure that we are aware of litigation that is before us the status of that, but any questions that we have any conversations that would impact legal strategy, or kind of the thought process, we need to make sure that we take that into Executive Session. But if I heard everyone correctly, I do think it is a good practice that there was this case there is this hearing, there was a hearing or there is a hearing coming up. Everything that is in the public realm already, I think this would be the placeholder to get an update on that. But again, I just want to make sure that we walk into this section with understanding of what should be taken into Executive Session versus what is discussed here. The same with open records requests, I think it is it is good or Freedom of Information Act request is just good for us to know what people are asking for. So that in case we get asked about it later, we're not surprised or blindsided by that. So that's the intent of adding this to kind of the monthly update and I don't know if anybody has any, just general thoughts on that, that those parameters before we hear from Mr. Lowman

Mr. Johnson

Would it make sense to do it in Executive Session just in case there are questions that come about, because as he starts to talk, it may generate legal questions, and then we would have to stop and jump into Executive Session? I'm totally fine with doing whatever the Board desires.

Chairman Wan

Well, here's another way we might be able to do it because I appreciate the sensitivity. Or maybe this is one of those things that is just included in our written report, just a listing an enumeration of the cases and the things in the status. And then from there, we can say, you know, what, these are the ones that board members would like to take into executive session that way. It's more just a list rather than a presentation. And we won't run the risk of, of what you're saying. And that way, I don't know how folks feel about that. But again, to accomplish this notion of, we want to know what's before us, without risking revealing any sort of legal strategy. In the interim, I don't know if Mr. Lowman or Miss Bodison want to say anything about that. Or if we can just table for this meeting, and they move into that new approach for the main meeting?

Attorney Lowman

This is David Lowman, I would like to go into Executive Session. There's a couple of things I would like to discuss with the board very briefly. So at that time, we can discuss any questions that the board might have at this time.

#7-BRE BYLAWS AMENDMENTS

- Amendment 1 & 2

Chairman Wan

Proposed Amendments:

- 1. to add language in Article five political activities, the proposed language was no board member may be employed by a political campaign or by the Office of an elected official.**

Mr. Wingate

My belief has is and will remain that for any of us, present and into the future, that makes the decision to take on a paying staff job for a political candidate, or an incumbent sitting legislator of some sort, that we just need to discuss the potential of conflict of interest that can or could arise from that particular situation. I will say clearly that if I were to ever, which I doubt that I will ever to take a position along the lines of any of the numerous people I know, that are holding political office, that if I was to be offered and accept a position on staff to be paid for that my one of my most immediate things that I would do is to send the appropriate letter to the appropriate parties, resigning from the Fulton County Board of Registration and Elections, because I would clearly personally not want to have any view of from any voter or anybody that I could potentially be compromised. So, that's my opinion and what I would do personally, and I put that out there for the board's consideration and discussion.

Mr. Johnson

I personally feel all this is directed towards me, as I have taken a position in a cold not in a political office and not in a candidate's office, but in a government office. And I think that there's a distinct line between the two. One of the things and just responding to what you just said, Mr. Wingate, I don't know if it's because it's paid or not. But when we talk about political activities, our bylaws currently state that the all board members shall comply with the limitations of political activities set forth in O.C.G.A, which prohibits their engagement

in any political activity on behalf of a candidate political party, or body or question while conducting the duties of such persons office. Now, if I'm not mistaken, you sir, are the district House District Chair for the Republican Party. So that could also calls into question and conflict. If you look at your bylaws from the Fulton County GOP, it specifically states that you are recruiting candidates to run for office. So in the entire time that you've been on the board, I don't think that you felt that you had a conflict or anybody else has had a conflict based on your position as the chairman of House District 49. Now also with me, there is a distinct difference between political activity and working on the government side. I think a lot of us know, the question is, is there a conflict? Do you feel like there's a conflict?

