



## BOARD OF REGISTRATION AND ELECTIONS APPROVED MINUTES

### SPECIAL MEETING – February 22, 2022

The Fulton County Board of Registration and Elections met in Special Called Session on Tuesday, February 22, 2022 at 11:00 a.m.

**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

Mrs. Teresa Crawford

**Staff Attending:** Ms. Mariska Bodison, Absentee Manager; Mrs. Cheryl Ringer, County Attorney; Mr. David Lowman, County Attorney; Mr. Patrick Eskridge, Deputy Director; Ms. Nadine Williams, Elections Chief; Mr. Thomas Johnson, Voter Registration Supervisor

**Guests Attending:** Rich Thompson, Jason Frazier

#### #1– APPROVAL OF AGENDA

**Chairwoman Woolard entertained a motion to amend the agenda to include the advance polling location as item #3 for House District 45. The motion was made by Mr. Johnson, seconded by Ms. Crawford and carried by a vote of 3-0.**

**Chairwoman Woolard entertained a motion to approve the agenda. The motion was made by Ms. Crawford, seconded by Mr. Johnson, and carried a vote of 3-0.**

### SPECIAL CALLED SESSION

#### #2– CALL FOR SPECIAL ELECTION

**Mr. Eskridge** called the special election for Georgia House District 45 with instruction for voter registration, polling dates and times, and runoff information.

**Ms. Crawford** asked if the call date was to be changed to the 22 as it stated the 18<sup>th</sup> of February.

Mr. Eskridge replied yes.

**Chairwoman Woolard entertained a motion to amend the date on the call for special election in House District 45 from February 18<sup>th</sup> to February 22<sup>nd</sup>. The motion was made by Ms. Crawford, seconded by Mr. Johnson, and carried a vote of 3-0.**

**Chairwoman Woolard entertained a motion to approve the call for special election in House District 45. The motion was made by Ms. Crawford, seconded by Mr. Johnson, and carried a vote of 3-0.**

### **#3 – ADVANCED VOTING POLLING LOCATION**

Ms. Williams stated that the advance voting polling location is proposed to be at the Sandy Springs Library, March 14<sup>th</sup> – April 1<sup>st</sup> to include mandatory Saturdays of March 19<sup>th</sup> and March 26<sup>th</sup>. Awaiting directives from the SOS for absentee drop boxes.

Ms. Woolard asked if option Sundays would be included.

Ms. Williams stated no.

Ms. Woolard asked if the proposal needed to be corrected.

Ms. Williams stated yes.

**Chairwoman Woolard entertained a motion to approve the advance polling location and hours for House District 45, Monday – Friday, March 14<sup>th</sup> – April 1<sup>st</sup>, and Saturday March 19<sup>th</sup> and March 26<sup>th</sup>. The motion was made by Mr. Johnson, seconded by Mr. Crawford and carried a vote of 3-0.**

### **#4– CALL FOR TSPLOST**

Ms. Woolard explained the TSPLOST. A motion to allow voters in the City of Atlanta to add an addition 0.4 percent transportation special purpose local option sales and use tax for a period not to exceed five years, including Bond Elections. City Council Resolution 21-R-3927 details the project information.

Mr. Johnson asked who the TSPLOST was for.

Ms. Crawford stated it is for the residents of the City of Atlanta.

**Chairwoman Woolard entertained a motion to approve the call for the TSPLOST. The motion was made by Ms. Crawford, seconded by Mr. Johnson, and carried a vote of 3-0.**

### **#5– VOTER RESIDENCY CHALLENGE**

Mr. Johnson stated that Mr. Richard Thompson submitted 498 voters to be challenged, 343 voters were in inactive status, 54 voters were in active status, 101 voters were in canceled status.

**Mr. Johnson** recommended removal of 397 voters from the voter rolls.

**Ms. Crawford** asked if the department had verified that the voters were no longer residing in Georgia.

**Ms. Woolard** stated that a question was asked as to how the National Voting Rights Act (NVRA) interfaces with the State's Voter Challenges. Asked Ms. Ringer if there was any conflict with the NVRA relative to the voters that are being removed.

