

Cherokee County

Board of Elections & Registration

Cherokee County Elections & Voter Registration

Meeting of the Board.

2.1.2021

Members Present: Alan Shinall, Don Sams, Cindy Castello, Rachel Kinsey, and Mike Byrd

Others Present Tim Adderholdt, citizen, Ann Brumbaugh, Attorney

Proceedings:

- Call to order-
 - Alan Shinall called meeting to order at 9:41am
- Approval of Monthly Board Meeting Agenda-
 - Motion to approve Mike Byrd, second Cindy Castello, motion carried 5-0
- Approval of Board Meetings Minutes (1.4.2021)-
 - Rachel Kinsey handed out meeting minutes to all- Mike Byrd made motion to approve, Don Sams to second, passed 5-0. Motion carried-
- Alan Shinall to discuss Tim Adderholdt- Attorney Recommendation
 - Tim Adderholdt wanted to see what we felt about the complaint that was filed regarding the absentee ballots opened before election day. Election integrity and the law followed was his biggest concern, wanted his BOE to follow the law.
- Cindy Castello made motion to go into executive session, Don seconded to go into Executive Session- motion passed 5-0, Tim Adderholdt was asked to leave.
 - Executive Session
- Motion was made by Rachel Kinsey to come out of executive session, Cindy seconded. Motion carried 5-0 to resume regular session.
 - Anne Brumbaugh was called on the phone to speak to Tim Aderholt regarding the complaint that was filed. Law says X, rule says Y. The are not in sync, Cherokee County Board, we do not have the authority to ignore the State Election Board and S.O.S. Not accepting the settlement offer, since the suit is not with us, in her opinion, Tim needs to get an attorney, secondly, to fix the problem, it must be fixed at the State Level. State rule was not an order, or a mandate for the board to follow, not a shall, it was a "may". The State Board did not say we had to, but we may too, that is not what his complaint is saying is that the rule needs to be changed at the Statewide. Unconstitutional unlawful rule, statewide issue, not a Cherokee rule. Tim Adderholdt asking that Cherokee County Board, Anne Dover as Director, and Tim Adderholdt all file a complaint

together against the State, and he would drop his complaint all together. Anne Brumbaugh will have to speak to us about it, and then get back to Tim Adderholdt about it. Tim Adderholdt is willing to drop the complaint against us if there was some justification and conflict resolution. It would not be a leap for this board to exert our leadership and strength against the S.O.S. Motion would be filed once the approval is given from us against Tim Adderholt.

- Regarding the issue at hand. Motion to approve the response out attorney is suggestion. Cindy Castello is asking for clarification, what we have, Anne Brumbaugh has circulated the motion to dismiss case and
 - Cindy Castello personally has an issue with the law with the rule, and she feels that the law would supersede the rule. Anne Brumbaugh pulled up the rule it states, "Beginning shall be authorized 8:00 am to open ballots."
- Motion is that we approve the answer and dismal on procedural grounds. Mike Byrd makes the motion, Rachel Kinsey seconds motion. Cindy Castello opposed motion. Carried 4-1.
- Anne Brumbaugh suggests a letter regarding the need for clarification on what we can do. 10 days after election day, only 3 days for provisional ballots. If we are keeping this rule, the statue needs to be amended. Needs to show standing, and that no one was hurt, not harmed by what we were doing. Unless you can show that an actual injury, you do not have standing.
- We opened the oath and outer envelope, ballots. Kim never considered not starting on election night.
- Cindy Castello's concern is, not our office, they are sequestered for three weeks, maybe 10 days. They go home every day the visual they are seeing if there was fraud. People can have access to them, someone is going to do it.
- **Unfinished Business**
 - Barcode scanned in enet, matching names with barcodes.
 - Poll watchers, are they allowed to go to the other workers, not just the manager? Poll watchers are not supposed to be involved; they need to tell supervisor.
- **Supervisors Report**
 - See attached.
 - County, Board of Education, Elost November- put on this year, so if it does not pass, then can go on again next year.
 - Anne, Wendy and Bradley will make themselves more visible in the county.
 - Bradley is working on the website.
 - 2 deceased voting, first one is a mistake, second is questionable, must go and look for original application to investigator.

- Space, we did not get to meet with Jerry, postponed, Stacey Williams and 2 architects, and Matt, they are talking now, Sonia Little not another election here, Steve does understand that we did not ask to be here, talk now, there is a 1-million-dollar budget to move back to warehouse, offices again, tabulation room, equipment, move to CATS warehouse, need a living and breathing office. Anne is incredibly concerned over this, BOE does not have a say in this. There are 11 parking spaces that belong to the county at warehouse. It is not adequate for voting. Anne received an email from South Cherokee Annex, they are now telling us we cannot have the annex. Space is a major concern. Going to take a big hit \$ wise since the Board of Education does not pay for the election. Because we use their facilities, we do not charge them for their elections. We need another location for the South part of the City. Does not have to be a county building, must have all the securities that we need.
- **New Business:**
 - Anne Dover was promoted to Director.
 - Need to find a new location: South Annex will not be available anymore.
- Cindy Castello made a motioned to adjourn, Don Sams seconded. Motion carried 5-0
- Meeting adjourned at 10:41am



Rachel A. Kinsey, Secretary

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