

CLAYTON COUNTY BOARD OF ELECTIONS AND REGISTRATIONS

Special Called Business Meeting
4:30 PM

March 18, 2020

APPROVED POST SUMMARY MINUTES

PRESENT: Chair Wesley, Vice-Chair Foster Hall, Secretary Johnson, Treasurer Givens, Board Member Pullar, Director Dozier, Supervisor Houston, Attorney Reed, and Elections & Registration Assistant Garrett.

REGULAR BUSINESS BOARD MEETING

1. *Chair called the meeting to order.*

2. *Moment of silence observed.*

3. *Adoption of Agenda:*

Motion made by Board Member Pullar, seconded by Treasurer Johnson. Vote Unanimous. Motion carried.

5. *PUBLIC COMMENT:* Citizens will be given a three-minute maximum time limit to speak before the Board of Elections and Registration about various topics, issues, and concerns. Public comments will be limited to thirty (30) minutes. Following thirty minutes of hearing from the public, the Board of Elections and Registration will allow the remainder of citizens who have signed up to be heard at the next regular business meeting.

There was no public comment.

6. *Old Business:*

There was no old business.

7. *New Business*

A. Challenge Hearing: Andrews vs Ross

Director Dozier informed the Board that the office received a letter from Mr. Herman Andrews, (Plaintiff) on March 11, 2020 challenging Mr. Xavier Ross' (Defendant) candidacy for the General Primary Election to be held on May 19, 2020. Mr. Xavier Ross is a candidate for Clayton County Board of Education District 5. Both candidates were sent letters via first class postal mail as well as email regarding the challenge hearing in accordance to O.C.G.A 21-2-229. They were notified that the burden of proof shall be upon the challenger, Mr. Herman Andrews however, Mr. Xavier Ross shall be prepared to provide evidence of his residency for the Board Members to make a decision on the challenge.

Mr. Herman Andrews presented to the Board stating: First, I would like to say good afternoon to the Board and Director Dozier. I come before you to challenge Mr. Ross' residency and I want to know if it is okay to handout. I was not sure of the number of board members that would be here. On top, you see the letter that I submitted to Director Dozier on March 10, 2020 regarding the residency my challenge, my official challenge of Mr. Xavier Ross residency. Second page you will see the O.C.A. that pertains to this hearing, it requires a candidate to be a resident of that district he or she is elected to represent. And on the third page, you will see from the Secretary of State website voter information Mr. Ross' address as registered on February 18, 2020 at 7275 Wagon Wheel

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Court. here in Jonesboro 30236. Under that page, you will see some photos from Zelma; this property currently belongs to Mr. Hussain. He listed his property for rent and these are some of the pictures of said property. But when you turn back to tax history, the price and tax history, you will note on February 12, 2020 is when this property became listed for rent. I visited the property on the 9th. I called Mr. Hussain because I wanted to look at the property. I was invited and at that time, I went around the apartment. There was no reference of anyone living there and in fact, he had just replaced the carpet and there was fresh paint on the walls. You see also on the tax history it was removed off the rental list on March 12, 2020. So it was up for rent for approximately a month. February 12, 2020 and then taken off list on March 12, 2020 . Next page, just a little rental history that I received from the tax commissioner, go online and see the history of the property, who owns it, and again Mr. Hussain. That's why today I think it is important that whoever leads the community has a footprint in the community and a pulse of the community in which they lead. I am not accusing Mr. Ross of doing anything nefarious but I think it is important that we correct the perception that's out there in the community across our borders of not being above and not being honest. I think this is an opportunity to correct that perception right here. Thank you for allowing me this opportunity to speak.

Mr. Xavier Ross presented to the Board stating: Good afternoon everyone, I just want to say that up until recently I incur the purchase lessee of that unit. Mr. Andres is correct that the unit was vacant but vacant with just cautions. What he did not tell you all is that upon coming to this unit there is new carpet and a new ceiling. Back in January, I had some damages from a water damage done. I moved all of my belongings out and in the process of me moving my belongings out I placed them in storage and times just got away from me, finances got away from me as far as getting things moved back in. One thing that he doesn't have a copy of is the letter from the homeowner to myself as well as verifying that the information is correct, Mr. Hussain is the owner of the property but he did send a letter to me. I still have rights to that property until the end of this month. In regards to the voter registration update in other districts or counties you are able, I know typically, in Henry County I work with a candidate down there. If an individual changes their updates and addresses it's automatically done to voters to the voter registration site. When I checked Clayton County, I has swopped it over last year, I still wanted to make sure that everything is current on this end for this property. That is the primary focus it. I say this in closing, before we entertain any questions. I have been a member of this community for several years. I live in District Five. Currently, I'm the process of solidifying whether or not I want to transact the lease purchase agreement with that property to take it further or I want to relinquish it and relocate to a district, of course, in at which time I would have to notify the Elections office because I qualified under said address.

Mr. Herman Andrews presented to the Board stating: I just wanted to point out that again, February 12 is when the apartment was vacated, February 18, 2020 is when Mr. Ross registered with the Secretary of State stating that that was his address and so if in fact if he was moved and relocated to another address, I think that address should have been used as registration versus the one that's in question. When I visited Mr. Hussain, I asked purposefully how long has it been available and at that time, he said about twenty-one days.

Mr. Xavier Ross presented to the Board stating: He could not have possibly visited with Mr.