I understand, I think that the mere fact that I'm assigned by the Democratic Party, some members of the Republican Party may feel like there's a conflict of interest there. Some members are assigned by the Republican Party, people may feel like that's a conflict of interest as well, which is why we have a Chairperson that is done on a Non-Partisan basis. But if there's ever a question of conflict, I can always recuse myself from anything that this Board feels like maybe a conflict. One of the other things that I want to mention is the fact that this is not the first time there has been a member of our Board and a Chair of our Board that worked on the government side, and the way it was disposed of is to always recuse himself of working on or dealing with any issue that had a direct effect on the candidate on the knot candidate he worked for, but on the elected official he works for, and I think that there's a great difference between an elected official and a candidate there. Even our Bylaws talk about working under political activities, political activities, and government activities are totally different. And I think some of us who've worked on the government side understand that there are policies set in place so that people who work for elected officials are not a part of have their candidate side. And our by law stays the same. And I do believe that over the time that we've been on the board, you and I have voted probably 95% of the time, the same. And so my integrity, and my conflicts have never come into question before. Now I understand that there's some question now, and that's fine. However, I still hold myself up to the same standards that I did before January, you and I have voted even since January, pretty much the same most of the time, even though a lot of our votes have been administrative votes. But even on issues, if you look back at my record, on the entire time that I've been on this board, my vote has never been called into question. And I don't think that that will be the case, anytime, anytime in the future. So I know there's probably already a determination as to what it would be. But I do think that you should also contemplate what exactly does that mean. So if a person who is on the board works at a company, where the Vice President is an elected official in Fulton County, does that count? If I work for an insurance company that an elected official is on the Board? Does that count what counts as working for an elected official, because in your mind, and in this thought process is even though is not what it says on paper? Right now, it just is working for an elected official. So I think there needs to be clarity. Honestly, I feel like that all I have to do is recuse myself from any vote that came down to one particular elected official, however, I think you need to look at the big picture, and not just right now.

Mr. Wingate

I appreciate your comments, for a large part, I don't disagree with what you're saying. But let me, you know, to your comments, and for the record, my representation for nearly 30 years, the Fulton County Republican Party, you know, covers many duties, and obviously, and I don't hope, I would hope to think that you would disagree, is to render and gain support, for whomever in Fulton County, on the Republican side, is supported it, maybe you don't, but in a House District Chair, which I occupied, which I no longer do for HD49. those positions don't have any responsibility at all, for recruiting candidates, you know, the party officers, which includes the Chair, the first Vice Chair, and down through the various vice chairs and others, they have responsibility as being elected by the party at the full county party itself, to manage whatever affairs of that. And also in conducting any financial considerations, not House District chairs, the House District Chairs, as well as precinct chairs are in place. And frankly, were not so well, in a lot of cases made so that there can be then localization of support. And, but all of the all of the direction comes from the party officers. So I can assure you that in the time that I guess, a couple of years that I spent as an HD Chair up here in 49. That's what we did. We gathered support with candidates who were in fact, in running positions for whatever position, and there was never any payments or any type of pay, you know, any type of financial considerations for any of those people. As well as there is not even with the officers of these organizations, the Republican Party in the democratic Well, I don't know about the Democratic Party. But no, none of these, none of these are paid positions. And, again, I you know, I understand you believe that this was, you know, that I personally was picking on you. Well, I hate that you have that notion. I believe when that information came across, I believe to every board member back several months ago. I think it's a fair question to ask and as I stated earlier, just for the board to have discussion on I'm one board member, I have a view, but that doesn't constitute a majority, obviously. So I think with that, you know in by the very Words that you used, I think that's very good consideration for discussion. If there is not going to be any kind of a change, there are recusant along certain items that can certainly be something that takes place. I'm not sure in every instance, how you go about trying to have discussion, then take a vote, or you have to pause to make it a recusant consideration. I don't know how you, I'm just not smart enough know how you do that. But again, I don't disagree with that approach. But this is not personal, like I said, or at least I tried to say was, if I personally was ever to get into a situation like that, I would feel personally compelled to step aside, from the Board of Registration and Elections. That's just me. Maybe I've done this too long. I don't know, some people say I have maybe that's true. But just from the standpoint of everything we have all of this is coming about, right, wrong. Agree or disagree in

terms of election integrity. It's just something that we ought to have discussion on. And then the board, take whatever measures that they see make sense. That's my position.

