

CLAYTON BOARD OF ELECTIONS AND REGISTRATION

Special Called Meeting  
4:30 P.M.

December 17, 2015

SUMMARY MINUTES

PRESENT: Chairman Harry Osborne, Vice-Chairperson Ruth Ash, Board Member Patricia Pullar, Board Member Dorothy Hall, Board Member George Sligh, Interim Director Laterral Francis and Clerk Allison Ruotolo. SPECIAL GUEST: Shalanda Miller, Senior Staff Attorney.

1. Chairman Osborne called the meeting to order.
2. Moment of silence observed.
3. Motion by Chairman Osborne, second by Board Member Sligh, to adopt the amended agenda for the December 17, 2015 Special Called Meeting of the Board of Elections and Registration to allow for public comments as the first item on the agenda. Vote unanimous.
4. Motion by Board Member Sligh, second by Chairman Osborne to conduct a discussion for the clarification of the DRE machines being sealed or unsealed.

Board Member Pullar stated that at the last meeting the subject had been resolved in that the staff attorney had advised that machines had been sealed in the office and the building had been locked. Ms. Pullar stated that she did not know why the subject was being revisited.

Chairman Osborne stated that he would speak from his stand point that he thought information at that point was that the machines had been unsealed since 2014 and he thinks there is a number of indications that that was an incorrect understanding; and that it touched on some other matters as a result of that, that it was not in fact since the 2014 election that the machines had been unsealed. He thinks they need to discuss that and come to some kind of understanding about not whether they are sealed now but when they became unsealed and why.

Board Member Pullar asked if all five hundred machines were unsealed and now they are sealed, they were unsealed when.

Chairman Osborne stated we do not know, that is what we are going to discuss.

Board Member Pullar stated that she thought we had found that out and asked if there was other information contrary to that.

Board Member Sligh stated yes.

Board Member Pullar asked where the information came from.

Board Member Ash inquired if the issue had already been resolved and that she thought the issue had already been resolved.

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Board Member Hall stated that she had thought it had been resolved as well.

Board Member Pullar called for a vote.

Chairman Osborne stated to allow for proper procedure to have discussion on the matter and that he would call for the vote at the appropriate time.

Board Member Sligh stated that it is not a question of whether they are sealed now, that does not resolve everything in question.

Board Member Pullar asked what else is in question.

Chairman Osborne stated that he would be a little more explicit about a representation that was in an email that the machines had been unsealed since the 2014 election. He asked the Board if they remembered the email and stated well, there was an email. There is information from Chuck Smith who is the IT person in charge of the machines and from other sources that the machines were sealed after the 2014 elections. That they became unsealed at some point later than that. Mr. Osborne stated that he would be quite explicit if the machines were unsealed after the 2014 election, he thought that would be some malfeasance or misfeasance of our former Elections Director about the proper procedure at the conclusion of an election and the sealing of the machines. If that is not correct, he thinks some other interpretation is called for and frankly trying to clarify the matter and determine whether that is the fact or not is important. It is important to him if he may say that he is a friend of Annie Bright as it is a reflection of her operation of the office and if that is not correct, then he feels it is not a reflection on Annie. Chairman Osborne asked if there was any more discussion.

Board Member Hall asked if Mr. Osborne wanted to further investigate the situation.

Chairman Osborne stated yes.

Board Member Hall asked to take any reflection off of Annie's legacy.

Chairman Osborne stated either to do that or to more firmly establish that it is not.

Board Member Hall asked what that would change. She is confused because the attorney said that everything was resolved and there was no mention of disparity on Annie's legacy.

Chairman Osborne stated that he had spoken to Shalanda Miller Senior Staff Attorney that her understanding about whether the machines were sealed or unsealed seemed to disclose one thing and that is there was no report in the office that they had been sealed after the 2014 election. There is now information from more than one source that that is

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not correct, that the machines were sealed after the 2014 election from more than one source. Shalanda was not aware of that. In other words, her investigation, he thinks, is incomplete or flawed.

Board Member Hall asked if the new information was verified.

Chairman Osborne stated not completely verified but with more than one source, he thinks it needs to be followed up on.

Board Member Hall stated so basically it is hearsay because we do not have any verified information.

Board Member Sligh stated no, not true, not true.

Board Member Hall asked what is verifiable?

Chairman Osborne stated nothing, from anybody, including what is in the attorney's investigation. None of that is verified either.

Board Member Sligh stated that it can be.

Board Member Pullar stated she was taking the word of the staff attorney that the situation had been investigated and resolved. Again, she would not want to disparage anyone's name or legacy if it is not true. However, that was not even brought up in the discussion. The main issue is the fact that the machines were unlocked and now they are locked. And to further investigate when we have so many other pressing issues at hand specifically a Presidential Primary election that is coming up in 45 days or less we are going to start voting and we do not have an election superintendent in place and to continue to talk about something three of us has already said is resolved, she does not understand. What do we gain for continuing the discussion of something in our minds is resolved?

