

CLAYTON BOARD OF ELECTIONS AND REGISTRATION

Special Called Meeting
4:00 P.M.

December 7, 2015

POST SUMMARY MINUTES

PRESENT: Chairman Harry Osborne, Vice-Chairperson Ruth Ash, Board Member Patricia Pullar, Board Member Dorothy Hall, Board Member George Sligh, and Clerk Allison Ruotolo. SPECIAL GUESTS: Shalanda Miller, Senior Staff Attorney and Renee Bright, Human Resources Director.

1. Chairman Osborne called the meeting to order.
2. Moment of silence observed.
3. Motion by Board Member Pullar, second by Board Member Hall to adopt the amended agenda for the December 7, 2015 Special Called Meeting of the Board of Elections and Registration to include the December 15, 2015 Regular Business Meeting of the Board of Elections and Registration. Vote unanimous.
4. Old Business: None
5. New Business:
 - A. December 15, 2015 Regular Business Meeting of the Board of Elections and Registration.
 - B. Executive Session.
6. Chairman Osborne opened with discussion of possibly rescheduling the next Board meeting which is scheduled concurrently with the combined conference of the Georgia Election Officials Association and Voter Registrars Association of Georgia.

Board Member Pullar suggested not rescheduling the next regular meeting as there would be a quorum.
7. Motion by Board Member Pullar, second by Board Member Sligh to conduct the regular business meeting as scheduled on December 15, 2015. Vote unanimous.
8. Vice-Chairperson Ash arrives at 4:10 p.m.
9. Motion by Vice-Chairperson Ash, second by Board Member Sligh, to go into Executive Session at approximately 4:12 p.m. to discuss personnel and possible litigation matters. Vote unanimous.
10. The Board returned from Executive Session at approximately 4:33 p.m.
11. Chairman Osborne called for a motion to include any other discussion. Mr. Osborne stated that he did not feel any other discussion was appropriate.

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Mr. Osborne again called for a motion to amend the agenda to include any other subject for discussion.

Chairman Osborne stated if not that he would entertain a motion to adjourn.

Mr. Osborne asked if there was either a motion to adjourn or a motion to amend the agenda to discuss an item that is not on the agenda as it stands present.

Board Member Sligh stated that he was not sure where they stood on anything right now.

Chairman Osborne stated that on the advice of counsel the Board is not to discuss the item for which they went into Executive Session. Mr. Osborne mentioned that counsel stated that it would be appropriate, although, not advisable to discuss it in this public meeting and that he felt if the Board wanted to discuss it in this public meeting the agenda would need to be amended so the subject is on the agenda. It presently is not.

Vice-Chairperson Ash asked Ms. Miller if she understood the issue had been resolved.

Ms. Miller stated the operation issue has been resolved.

Chairman Osborne asked who has access to the building (Election Center).

Ms. Miller stated that Interim Director Francis has access to the Election Center.

Mr. Osborne asked if Ms. Francis is the Election Superintendent.

Ms. Miller responded no she is not.

Chairman Osborne asked if the code and the rules state that it is to be the Election Superintendent and the Board of Elections who has access.

Ms. Miller stated there is no reason for the Board not to have access.

Mr. Osborne asked if the rules and the code specify that.

Ms. Miller responded yes.

Chairman Osborne asked if it is presently in operation.

Ms. Miller stated that she is not aware that any of the Board Members have access.

Mr. Osborne asked if Ms. Miller had done anything to avail access to the building by any Board Member.

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Ms. Miller responded no she has not.

Chairman Osborne confirmed with Ms. Miller she has taken action to allow someone to have access to the building.

Ms. Miller responded yes.

Mr. Osborne confirmed but not the Board.

Ms. Miller responded no she has not personally taken action but yes we wanted to make sure the administrative arm of the Board had access.

Chairman Osborne asked for clarification on the “what” of the Board.

Ms. Miller stated that the Elections Director is the Administrator for the Board.

Chairman Osborne asked if that is what the code provides.

Ms. Miller responded yes that individual has access to the building.

Chairman Osborne asked where it is stated that the Elections Director has access.

Ms. Miller quoted from 2003 Georgia Laws, Senate Bill 360.

Chairman Osborne read from the State Election Board Rules and Regulations and asked why the Board does not have access to the Election Center.