Mr. Johnson

One of the things that you mentioned specifically in your opening was you're supporting whomever, on the Republican side. So does that cause a conflict of interest? Whenever there's an issue that's before this board? If you are working to support a particular side, that would cause conflict? And is the issue the paid position on the government side? Now you talked about you would step aside, but you served as the District Chair for the Republican Party, you had a leadership role in the Fulton County party. But there was no contemplation of stepping aside then. The Bylaws doesn't state, anywhere whether it's a paid or unpaid position, it just says in official capacity, or a leadership role.

Vice Chair Nuriddin

I definitely understand the position that Mr. Johnson is making with the analogy of political activity. I do want to ask, because to be honest with you, I've never worked for an elected official. I've never been a government worker. So I don't know the dynamics of the position that you were offered. You say you were offered a government job? And would that job be independent of whomever is in that office?

Mr. Johnson

I you technically work for the House of Representatives. Are you hired by a particular elected official? Absolutely. However, by policy, you work for the House of Representatives, and you're guided by the rules and laws of the House of Representatives.

Vice Chair Nuriddin

I understand I did a little research about it as much as I could find, which said it's just like an administrative role in her district office. And I don't know much about the US House of Representatives. I think my question is, and hopefully I'll restate it better, is the position independent of whoever's in that role? Who's ever in CD5?

Mr. Johnson

Yes, there are other elected there are other people who work in offices and they transition from one to another. Okay, I'll give you a prime example. There are several staff members across the House of Representatives that will go from one to another by staying in the house or staying in the Senate or staying in other elected offices just like at the house of representatives here in Georgia, the General Assembly. You'll see elected officials come and go all the time, but you have people that have been there for years.

Vice Chair Nuriddin

I didn't know fully about the positions that Mr. Wingate had, I can't say that understand the roles that he plays with the party. What I'm hearing you say, Mr. Johnson, is if it applies to if this new proposed bylaw applies to you, then it must in turn, apply to Mr. Wingate?

Mr. Johnson

Well, Mr. Wingate is now saying that he's no longer in that position; however, it's on the website and on his tag from emails that he just sent. So he's saying he's not there anymore. But it's clear in the current Bylaws that could be a conflict of interest. But we're not discussing that we're discussing something that you want to put forward based on me.

Vice Chair Nuriddin

My concern is not you are the position. My concern would be people running against Ms. Williams in 2022. So you're saying you might be able to just recuse yourself from those elections? That's what you're willing to do?

Mr. Johnson responded yes.

Vice Chair Nuriddin

I think what you're saying is that when they recused themselves that it has to do with a conflict with a campaign or elected official, and that may or may not be the case, but was my biggest concern is the people who are running against Miss Williams in 2022. I just think that there should be some clarified information in our Bylaws. So I learned about it from social media. I saw your picture on some of her other staff she hired for her offices. Do you believe it's okay for because I did get an email from Miss Heard. For me, I represent all the Fulton County. But do you do you believe that you should be able to get paychecks from other elected officials not only Miss Williams if someone else wanted to hire you for what you say a government job. Do you see any impropriety or possible conclusions that can be drawn from you working in this positions directly for Miss Williams?

Mr. Johnson

How your phrasing it and what you really saying is are totally different. You talk about service to the people of Fulton County, I'm offering service. I'm doing service, which is something that I've been known for and have done for years. I've worked in several elected work in several different governments, always in constituent services and trying to help the people upon which I've worked for. That's what I'm doing right now. Now, the way you keep throwing in getting a paycheck elected officials.