Chairman Osborne states the truth of the matter is important to him.

Board Member Sligh states the only resolution is that the machines have been sealed.

Board Member Pullar states okay the machines were sealed in 2014. Say we take the person or persons that said that at their word they were in 2014. Now what is our next step?

Chairman Osborne states our next step is why was it stated to us they were not sealed in 2014. He does not understand the reluctance to try to discern the truth of the matter is.

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Board Member Hall asked what that would prove to us other than the matter has been resolved. It does not supersede the matter being resolved. It is behind the matter being resolved. We have already advanced to it being resolved. So we are back tracking to something to get somebody to say well yes I said this, or no, that is not true. It will not change the matter has been taken care of. The truth of the matter you are saying is going to do what. It will not change the machines are sealed. You are saying you want to find out some more background information, but that background information is not going to change the fact that the staff attorney has told us that it has been resolved.

Chairman Osborne stated he was hoping to avoid this but a letter was received by each of us as Board members from Laterral that the machines had been unsealed since 2014. I think the staff attorney had information that not only was it stated that the machines had been unsealed in 2014, but that there was no document that would show otherwise. He asked Ms. Miller to confirm this.

Ms. Miller stated she that she was not made aware of any document that would show otherwise.

Mr. Osborne asked if anyone stated to her that there was no document that they were aware of that would show that.

Ms. Miller stated no nobody had ever stated there was a document.

Board Member Sligh asked Ms. Miller who she asked.

Ms. Miller stated she interviewed Ms. Francis, Mr. Smith and Ms. Ruotolo.

Board Member Pullar asked if there is supposed to be a log that states when the machines are locked and not locked.

Ms. Miller stated yes, that is true.

Board Member Pullar asked if the machines were locked in 2014, where is the log that states that.

Ms. Miller stated she had no idea.

Board Member Sligh stated it could be produced.

Chairman Osborne asked if anyone said such a log existed or did not exist.

Ms. Miller stated no one ever mentioned such a log.

Mr. Osborne asked if Ms. Miller asked about it.

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Ms. Miller asked if anyone knew the machines had been sealed. She did not specifically ask if they had created a log, but she did inform a log would need to be created at which time no one ever informed me a log already existed.

Board Member Ash asked that the subject was being brought back up for what purpose since the issue was resolved at the last meeting.

Chairman Osborne stated whether the communication from Laterral Francis was truthful or not truthful. That is what it is.

Board Member Pullar stated that based on the process if a log is not present or available to Ms. Francis to indicate whether the machines were locked or unlocked then the assumption is that they were probably unlocked because the process states there should be a log with the number of each machine.

Board Member Sligh stated there is, there is and we can get it. It is open records. He stated his information came from Mrs. Bright.

Ms. Miller stated she did not speak to Mrs. Bright.

Board Member Sligh stated he did. The records are there and it is just a matter of us asking for them.

Board Member Hall asked who would you ask, who has them. There not in the office.

Chairman Osborne asked Ms. Ruotolo if she had ever seen such a report.

Ms. Ruotolo stated yes, I have. Let me clarify first, we do have the records. They are usually kept in the office until after certification in which they are boxed up and sent to archives. The record you are referring to is the DRE recap sheet where the seal number is recorded, the Manager signs off, and the Assistant Manager signs off. It is a 3 or 4 part page sheet that is ripped off. The Clerk of Superior Court gets a copy, our office gets a copy, and the Secretary of State gets a copy. I believe that is the record you are referring to.

Ms. Miller states that is not the record she is referring to. Per the state law, that is a process for documentation for the State's records. Per state law, there should be something in the elections office that anyone at any time can go look at. Not the recap sheets because they are specific to elections. She is referring to if maintenance is done on the machines or the machines are down for any reason there should be a log that records all of that. If there is a training and none of that would be recapped and sent over to the State because the recaps are specifically for elections. She is referring to an ongoing, historical record of how the machines have been touched and handled since they came into the custody of Clayton County. These are two separate things. She is not saying that

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the recap sheet does not work to show the machines were sealed up after the 2014 elections, but there should be a document kept here as well.

Board Member Sligh asked under whose say so.

Ms. Miller stated the State Election Board Rules and Regulations. Also, she thinks there should be some comprehensive training about what needs to be done on a day-to-day basis, following elections, what role the Board is going to play and what will be delegated to the Director and staff. This way there is accountability and things are in place the way they are supposed to be.

Chairman Osborne stated the email he is referring to is dated November the 9<sup>th</sup> from Laterrial saying I had a meeting today with the Chief Staff Attorney, assistant, and Chief Operating Officer in reference to the machines not being sealed for the DRE units after Riverdale election. They have been informed, and he takes it that the only person who could inform them was Laterrial, that there are more than 500 machines without seals since the general election in November 2014. Hope this clears up any confusion.

