

**BOARD OF ELECTIONS
AUGUSTA-RICHMOND COUNTY, GEORGIA
SPECIAL CALLED MEETING
MEETING CONDUCTED VIA ZOOM
1:00 PM
December 23, 2020**

Item #1 - Call the meeting to order

Chair Tim McFalls called the meeting to order at 1:19 PM stating that the purpose of the Special Called Meeting was to discuss challenges submitted by a Richmond County elector to the qualifications of 3,753 registered voters. He stated that the basis of the challenges was the elector's belief that the challenged individuals did not meet the residency requirements to vote in the run-off election on January 5, 2021. Present were Board Members Terence Dicks, Bob Finnegan, Sherry Barnes and Marcia Brown. Also present were Executive Director Lynn Bailey, Assistant Director Travis Doss, and Board Attorney Rachel Mack.

Item #2 - Discussion of challenges submitted by a Richmond County elector to the qualifications of 3,753 registered voters

Chairman McFalls requested that Ms. Bailey begin by giving general background on the challenge process and to provide a brief data analysis of the list of challenged voters.

Ms. Bailey provided the following synopsis:

- The challenge was properly submitted on December 21, 2020 by Jeremy Coghlan, an elector of Richmond County challenging the eligibility of certain individual's right to cast a ballot in the January 5, 2021 Run-off.
- The stated grounds for the challenges were that there was evidence that the named individuals now resided outside of the State of Georgia
- The challenge letter stated that the evidence was gathered by running the Richmond County voter registration data base against the National Change of Address Registry.

Ms. Bailey outlined the challenge process set forth in O.C.G.A. 21-2-230 as follows:

- Any elector of the county has the right to challenge the right to vote of any other elector
- Challenges may pertain either to the named individual's right to vote in a particular election or the elector's right to remain on the voter registration list. This particular challenge was challenging certain elector's right to vote in the January 5, 2021 Runoff only.
- Challenges must be in writing, must state the grounds, and must be issued before the voter casts their ballot.
- Upon receipt of a challenge, the Board must immediately consider the challenge and determine whether probable cause exists to sustain the challenge. If the

registrars do not find probable cause, the challenge shall be denied. If the registrars do find probable cause, the registrars mark the voter's name as challenged and notify the challenged voter to give them an opportunity to answer the challenge.

Attorney Rachel Mack spoke to the Board regarding probable cause stating that probable cause was the existence of fact, evidence, or some type of circumstance that would make a Board member believe that a person's name contained on the list is not eligible to cast a ballot in the January 5, 2021 Run-off because they are no longer residents of the State of Georgia.

Ms. Bailey presented a brief analysis of the data contained on the list of names provided by Mr. Coghlan and stated the following:

- It was determined by the Georgia Secretary of State's Office that all of the names on the list were names of registered voters in Georgia.
- It was determined by staff research that 37 names on the list were currently registered to vote in counties other than Richmond, that 64 names on the list used mailing addresses associated with a military post office, that 84 names were military voters who had been sent an electronic ballot for the run-off, that 41 people on the list had cast a ballot during Advance Voting, and 179 names on the list had been issued an absentee ballot.

A general discussion ensued during which the following was discussed:

- The list could contain the names of military voters or college students
- A person whose eligibility is challenged by an elector could still cast a ballot and the Board would conduct a hearing following the election, but prior to certification, to determine whether or not the ballot could be counted
- If the challenges were upheld, administrative tasks including notifying voters of the challenge and training poll workers on the proper procedures so that no eligible voter is denied the right to vote would be required
- If the challenges were upheld, voters who were previously sent an absentee by mail ballot and whose ballot had already been returned, but not scanned would be placed into a challenged status and a date, time and place for a hearing would be set.
- During the hearing, the onus would be on the challenger to prove their claim that a voter was ineligible to cast a ballot in the election
- Concern was expressed regarding the validity of the list and the lack of time for proper vetting of the list
- The Board has a duty to ensure that all eligible voters are permitted easy access to voting and that all ineligible citizens are prohibited from voting

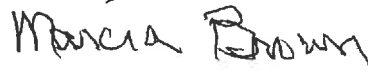
Chairman McFalls stated that all Board members and staff followed Georgia law, that the list of voters is monitored on a regular basis using state mandated maintenance processes. Continuing, he stated that any voter casting a ballot in person is required to

show proper photo identification prior to casting their ballot. Mr. McFalls further stated that the Board is aware of the seriousness of voter challenges and that obstacles to voting should not be presented to voters based on supposition. He closed by stating that the Board and staff take its responsibilities seriously.

Following the general discussion, Mr. Dicks made a motion to deny the challenges due to the lack of probable cause. Mrs. Brown seconded the motion. The vote was 4 to 1 with Mrs. Barnes voting against the motion.

There being no further business to come before the Board, Mr. Dicks made a motion that the meeting be adjourned. Mrs. Brown seconded the motion, which carried unanimously.

Respectfully Submitted,



Marcia Brown, Secretary for the Board

Approved:



Timothy McFalls, Chair