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Hussain, not to discount his statement, however the fact that Mr. Hussain is not the manager of the property. We discussed them doing renovations and bringing it up to par, we cared for the property floor, my thirteen month lease is going to be up soon anyway, he said should I decide not to go forward, you can, just by giving him the heads up, he posted, I didn't know he posted the property online until I saw the challenge that's come in then I went online to look myself but I do believe some of the dates in regards to the property are ill-questionable as far as when he said I put out. I personally had my belongings out of the property for the work to begin around February 15, 2020. So you might have went in on the February 18, 2020 but I know there's no way and even then on the February 18, 2020, the whole ceiling was gone so some of the information that's being presented, I would question the authenticity of it having been a history teacher and a history major, one thing I always tell my mates.

Vice-Chair Foster-Hall inquired on if either party had a notarized statement from Mr. Hasan. Mr. Herman Andrews stated that he did not. Mr. Xavier Ross presented a letter that was emailed to him.

Board Member Pullar inquired on Mr. Xavier Ross' address as listed on his license, utility bills verification with the qualifications dates of 12 months leading up to his candidacy, and his current address residing within district lines.

Director Dozier presented to the Board the Department of Driver Services' registered address: 7275 Wagon Wheel Court Jonesboro, GA.

Board Member Pullar stated that Mr. Ross probably lived there because the Department of Driver Services' has to send a permanent license via postal mail.

Director Dozier informed the Board that the mailing address for Mr. Ross is 6721 Springdale Drive Ste. 106 Riverdale, GA.

Secretary Johnson inquired on a lease from Mr. Xavier Ross.

Mr. Xavier Ross stated to the Board that he did not bring a lease to the hearing and that if there is a continuation that he can retrieve it from his storage. He did present a Georgia Power correspondent from February 2019 reflecting the ability to go online to make electronic payments.

Secretary Johnson inquired on if the document reflected the current address in question.

Mr. Xavier Ross stated that the address is for the current address on Wagon Wheel Court.

Chair Wesley inquired on the date of the document.

Mr. Xavier Ross informed the Board that the address on the document is dated February 1, 2019.

Secretary Johnson inquired from Attorney Reed on the qualifications of candidates regarding their tax paying status.

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Board Member Pullar stated the Election Code Book personal bills could be used as an indication of where a person resides.

Board Member Pullar stated that both parties knew they were coming to a hearing for residency and had the opportunity to prepare.

Mr. Xavier Ross stated to the Board that because he is in between agreements at this time, he still has paid for this month.

Chair Wesley read aloud to the Board the letter presented from Mr. Xavier Ross from his property owner.

Secretary Johnson inquired with Mr. Ross to present his lease to purchase agreement.

Mr. Xavier Ross informed the Board that he and the property owner are still in discussion of the details of the agreement, which would begin in April.

Secretary Johnson inquired on the Springdale address.

Mr. Xavier Ross stated to the Board that his legal current address is on Wagon Wheel Court however; his office address is Springdale Drive. His belongings were placed in storage prior to the construction work; any of the scenario of an individual renovating their home or whatever the case is does not mean that there giving up the residence as the letter indicates I did express interest that I might be looking at going elsewhere. As indicated to me upon receiving that letter. The residence was posted to draw interest obviously and as such, I'm still the lessee until the end of this month at which time it will be my option on whether not we are going to move forward with the lease purchase agreement or transition to another residence.

Secretary Johnson inquired on where Mr. Xavier Ross is currently living.

Mr. Xavier Ross informed the Board that he is legally living at the Wagon Wheel address however for the purposes of quarantine he obtained a hotel room for a few weeks and then due to a respiratory infection, stayed at a friend's house. The cost to move out was \$700 and that he does not have that immediately to move back in. He also was not informed that the roof was done and would like the house to be cleaned thoroughly due to the pandemic.

Board Member Pullar inquired on copies of rental receipts.

Mr. Xavier Ross stated to the Board that he did not have copies of his rental receipts.

After listening to both statements, the Board had a discussion regarding the evidence presented during the hearing.

Board Member Pullar inquired on the verbiage used in the letter to both parties regarding the

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preparation for the hearing.

Director Dozier informed the Board that the letter included for both parties to be prepared to provide evidence of residency; some expectable items include vehicle registration, income tax returns, utility bills, and property tax statements.

The Board discussed the stature of the letter from the property owner being enough evidence as a non-notarized document and the lack of evidence that was not presented.

Secretary Johnson inquired from Mr. Xavier Ross on the location of his cast vote in November of 2019.

Mr. Xavier Ross informed the Board that he did not vote.

After inquiry from the Board, Director Dozier informed the Board that according to Mr. Ross' Voting History, Mr. Xavier Ross cast a ballot on November 5, 2019 in Henry County as well as December 4, 2018.

Motion made by Secretary Johnson, seconded by Vice-Chair Foster Hall, to uphold the challenge presented by Mr. Herman Andrews. Vote Unanimous. Motion carried.

Motion made Board Member Pullar, seconded by Vice-Chair Foster Hall to remove Mr. Xavier Ross from the official candidate roster for the Clayton County School Board District 5 for the General Primary Election to be held on May 19, 2020. Vote Unanimous. Motion carried.

8. Executive session:

There was no executive session.

9. Adjourn.

Motion made by Board Member Pullar to adjourn the Special Called Board Meeting at 5:11 P.M. Motion seconded by Secretary Johnson. Vote Unanimous. Motion passed.

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CAROL WESLEY, CHAIR

DOROTHY FOSTER HALL, VICE-CHAIR

DARLENE JOHSON, BOARD MEMBER

DIANE GIVENS, TREASURER

PATRICIA PULLAR, BOARD MEMBER

ATTEST:

BRIANNA GARRETT, ADMINISTRATIVE ASSISTANT