I get the direction that you're trying to go. However, the question about this is, do you have a conflict of interest? Can you function as a member of the board? In this hyper-political atmosphere, we're always going to have that question. There's been a question about each one of us at some point, about our integrity and about why we're making votes in a particular way. But I think we can show as a board, that we have not done anything political, or that we have not done anything that has been in a conflict. And in order to keep that from happening, all you have to do is recuse yourself. But everybody at some point is going to have someone they know, a classmate, someone, they went to school with someone they work with running for office, and they may have an issue in front of us as a board. The question is, are we doing the right thing by the citizens of Fulton County? And then the question becomes, have I done anything to show that I will have not done that, or I will not continue to do that.

Chairman Wan

I agree with Mr. Johnson, there are very, very fine lines over at the city in terms of what staff could do or not do. And it was very clear, and I want to understand if Fulton County has the same structure, etc, set up for thinking through potential conflicts of interest, reviewing charges of conflict of interest, because if there are, I feel like that's the appropriate venue for that, in terms of the elected official relationship piece, I completely agree with the campaign side, because I think that would just look shady from every angle that you look at. So I agree with the first part of the this proposed amendment about employed by political campaign, but Mr. Lowman could walk me through what the ethics office equivalent in the Fulton County processes to evaluate things like this, that would be helpful.

Attorney Lowman

With respect to the ethics of the situation. The ethics code provides that an officer of an for employees that has an interest in a contract matter or transaction that he or she has reason to believe be affected by his or her official acts or actions, or by the official acts or actions of the county shall abstain from participating in such official acts or actions, and shall not vote for or against, discuss, decide or otherwise participate in the county's consideration of the contract, matter or transaction. In addition, the officer or employee shall disclose publicly the nature of such interest prior to any determination of the contract matter or transaction. And our office provided an opinion. And I don't know if this opinion was provided to this board separately, but provided an opinion to one of the board members, Board of Commissioners members that in this matter, there did not appear to be any problems with Mr. Johnson or anybody else who works for an elected official in the capacity that he works for them in to serve on this board. But to avoid the appearance of impropriety in a recusal of any matter that might affect directly or indirectly, that official, who employs the board member shall be undertaking. So at this time, there does not appear to be any prohibition against what Mr. Johnson or anyone else on this board is doing if they're working for an elected official. And it's not a political activity that is specifically prohibited.

Dr. Ruth

As a formal former federal employee for 14 years, you know, we had to abide by the Hatch Act, which prevented us from engaging in political activities. I wonder if we should think about or consider adding another article to the Bylaws that talks about conflicts of interest. And if Mr. Lowman could help us create that language that might be really helpful to make, because we all you know, we're represented by our party. And so we all may sometimes enter into an activity or something that may be seem a little bit gray. And so I think this would also help us to ensure that we are continually moving forward with integrity in our work on this Board. So I would propose adding another article to our Bylaws that addresses conflicts.

Mr. Wingate

For clarification, I brought this to the attention of the former chair, lady, Mary Carol Cooney. And quite frankly, to reiterate, it was a question. It wasn't me making a demand. I think that as an appointed board for the county to represent all Fulton County voters? I think it's a fair question and that was the reason I put it on the table to ask the question. Now that Mr. Johnson wants to take this as a personal attack on him. No, the information that came to all board members, was that he

was in that position with Miss Williams in her US Congressional capacity. I will never ever back down from the fact is that it is a pertinent question, to have in front of this Board. And I would hope that going forward anything along these lines that can reflect, just something that the board should be aware of, and consider just to make sure that we're all basically in unison, I think if we ever stopped that process, and there's probably one more reason not to have this Board. But in terms of again, I brought it to the table, but according to Mr. Lowman there is no ethics issues here. And all of this can be handled

as described. I have no problem with that. But at least now, knowing that we know going forward, that these kind of things as they come about, needs to be addressed. That's my point. And I think we can just end conclude the discussion.

