

20 October 2022 Board Meeting Minutes

Board members present: Myesha Good, Maurice Hurry, Michele Crochetiere, Kevin Evans and Bob Proctor

Staff present: Milton Kidd and Malcolm Unvala

Legal counsel present: Aaron Watson, Michael Coleman, and Leslie Suson

Citizens present: Elizabeth Bennett and Linda Cripe

Approval of Agenda

Mrs. Good requested a motion to approve the agenda. Mr. Proctor asked if the “office report” section of the agenda would be germane to the meeting’s subject. Mr. Kidd informed him it would be.

Mr. Hurry made the motion and Mrs. Crochetiere seconded. The agenda was approved unopposed.

Citizen Comment

Mr. Kidd informed the board that Mrs. Elizabeth Bennett requested to speak as well as Mrs. Linda Cripe. Mrs. Good approved both individuals for comment and informed them of a three minute time limit.

Mrs. Bennett informed the board that all documents provided for this meeting are obtainable through open records requests and the Freedom of Information Act, including Commissioner Henry Mitchell III’s divorce filings as well as declaration of candidacy. Mrs. Bennett argued that the divorce documents show the division of real property. Commissioner Mitchell was awarded the property on Blackberry Lane in Villa Rica while other parties were granted the property in District 1. The third property is a rental property and Commissioner Mitchell has reported receiving income on it. The divorce papers show that the separation of property began on 19 July 2020 and all legal documents show that he received mail at Blackberry Lane in Villa Rica. She states that in those documents Commissioner Mitchell agrees that the property on Blackberry Lane is his known address. In addition, pursuant to O.C.G.A §45-2-1, Commissioner Mitchell must live in the district that he is running for the preceding 12 months prior to filing his

declaration of candidacy and he does not meet this requirement. Mrs. Bennett noted that his DDS records as well as voter registration records also do not match his current residence. Mrs. Bennett ended by noting that Commissioner Mitchell's primary residence is in District 4 and is therefore ineligible to run in District 1.

Mr. Kidd requested Mrs. Bennett state her name and address for the record. Mrs. Bennett informed the board she was Elizabeth W. Bennett residing at 4347 Midway Rd, Douglasville, GA 30134.

Mrs. Linda Cripe at 5195 Dorsett Ridge Rd noted she resides in District 3 and is a concerned Douglas County citizen. She informed the board that Commissioner Mitchell does represent the citizens of District 1. Mrs. Cripe cited O.C.G.A §45-2-1 reiterating that candidates must have been residents of their district for at least the 12 months preceding their declaration of candidacy. Mrs. Cripe attested to having witnesses to the fact that Commissioner Mitchell does not live in District 1 and that they can be called if this matter were to move to a hearing.

Mrs. Good thanked both citizens for their comments and instructed them to view the rest of the meeting via live broadcast.

Office Report

Mr. Kidd informed the board of O.C.G.A §21-2-217 and the rules regarding the determination of residency and read from section 2;

A person shall not be considered to have lost such person's residence who leaves such person's home and goes into another state or county or municipality in this state, for temporary purposes only, with the intention of returning, unless such person shall register to vote or perform other acts indicating a desire to change such person's citizenship and residence

Mr. Kidd went on to read section 15;

For voter registration purposes, the board of registrars and, for candidacy residency purposes, the Secretary of State, election superintendent, or hearing officer may consider evidence of where the person receives significant mail such as personal bills and any other evidence that indicates where the person resides.

Mr. Kidd informed the board that prior to this meeting, the Board of Elections did obtain from Georgia DDS the record for Commissioner Mitchell III. The address on record is the District 1 address 7751 Mountain Creek Way. Mr. Kidd went on to inform the board that he obtained the homestead exemption for Commissioner Mitchell which is the same address.

Mrs. Good requested a motion to move into Executive Session to discuss potential litigation. Mr. Proctor made the motion and Mr. Evans seconded. The meeting moved into Executive Session at 5:25pm.

The meeting resumed at 5:38pm.

Mr. Coleman explained that the meeting is not for the purpose of a qualification challenge. He noted that such a challenge must be brought within two weeks of the qualification period. He noted that the purpose of the meeting is for the board to determine whether or not to bring the challenge on its own accord.

Mr. Coleman stated that he has interviewed Commissioner Mitchell and that he has always intended to remain at the Mountain Creek Way residence. Mr. Coleman noted that intent is the critical factor in determining residency.

Mr. Coleman also noted that the exhibits presented by the two individuals were not accurate regarding the division of property. There was a complaint filed and asked for an equitable division, but it was not provided in any of the documents to the board of elections.

Mr. Coleman also noted that he is privy to certain information regarding the distribution of property and that the Mountain Way residence will belong to Commissioner Mitchell at the conclusion of the divorce proceedings and Mr. Coleman advised the board that Commissioner Mitchell's residency is in District 1.

Mr. Kidd noted to the board that Commissioner Mitchell has attested to the fact that the Mountain Creek Way address is his intended residence.

Mr. Kidd read from O.C.G.A §21-2-217 section 14;

The specific address in the county or municipality in which a person has declared a homestead exemption, if a homestead exemption has been claimed, shall be deemed the person's residence address;

Mr. Kidd explained that the office has obtained the homestead exemption listing the 7751 Mountain Creek Way address as his address of residency.

Mrs. Crochetiere thanked Mrs. Cripe and Mrs. Bennett for their time. She stated her concern for the people of District 1 having the right to be represented by people in their community. She requested a motion to challenge the qualifications of Commissioner Mitchell pursuant to O.C.G.A §45-2-1 and move to a hearing. Mr. Proctor seconded the motion.

Mr. Proctor and Mrs. Crochetiere supported the motion and Mr. Hurry, Mr. Evans, and Mrs. Good opposed the motion. The motion failed to pass to hold a hearing regarding Commissioner Mitchell's qualifications to hold the office of District 1 Commissioner.

The meeting was adjourned at 5:48pm.