**Ms. Ringer** stated there is a conflict to the extent that the board is seeking to remove voters due to a change in address. The NVRA states that "a state is prohibited from removing the name of a registrant from the official list of eligible voters in elections for federal office on the grounds that the registrant has changed residence unless the registrant confirms in writing that he or she has moved outside the registrar's jurisdiction or fails to respond to a notice as outlined under subsection D2 and has not voted or appeared to vote in two federal election cycles following receipt of the notice". In this instance the county would have forwarded notice for the meeting today. The voters cannot be removed until they have not voted in two federal elections. The voters must be placed in inactive status. Ms. Ringer has spoken with staff concerning the actions taken with prior challenges and create a plan to change the status of those individuals. Federal Law supersedes State Law.

**Ms. Woolard** explained that the issue of the Federal National Voting Rights Act supersedes State Law in certain instances. Ms. Woolard was informed that if a voter has voted in the 2020 or 2018 election and haven't proactively requested the state to remove them from the list they cannot be removed. If they haven't voted in two federal elections, they can be removed.

**Ms. Ringer** stated they cannot be removed until two federal elections after they have received notice.

**Mr. Thompson** stated that he's provided documented proof that the voters were registered in other states. The law creates a conflict where it is evidenced that the voters no longer belong on the rolls.

**Ms. Ringer** asked Mr. Thompson and Mr. Johnson if they could provide the evidence and how many electors were accompanied with proof of out of state registration documents.

**Mr. Thompson** stated that he did not have the exact number, but most of the names submitted showed proof. The evidence was attached to the challenge labeled individually by name.

**Mr. Johnson** asked Ms. Ringer to repeat the requirements to remove a voter.

**Ms. Ringer** stated that the requirements that the voter either submits a request for removal in writing or they fail to respond to the notice and does not vote in two federal elections.

**Mr. Johnson** stated this shows a conflict in the law. In the last BRE meeting, there was discussion concerning how the state law does not always merge with federal law. There was thought that the board followed the law as consistently as possible but there is issue has posed a new conflict. As the board chair mentioned, the best way to rectify the issue is to request the state legislators to correct the inconsistencies.

**Mr. Thompson** stated that while he understands the conflict, the more pressing conflict is that the county is almost at the cutoff point to where names will not be allowed to be removed due to being within the federal election window. The request is to proceed with the removal as the conflict shows that it is a greater risk to leave them on.

**Mr. Johnson** stated that it is understood the pressing need but removing the names prematurely could pose to be futile if the county finds out the following week that the names will need to be added back because the proper protocols were not followed. The action should be to conduct due diligence and ensure that the right actions be followed within the law.

**Ms. Woolard** stated that there are three sets of law governing the removal of voters from the voter rolls. Originally the removal of voters fell into the purview of the SOS office. In 2020, the general assembly decided to approve legislation to allow citizens to remove voters. The NVRA supersedes the two state laws and complicates the process. The board is aware of the deadlines approaching, and the small window available after the federal primary and possibly the primary runoff.

**Ms. Woolard** asked Ms. Ringer what action could be taken in the instance of Mr. Thompson's challenge.

**Ms. Ringer** stated that because independent information has been submitted and there is evidentiary support to show that the voters have moved, the board can remove the names. The NVRA states electors can be removed because of a change of residence.

