

State of Georgia

County of Henry

The Henry County Board of Elections and Registration held a Special Public Meeting at 1:00 p.m. on Wednesday, February 11, 2021, held on Zoom. Notice of this meeting was posted in the entrance foyer of the Elections and Registration Building and on the County website. The Daily Herald was notified of this meeting. Those present were:

Donna McBride, Chair and Democratic Party Appointee

Andy Callaway, Vice Chair and Republican Party Appointee

Arch Brown, Board of Commissioners Appointee (Audio only)

Donna Crumbley, Republican Party Appointee

Mildred Schmelz, Democratic Party Appointee

Also in attendance: Director Ameika Pitts, Terrika Davis, Superintendent Mary Davis, Patrick Jaugstetter, Chair Matthews, Brook Schreiner, and Will White.

I. Call to Order

Chair McBride called the meeting to order.

II. Acceptance of the Agenda

Board Member Crumbley accepted the agenda, Vice Chair Callaway seconded. The motion carried 5-0-0.

III. Early Voting Schedule

Brook stated for the E-SLPOST and Locust Grove City election is doing three weeks from 8:00am to 5:00pm and since there is no State or

Federal race on the ballot, that Saturday voting does not have to be done. She stated that for early voting the Locust Grove Library, Merle Manders, Fairview Recreation Center, and the Main Office would be open all three weeks, and J.P. Mosley Recreation Center and Hampton Library would be open the last week. She stated that this is due to budget and personnel reasons.

IV. E-SLPOST

Chair McBride stated that January 13, 2021 the Board of Education asked that the Board of Election put the E-SPLOST on the ballot and it was at that time the Board of election indicated that it would be accepted if they agreed to pay for the expenses that would occur during the election. She continued stating that on February 3, 2021, the Board of Elections had evidence that the surrounding counties requires their Board of Education to pay for the election if they were on the ballot by themselves. The Board Members was provided with an invoice from 2009 where the Board of Education did pay for an election before. Chair McBride continued stating that on February 3, 2021 the Board of Elections agreed to allow the attorney, the director, the chair, and the county manager to go into discussion with the Board of Education. She stated that on February 8, 2021 the Board of Education that consisted of the superintendent and their attorney met with the previously named positions to discuss how they can all insure that the funds for the election would be paid for. She continued stating that the Board of Education does not want to pay for the election nor do they want to provide a memorandum of agreement that they would pay for the election in full because they are on the ballot by themselves. The Board of Education would like the Board of Elections to proceed with the election of March 16, 2021 and invoice the County and they will decide if they will pay for anything at that time. Attorney White stated that they want more time to look at this so they do not open themselves up to potential challenges. He continued to share his screen of a statute and spoke of the 2009 referendum and that the Board of Education paid for a bond only referendum. He continued stating that that bond was not E-SPLOST. He said that this bond is controlled by Code §36-82-2. He

then went to the code that is over SPLOST which Code §48-8-111 section 6B. He also mentioned Code §21-2-71. He stated that what is at stake for the Board of Education is \$325 million in SPLOST funds and \$221 in bond referendums that he would have to sign something which in turns means that the Board of Education has done this legally and based of code §21-2-71, he can't 100% say that this is to be true. The Board discussed further. Chair McBride said to put the election off until November to give the Board of Education more time to get all question answered. Board Member Brown stated that if the Board of Elections moves the election to November that he will resign immediately.

V. Executive Session

Board Member Schmelz made the motion to go into executive session due to possible litigation, Board Member Schmelz seconded. The motion carried 5-0-0.

Vice Chair Callaway made the motion to come out of executive session. The motion carried 4-0-0.

Board Member Crumbley made the motion to proceed with the E-SPLOST election on March 16, 2021, Vice Chair Callaway seconded. The motion carried 4-0-0. Board Member Schmelz made the motion for Attorney Jaustetter to file a declaratory judge of action on behalf of Henry County Board of Elections to recover money that will be owed to Henry County for the March 16, 2021 E-SPLOST election, Chair McBride seconded. The motion carried 4-0-0.

VI. Board Member Comments

The Board Members made their comments.

VII. Adjournment

Board Member Crumbley made the motion to adjourn the meeting, Board Member Schmelz seconded. The motion carried 4-0-0.