Ms. Francis states that somebody spoke to them without me knowing that the machines, or that they spoke to the attorney's office so that is why she was trying to clarify things because somebody had gone there. They never came and said Laterrial did you know this or being proactive or anything like that. They just whoever told or said whatever I do not know where it came from. All I know is that I received a phone call that Friday. That is why I sent that email to clear up any confusion. Once they instructed me what to do they sent the letter out. That is what we did. That is what I did. I never had a log, never ever had a log. When you talk about a recap sheet that is different. I am thinking of a log like she said historically so you can see each transaction on the machines. I have never seen that. I have never had that. We produced one for you and the staff attorney so you can actually know what is going on with those machines.

Chairman Osborne asked where the November 2014 come from.

Ms. Francis stated because when we went down to test the machines and do L and A those machines were not sealed. So my assumption is that they have been like that from 2014. For three elections she has used probably less than 60 machines. They had all these machines unsealed. That is what I saw. That is why I was able to tell them it was over 500 machines not sealed. That is where that came from.

Board Member Sligh stated let me say this Chuck Smith told me that in March of 2015 the machines were all sealed. They unsealed them to do maintenance on them and they did not reseal them because according to Chuck and I understand you agreed that they did not have to be sealed.

Ms. Francis stated no that is not the case.

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Board Member Sligh asked if Ms. Francis was saying they did not do maintenance in March.

Ms. Francis stated no you said Chuck said I said the machines did not have to be sealed. That is not the case. That is not the case. She did not have any knowledge that they should have been sealed. She did not have a log. They were just sitting there. The actual complaint was Riverdale and that their elections were tampered with or something to that effect. That was not true. With all the machines in the room, that is why I was able to tell them on Monday when they interviewed me we have over 500 machines unsealed. I do not know why Chuck said what he said. If he had known the machines were to be sealed, we would have sealed the machines.

Board Member Sligh stated that he said they were sealed when they were picked up or whatever for maintenance in March.

Ms. Francis stated okay so he should have resealed them. If he unsealed them then he should have resealed them, but he still would have had to log them.

Board Member Sligh states that does not have anything to do with that. You are saying they were not sealed and he says they were sealed and they had to take the seals off to do maintenance on them.

Board Member Hall asked who authorized that process. The maintenance process.

Board Member Pullar stated there is an L and A that has to be done before every election. Logistics and analysis of each machine.

Chairman Osborne stated that would not have been done in March.

Ms. Miller stated that would not have been done in March and she did not understand why they all would have been unsealed at one time for maintenance. Ms. Miller also stated that she had spoken with Mr. Smith and he never mentioned that to me during our discussions.

Board Member Sligh stated that Mr. Smith told him that he had said the same thing to Ms. Miller.

Board Member Pullar stated that she was not interested in interrogating anyone else about these machines that have been sealed one, and two we now have the correct process in place in terms of the information Ms. Ruotolo had talked about and the actual log that indicates each machine and the activity of each machine. We have received two logs since that process has taken place. The one with the initial sealing and the one used for training.

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Motion by Chairman Osborne, second by Board Member Sligh to conduct a discussion for the clarification of the DRE machines being sealed or unsealed. Motion fails 3-2. Pullar, Ash, and Hall opposed.

5. Public Comments: Torrey Harris thanks the Board for allowing him to observe the meeting.

6. Motion by Board Member Pullar, second by Board Member Hall to approve the minutes for the November 17, 2015 Regular Business Meeting and the December 7, 2015 Special Called Meeting. Vote unanimous.

7. Old Business: School Board District 9.

8. New Business:

- A. Director's Report.
- B. Letter to Judge Collier.
- C. Courtney Renz of Edison Research.
- D. Staff Certifications.
- E. Hearing to remove deceased voter from elector's list. (If available)
- F. Hearing to remove returned mail of deceased voters. (If available)
- G. Hearing to remove felons from elector's list. (If available)

9. Motion by Board Member Pullar, second by Board Member Hall, to remove deceased voters from the elector's list. Vote unanimous.

10. Motion by Board Member Hall, second by Board Member Pullar to remove felons from the elector's list. Vote unanimous.

9. Executive Session: To consider personnel and/or litigation, as necessary.

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There being no further business, motion by Board Member Sligh, second by Board Member Hall to adjourn the Special Called Meeting at approximately 5:15 p.m. Vote unanimous.

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HARRY A. OSBORNE, CHAIRMAN

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RUTH F. ASH, VICE-CHAIRPERSON

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PATRICIA PULLAR, BOARD MEMBER

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GEORGE SLIGH, BOARD MEMBER

---

DOROTHY FOSTER HALL, BOARD MEMBER

ATTEST:

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ALLISON R. RUOTOLO, CLERK