- 2. The board shall respond to any question or request by citizen made during the public comment section of a meeting, either reading or no later than the following regularly scheduled board meeting .**

Chairman Wan

I am reading into or inferring there was just a concern about responses. And if that's the question, then perhaps Mr. Barron and I should figure out a process by which we can have Mariska inventory topics and make sure that they are resolved, versus a statement in our bylaws

Vice Chair Nuriddin

This came about due to a lot of allegations of non-responsiveness of the department. And in the effort of hoping that we're trying to improve and move forward instead of going backwards, I just want you to know that it really came about because people were complaining that their concerns, complaints, or issues were just fallen on deaf ears. Because with the addition of the new staff, there may be internal protocols to handle I know that it was something that this board to talk to the department about addressing in the past.

#8-LETTER TO THE GEORGIA ATTORNEY GENERAL

Mr. Wingate

One of the issues was that the council that we had or was looking at this and prepared the letter that was proposed to go to the AG had a continuation of their position to remain anonymous, which was certainly problematic. In that term, we tried everything that we could. Consequently, we chose a couple of other channels. And ultimately, what transpired here is, is that we did get a position off the record, if you will, from the AG, that given that we submitted this type of a letter with this issue that the AG or the AG's office, I should say, would not respond to it. In other words, they would not take a position. Then that concluded this notion of the letter to the AG. So that's off the table now.

NEW BUSINESS

#9- Review of 2021 Georgia Legislative Session

- SB 202

Jessica Corbitt

The most significant piece of election legislation, which has been brought up several times this morning, which was Senate Bill 202. And you will recall that there were many, many, in fact, dozens of pieces of legislation brought forward during the session related to registration and elections. But Senate Bill 202 sort of rolled up many of those other pieces of legislation. And this bill has been signed into law and portions of it. Most portions of it will take effect on July 1, Senate Bill 202 has been discussed very, very widely in many, many contexts. So as a frame of reference, we have looked at this in the context of impact on the operations of the Fulton County Department of registration and elections. I have worked with the elections department, I've been with Fulton County for 21 years, and I've had a lot of opportunity to work with this department, I worked with the team that the kind of the county managers team that coordinated and collaborated with the election staff during last year's election. And again, my office handles Inter-Governmental Affairs for the county. So I just

want to be very clear, because I know there has, there's a lot of political discussion related to this legislation. That is not my role, my role is operational. And I just wanted to just see that from the beginning, I will just go through these we have depending on how much time you'd like to spend, we've really kind of broken out some of the operational highlights, as you probably are all aware of Senate bill two, two is a very lengthy piece of legislation. It's 98 pages, it makes amendments to many, many different code sections related to elections. Some of those are really in the purview of the state, and then the Secretary of State's office and the state election board. Some of those are really more impactful to smaller counties, or to

again the state process for calling of elections and things like that. So we've really focused in again on the operational impacts.

PAST / EXISTING FULTON COUNTY RESOURCES

- ▶ Maximum 1 drop box per 100,000 registered voters (8 total)
- ▶ Mobile voting units limited to emergency use during Governor-declared disasters
- ▶ No use of private/foundation grants (\$9.7 million in 2020)

NEW COSTS (ACTUAL/POTENTIAL)

- ▶ Purchase of security paper for all ballots
- ▶ Possible printing costs – all ballots must have specific ballot # printed at top
- ▶ Additional staffing may be needed for overnight shifts and to meet compressed timelines for absentee ballot processing and Election Night processing
- ▶ If voters wait in line for more than 1 hour during a General Election, the number of assigned voters must be reduced to 2,000; this could triple the number of precincts in Fulton County.
- ▶ Sanctions are possible if several key deadlines are not met.

