

CLAYTON BOARD OF ELECTIONS AND REGISTRATION

Regular Business Meeting
4:00 P.M.

March 15, 2016

POST SUMMARY MINUTES

PRESENT: Chairman Dorothy Hall, Vice-Chairman Patricia Pullar, Secretary Ruth Ash, Board Member Harry Osborne, Board Member George Sligh, Director Shauna Dozier and Clerk Allison Ruotolo. GUEST: Shalanda Miller, Senior Staff Attorney.

1. Chairman Hall called the meeting to order.
2. Moment of silence observed.
3. Motion by Vice-Chairman Pullar, second by Board Member Sligh to adopt the agenda for the March 15, 2016 Regular Business Meeting of the Board of Elections and Registration. Vote unanimous.

4. Approved the February 16, 2016 Regular Business Meeting minutes and the March 4, 2016 Special Called Business Meeting minutes. Vote unanimous.

5. Old Business:

Board Member Sligh referenced and discussed with the other Board members the appointment of Mr. Robert Brown as Coordinator and the job description of the position of Coordinator.

Motion by Board Member Sligh, second by Board Member Osborne, to rescind Mr. Brown's appointment as Coordinator based on the job description. Motion fails 3-2. Chairman Hall, Vice-Chairman Pullar, and Secretary Ash opposed.

Motion by Vice-Chairman Pullar, second by Secretary Ash, for the Elections Director, Shauna Dozier, to review all policies within the Elections Division, make recommendations to the Board and find out when the policies were written and whether or not it is in compliance with the County's requirements for staff and residency. Motion passes 3-2. Board Member Sligh and Board Member Osborne opposed.

6. New Business:
 - A. Director's Report.
 - B. Challenge Hearing: Byars vs. Cox
Mr. Cox's voting status is being challenged pursuant to O.C.G.A. 21-2-229 and 21-2-230, and Mr. Cox's qualifications for candidacy are being challenged pursuant to O.C.G.A. 21-2-6.
 - C. Hearing to Remove Deceased Voters from Elector's List. (If available)
 - D. Hearing to Remove Returned Mail of Deceased Voters. (If available)
 - E. Hearing to Remove Felons from Elector's List. (If available)
7. Chairman Hall welcomed Ms. Dozier on behalf of the Board.

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8. Director Dozier thanked the Board for the vote of confidence in her. She looks forward to working with the Board collectively to protect the integrity of Clayton County elections.
9. Ms. Dozier stated there are currently 158,548 registered voters as of March 15, 2016.
10. Ms. Dozier stated the contents of the Board's packet is as follows:
 - A. List of qualified candidates for the May 24, 2016 General Primary election. Please note no one qualified as a Republican. In addition, no one qualified for Surveyor or Soil and Water.
 - B. Information regarding a challenge from Mr. Stanley Byars vs. Mr. Clarence Cox.
 - C. List of deceased voters to be removed from the elector's list.
 - D. List of felons to be removed from the elector's list.
11. Ms. Dozier stated procedures and options concerning the challenge.
12. Challenge hearing called to start.
 - A. Procedural rules suggested – Board Member Osborne

Senior Staff Attorney Shalanda Miller addressed statutes and suggested recommendations as requested.

- B. Objection and pre-hearing requests (recusal) - LaTonya Wiley

Ms. Wiley, representing Mr. Cox, expressed potential for conflict of interest during the hearing.

Ms. Pullar was present for the hearing proceedings and abstained from discussion or motions.

Motion by Board Member Osborne, second by Vice-Chairman Pullar, to incorporate several of the items that Ms. Miller mentioned, specifically three components. One, the motion include the Board not set any limit on the number of witnesses or on the time of testimony beforehand and that the Board reserve the right to say enough is enough at some point. Second, not to restrict the documentation presented before the Board to be certified but that the Board make a decision as to whether they accept it as being acceptable or not acceptable. Third, the rule of sequestration is in effect during the hearing, which is the other people that are going to testify cannot sit and listen to what one witness is going to testify to and then they testify about similar things. Mr. Osborne

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thinks that it goes to the Board's ability to judge the fairness of the testimony that the witnesses not have heard or what other witnesses have to say about it. Motion passes 4-0. Vice-Chairman Pullar abstained.

Motion by Board Member Osborne, second by Board Member Sligh, to not hear hearsay from someone not available for cross-examination. Motion passes 4-0. Vice-Chairman Pullar abstained.

C. Testimony – Byars

Stanley Byars stated he hereby challenges the voter registration and the two year residency requirements of Clarence Cox for Sheriff. Pursuant to O.C.G.A. 21-2-5, please consider this correspondence as a challenge of the qualifications of Clarence Cox to seek the office of Sheriff of Clayton County.

Captain Kelly Clair of the Clayton County Sheriff's department testified as a witness for Mr. Byars.

Motion by Board Member Osborne, second by Secretary Ash, to hear Mr. Cox's rebuttal. Motion passes 4-0. Vice-Chairman Pullar abstained.

Motion by Board Member Sligh, second by Secretary Ash to reconvene challenge hearing in Conference Room 2. Motion passes 4-0. Vice-Chairman Pullar abstained.

Motion by Board Member Osborne, second by Board Member Sligh, not to dismiss Mr. Byars' petition only that it does not carry the burden of proof. The petition does not disqualify Mr. Cox as a Clayton County voter or Candidate for Sheriff. Vote 2-2. Vice-Chairman Pullar abstained. No action by Board.

D. Evidence Introduced –

1. Exhibit A – Divorce Decree.
2. Exhibit B – Marriage License.
3. Exhibit C – Voter History.
4. Exhibit D – Voter History.
5. Exhibit E – Deed.
6. Exhibit F – Discussion – Captain Kelly Clair and Sid Cox.
7. Exhibit G – Clarence Cox Registration Information.
8. Exhibit 1 – Rental Application.
9. Exhibit 2 – Final Account Statement.
10. Exhibit 3 – Apartment Lease Contract.
11. Exhibit 4 – Mailings.

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13. Approved the list of deceased voters to be removed from the electors' list by Board hearing. Vote unanimous.
14. Approved the list of felons to be removed from the electors' list by Board hearing. Vote unanimous.
15. PUBLIC COMMENT: None.

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There being no further business, motion by Secretary Ash, second by Vice-Chairman Pullar to adjourn the Regular Business Meeting at approximately 7:36 p.m. Vote unanimous.

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DOROTHY FOSTER HALL, CHAIRMAN

PATRICIA PULLAR, VICE-CHAIRMAN

RUTH F. ASH, SECRETARY

GEORGE SLIGH, BOARD MEMBER

HARRY A. OSBORNE, BOARD MEMBER

ATTEST:

ALLISON R. RUOTOLO, CLERK