

**THE BOARD OF ELECTIONS OF CHATHAM COUNTY  
MINUTES – Special Meeting**

**August 28, 2019 SPECIAL**

BOARD MEMBERS: Thomas J. Mahoney - Chairman  
Malinda Hodge – Vice Chair  
Marianne Heimes  
Antwan Lang  
Debbie Rauers

STAFF: Russell Bridges  
Lynn Trabue  
Robert Carney

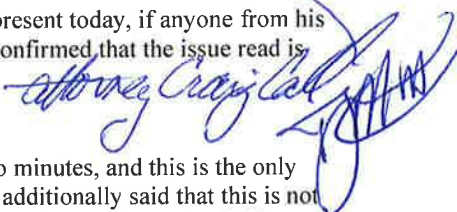
GUESTS: Approximately 50 visitors from the public.

CALL TO ORDER **THE MEETING WAS CALLED TO ORDER AT 3:30 P.M. by Thomas J. Mahoney, III,**  
who then pronounced an Invocation and led the Pledge of Allegiance.

**Mr. Mahoney** explained that there are many activities related to the upcoming election in November, as well as the new voting system being initiated for 2020, but that the only issue on the table for this special meeting is for the new precincts in Pooler. Having advertised this meeting and for objections. Only one written objection has been received, from the Pooler City Attorney, stating that it is too late to legally add these precincts. The Georgia Code provides, “A precinct shall not be altered during the period of 60 days prior to any General Election,” and “The Superintendent shall not make any final order altering precincts until at least 30 days after notice of such changes have been advertised in the legal organ of the county.” Therefore the advertisement for the proposed precinct was required for this General Election at least 90 days before the November 5<sup>th</sup> Election. This August 28<sup>th</sup> Special Meeting is simply too late.

**Mr. Mahoney** asked **Russell** to hand out copies of the above-mentioned objection, and read it into the record.

**Russell** proceeded as follows: “Wednesday, August 21<sup>st</sup> from Steve Sheer, OCGA 21-2-261 – The Superintendent for a municipality can change precincts in accordance with OCGA-2-262 that establishes the authority for who can make changes. OCGA-21-2-262, Sub Paragraph C, provides the Superintendent cannot issue a final order of changes in precincts until at least 30 days after notice of the proposed change has been published in the paper. No formal notice from the Chatham Board of Elections has been published, that I’m aware of, thus even if they decided something at the August 28<sup>th</sup> meeting, the Order cannot become final until more than 30 days after it’s published. This would be well within the 60-day time frame for the precinct changes.”

**Mr. Mahoney** asked, in light of the fact that Mr. Sheer could not be present today, if anyone from his office would like to address the issue. A representative from Pooler confirmed that the issue read is correct. He stated that Pooler does not object to additional precincts. 

**Russell** shared that there were no more objections filed in writing.

**Mr. Mahoney** stated that speakers should limit their comments to two minutes, and this is the only period during the meeting that would allow for public comments. He additionally said that this is not a question and answer period. Unanswered questions can be asked after the meeting or by visiting the office later.

**Ms. Rauers** asked if there was confirmation from the Secretary of State’s office concerning their thoughts on OCGA 21-2-262.

**Mr. Mahoney** stipulated that this item could be discussed during the business portion of the meeting.

**Mr. Lang** suggested handling the business portion of the meeting prior to Public Comments.

Members of the public expressed their concerns about additional precincts in Pooler to the Board.

**Realignment 2019**

**Russell** shared comments related to the awareness and monitoring of Pooler’s significant growth over a long period. A search for new polling places in Pooler started at least two years ago. Unexpected, high turnout and late growth, compounded by a complex ballot resulted in extraordinarily long lines in 2018. Change solutions needed for Pooler were explored with a target of the November 2019 election. The planning sequence was in accordance with past practice and State law. The initial

proposal was presented to Pooler in June, and Pooler has been involved in the planning long before the visit to Council. The proposal was to re-distribute the voters in Pooler from three locations to five locations, and provide a better balance at all involved polls. Staffs were planned and secured for the new locations. Pooler did not welcome the new precincts and we encountered delays.

The initial timeline was to present to Pooler in June. Excepting Pooler's acceptance, the plan would be presented to the Election Board in July, setting August as the target date for adoption by the Board. This would have allowed for necessary advertising and implementation, including appropriate agencies and governing authorities. Delays and challenges have reduced the time restraints to a window that no longer allows time to complete the processes.