**Ms. Woolard** asked if that would be the only circumstance.

**Ms. Ringer** stated that is the only evidence that she is aware of.

**Mr. Thompson** stated that the substantiating evidence shows that the voters are out of state.

**Ms. Ringer** asked how many.

**Ms. Crawford** stated 397.

**Ms. Woolard** asked how many were submitted.

**Mr. Thompson** responded 498 but 101 were already in canceled status.

**Mr. Johnson** stated 498 submitted, 101 were already in canceled status.

**Ms. Woolard** stated that 54 are in active status. Asked if they could be removed according to the law.

**Ms. Ringer** stated yes

**Ms. Crawford** stated that the board would be moving forward with the removal of the 397 voters.

**Mr. Thompson** asked what the process is to verify the names have been removed from the voter rolls.

**Mr. Johnson** stated that Mr. Thompson can pull the same voter rolls he used to submit the challenge.

**Mr. Thompson** clarified the question asking how he would know that the government has done its part to remove the names.

**Mr. Johnson** reiterated that Mr. Thompson could go back to the database and run a new search.

**Ms. Thompson** further clarified asking if the removal is a matter of public record where it is documented.

**Ms. Crawford** stated the notes from the BRE meeting will show the names of the voters being removed.

**Chairwoman Woolard entertained a motion to remove 397 voters from the voter rolls. The motion was made by Ms. Crawford, seconded by Mr. Johnson, and carried a vote of 3-0.**

**Mr. Johnson** stated that Mr. Frazier submitted 43 names, 6 were inactive, 25 were active status, 9 were canceled/deceased, 3 were unverified and recommended to be removed from the challenge.

**Ms. Woolard** asked for clarification for the 6 inactive and 9 canceled/deceased.

**Ms. Crawford** stated that 9 are already deceased.

**Mr. Johnson** stated that the 6 are still in inactive status because the obituaries were newly provided. The 9 are already in canceled status because they are deceased.

**Ms. Woolard** stated that it is understood how the number culminated to 31 and that the 6 inactive aren't intertwined with the 9 canceled.

**Ms. Woolard** stated that the board would remove 31 from the challenge based upon the information presented.

**Chairwoman Woolard entertained a motion to remove 31 voters from the voter rolls. The motion was made by Mr. Johnson, seconded by Ms. Crawford, and carried a vote of 3-0.**

**Mr. Frazier** asked if he will be informed of what evidence was missing to ensure the next submission is accurate.

**Mr. Johnson** stated that the department would communicate with Mr. Frazier concerning an update.

**Mr. Frazier** asked about the names that were submitted attached to UPS mailboxes.

**Mr. Johnson** stated that they could communicate after the meeting.

**Ms. Ringer** requested a moment to speak with staff before the meeting adjourned.

**Ms. Woolard** granted Ms. Ringer's request.

**Ms. Woolard** stated that there was a correction need in reference to the TSPLOST. The Bonds also need to be approved separately.

**Chairwoman Woolard entertained a motion to amend the agenda to add the bond election for public safety and parks and recreational facilities in the amount of \$213,000,010. The motion was made by Ms. Crawford, seconded by Mr. Johnson and carried by a vote of 3-0.**

**Chairwoman Woolard entertained a motion to amend the agenda to add the bond election to the qualified voters of Atlanta for roads, sidewalks, and pathway trails related transportation park and playground improvements in the amount of \$192,990,000. The motion was made by Ms. Crawford, seconded by Mr. Johnson and carried by a vote of 3-0.**

**Chairwoman Woolard entertained a motion to approve the bond election for public safety and parks and recreational facilities in the amount of \$213,000,010. The motion was made by Ms. Crawford, seconded by Mr. Johnson and carried by a vote of 3-0.**

**Chairwoman Woolard entertained a motion to approve the bond election to the qualified voters of Atlanta for roads, sidewalks, and pathway trails related transportation park and playground improvements in the amount of \$192,990,000. The motion was made by Ms. Crawford, seconded by Mr. Johnson and carried by a vote of 3-0.**

## EXECUTIVE SESSION

No Executive Session

## ADJOURNMENT

**Chairwoman Woolard entertained a motion to adjourn. Mr. Johnson moved to adjourn the meeting. Ms. Crawford seconded the motion.** Collectively, the Board agreed to adjourn at 11:41am.

The meeting adjourned.

Prepared by,

Jessica M. Robinson, Board Secretary