ADMINISTRATION

- ▶ Major procedural updates and extensive re-training will be needed for absentee ballots, provisional ballots, and Election Day processing
- ▶ SEB may call for performance reviews of elections officials and potentially appoint temporary officials

OPERATIONAL

- ▶ Timelines are shortened for the request / delivery of absentee ballots, with a cutoff 11 days before an Election.
- ▶ Voters must provide a Drivers License #, last 4 digits of SSN or other ID on the outer envelope
- ▶ Ballot processing may not cease on Election Night; by 10 p.m. the number of ballots must be reported to SOS; reporting by 5 p.m. after Election
- ▶ Out-of-precinct provisional ballots may not be accepted before 5 p.m. on Election Day
- ▶ Additional requirements for public notification throughout the Election Cycle

VOTER EDUCATION

- ▶ Educate voters about shortened timelines for requesting absentee ballots.
- ▶ Educate voters about changes in process for providing ID for requesting absentee ballots.
- ▶ Educate voters about changes in absentee ballot drop box availability.
- ▶ Educate voters about changes in use of provisional ballots for out of precinct provisional ballots

Dr. Ruth

Thank you so much for your presentation. You touched on the importance of voter education, and as the marketing communications person for the department, what are your thoughts around ensuring that voters have this information? Is there a plan to create some talking points

Ms. Corbitt

I can't say that we have plans fleshed out completely yet because I think we still had some questions, about making sure that that we understand everything that the bill includes. There are many other provisions I didn't go into. I tried to focus on those that were most impactful to voters and to operations. But I certainly think, we need to have a full complement of voter education materials, we need to have, talking points, PowerPoints and videos especially on the absentee ballot. Process. In particular that I think voters need to understand what their rights and responsibilities are. And when they can act upon that. What I would say is we can begin that process. And we do have the group from the county manager continued to meet weekly. So those are things that we would want to kind of add to the work plan and begin development.

I do want to I'm very curious to hear if there are any interpretations or new information that comes out of the Secretary of State's office that would inform those as well.

Mr. Johnson

Thank you, Jessica is always a great presentation. I know sometimes that litigation comes out and it pauses it or keeps it going or where we as it relates to outside legislation. And for my understanding, there was a resolution yesterday from the

County Board of Commissioners. The Board of Commissioners approved a resolution that contemplates legal action related to SB 202.

Ms. Corbitt

Yes there was a discussion in Executive Session based on and pursuant to the resolution that did pass yesterday

Mr. Johnson

I was going to have a question about the mobile voting units. But you did mention that it has to not just be an emergency, but an emergency as defined by the governor, in order to use our mobile voting units

Ms. Corbitt

A typical power outage would not meet that mandate. The legislation reads, declared emergency not a declared storm

Mr. Johnson

I just I want to put it in perspective, we can now only have eight drop boxes in use in the entire county, and we've had before 30 plus. So now that means we won't even be able to have drop boxes at all of our early voting locations anymore because of the sheer number. And it's just odd to me that a county with 45,000 people and Fulton County has 1 million people would have the same number. There was no proportion as to population. It's just you can have eight, right?

Ms. Corbitt

It's 1 per 100,000 registered voters. So actually, most counties will have fewer than then eight

#10-RETAINING OUTSIDE COUNSEL

Attorney Lowman advised the Board to discuss in Executive Session.

#11- CTCL GRANT FUNDS AUDIT

Mr. Wingate

Yes, I personally found out that the BOC had taken this action. I would suggest to the Board that we table that unless there's other discussion

EXECUTIVE SESSION

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 Mr. Johnson and carried by a unanimous vote of 4-0.

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

ADJOURNMENT

With no other items requiring the Board's action, **Chairperson Cooney entertained a motion to adjourn. Mr. Wingate moved to adjourn the meeting. Mr. Johnson seconded the motion.** Collectively, the Board agreed to adjourn at 1:49 p.m.

The meeting adjourned.

Prepared by,

Mariska Bodison, Board Secretary