He added, "Because this is a municipal election cycle, the governing authority of Pooler has the authority to accept or reject for their election during this cycle. Whatever the reasons or concerns that have been raised in the process are, they have regardless created delays that have evaporated the time window that were provided in the initial plan, and as a result, have left us without time to legally implement this plan for November."

He stated that there is time to implement these changes for the Presidential Preference Primary, in March of 2020. Ignoring the time-line requirements and moving forward with the changes for November, we would be subject to unwanted litigation and a negative effect on the Pooler municipal elections, the County SPLOST, and the Freeport Referendums.

**Russell** recommended that we not implement these changes for November, and establish a target date of October 14<sup>th</sup> to approve and adopt these changes for 2020. We are continuing to secure a polling facility for 8-16. The nine locations reviewed have not been suitable.

**Ms. Heimes** commented on the idea that more polling places would help. There will be more machines and personnel allocated. The Board of Registrars has added Early Voting the week before the election, at City Hall, from 10:00 AM to 4:00 PM, Monday through Friday. Police assistance will be requested. If possible, a Technician will be dedicated to the area.

**Motion by Marianne Heimes, Seconded by Malinda Hodge**, that we do not implement new precincts in Pooler in November 2019.

**Mr. Lang** attempted to ask a question by repeating it from a member of the public.

**Mr. Mahoney** ruled him out of order.

**Ms. Rauers** asked when the new law was signed in. Has the Secretary of State's office been afforded the opportunity to listen to the community of Pooler and Chatham County? She would like to know, from their attorney what Georgia law stipulates. She also asked if there is an exception they might provide us for this situation since it is so new and so much of a community need. We need clarity from the State of Georgia. She specifically asked for a written interpretation from the Secretary of State. Since we have only heard from the Attorney from Pooler, city officials, or have the seeded their power to the City Attorney.

There was continued discussion related to the Chatham County Board of Elections assisting Pooler in elections, and that Pooler, if they so choose, can run their own elections. The general discussion led to everyone searching for solutions to the problem while operating within the Georgia Code.

**Mr. Lang** asked when the Board found out that the law had changed.

**Mr. Mahoney** shared that it was when preparing for this special meeting, and he became aware of the objection from the Pooler City Attorney on August 21<sup>st</sup>.

**Mr. Lang** posed the same question to **Russell**.

**Russell** indicated that he was working with the 10-day notification requirement, and later became aware that it had been changed to 30-days. Although he had become aware that a change might be coming, he became aware after visiting the County Attorney's office to get a copy of the relevant statute, which contained the correct date change.

**Mr. Lang** asked why the Board was not made aware of the notification period change from 10 days to 30 days when the law was passed between January 2019 and March 2019, and implemented in June 2019.

**Mr. Mahoney** agreed to the need to know law changes when they change, not afterwards.

**The motion made by Marianne Heimes** was restated as follows: Motion that we not implement new precincts in Pooler, in November 2019, however, we will move forward with new precincts in Pooler for the March 24<sup>th</sup> Presidential Preference Primary, ~~and~~ additional machines, additional personnel and police presence to help direct traffic and early voting.

**Mr. Mahoney called for the question.**

**The motion passed by three to one**, with **Ms. Rauers** casting the Nay vote.

*will be implemented for the November election.*



**Motion by Ms. Rauers, seconded by Antwan Lang** that we contact the Secretary of State's Office for the State of Georgia to ask for a written response in relation to 21-2-262, 21-2-260, and 21-2-261. In the realm of understanding that this law has changed in the last year, we need written notification of when it was changed, when it was sent to the counties, when it was to be implemented, and if there is any exception available for that law at this time. There was no further discussion,


**The question was called by Mr. Mahoney. ALL APPROVED Motion by Antwan Lang to adjourn. ALL APPROVED**

ADJOURNMENT

**Motion by Antwan Lang to adjourn. ALL APPROVED**

**Meeting adjourned at 4:37 PM**

Respectfully Submitted:

  
\_\_\_\_\_  
Russell Bridges  
Supervisor, Secretary to the Board

9/25/19  
\_\_\_\_\_  
Date Approved

  
\_\_\_\_\_  
Thomas J. Mahoney, III  
Chair

  
\_\_\_\_\_  
Notary Signature

9-24-19  
\_\_\_\_\_  
Date Notarized