Ms. Miller stated that she was not aware of any request for the Board to have access.

Chairman Osborne asked if a request would need to be submitted.

Ms. Miller stated the Board could have access if they wanted access that it was not purposeful the Board didn't have access, and that she did not know if the Board had access in the past.

Board Member Pullar stated the Board has never had access.

Ms. Miller stated again that it was not purposeful the Board did not have access, but if they wanted access, they could arrange for it.

Chairman Osborne asked who is responsible for having a complete and up-to-date list of all maintenance personnel with access to the area.

Ms. Miller stated that she would imagine the Elections Director.

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Chairman Osborne stated that is not what the code says.

Ms. Miller stated the Election Superintendent.

Chairman Osborne stated that is right and he continues to cite from the State Elections Board Rules and Regulations regarding notification within 24 hours of entry into the building; and to maintain a log of those persons who have entered the storage area.

Ms. Miller stated that the Elections Director is to be chosen by the Board to be the administrative arm. It would take a lot for each of the Board Members to make day-to-day decisions. The idea for having an Elections Director is for the Director to conduct the day-to-day operations, like accessing the building. If that is something the Board wants to be involved in, that is the Board's decision, but that is why the structure is the way it is. There is a Chairperson, there is a Director, and between the two the idea is that day-to-day operations that do not require Board action gets done without having to delay processes. Also, not to run into issues because the Board cannot get a quorum or an agreement on something as simple as, and not trying to trivialize anything, but something as simple as what color paper to post something on. That is the point of having an Elections Director. Ms. Miller also stated that if the Board wants to change the direction, then the Board should say so.

Chairman Osborne asked if the Board had said so previously.

Ms. Miller stated she had no idea. Her understanding was that was how the Board operated in the past and that is what she practices every day. In her experience, that was how Fulton County operated when she worked for Fulton County.

Ms. Miller stated there was no intent in cutting out the Board in any decisions or getting things done. The intent was to secure the machines as quickly as possible, period.

Chairman Osborne asked who is charged with maintaining the DREs.

Ms. Miller referred to the local act that it is a balance between the Board and the Elections Director.

Chairman Osborne stated that of course we would need to be compliant with the rules of the State Elections Board.

Ms. Miller stated that the local act supersedes the State Election Board. The local act is put in place by the General Assembly. It's not a rule, a regulation, it's a law that the General Assembly came together to vote on for Clayton County. State law overrules rules and regulations.

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Chairman Osborne asked where it states who has responsibility for the maintenance of the DREs.

Ms. Miller stated the local act does not get that specific.

Chairman Osborne asked in the absence of that, what is the effect of the rules of the State Election Board.

Ms. Miller stated that if the rules of the State Election Board are more specific then you follow the rules.

Chairman Osborne asked the rule says what about who maintains the DREs.

Ms. Miller stated that it probably says the Election Superintendent, but to be clear no one is expecting the Board to be somewhere maintaining DRE machines. The Board is the oversight.

Chairman Osborne asked if they are not, then what is the responsibility of the Board.

Ms. Miller stated the buck stops with the Board, period.

Chairman Osborne asked if there is a motion from the Board either to adjourn or amend the agenda.

Board Member Pullar asked what to amend the agenda to.

Chairman Osborne stated to amend the agenda to include a discussion concerning the DRE machines and their storage, and their sealing or unsealing; or not.

Board Member Pullar stated that she is not comfortable talking about individuals publicly.

Chairman Osborne stated that according to counsel, we either do it publicly or not at all.

Ms. Miller stated that is not quite what she said. There are other mechanisms besides executive session.

Board Member Sligh asked about the other options.

Ms. Miller stated that they can meet individually as long as there is not a quorum.

Chairman Osborne asked for a motion to adjourn or a motion to amend the agenda.

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There being no further business, motion by Board Member Hall, second by Board Member Pullar to adjourn the Regular Business Meeting at approximately 4:48 p.m. Motion passed 3-2. Chairman Osborne and Board Member Sligh opposed.

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HARRY A. OSBORNE, CHAIRMAN

RUTH F. ASH, VICE-CHAIRPERSON

PATRICIA PULLAR, BOARD MEMBER

GEORGE SLIGH, BOARD MEMBER

DOROTHY FOSTER HALL, BOARD MEMBER

ATTEST:

ALLISON R. RUOTOLO, CLERK