

PUTNAM COUNTY BOARD OF ELECTIONS AND REGISTRATION
CHALLENGE HEARING
WEST SUPERIOR COURTROOM, PUTNAM COUNTY COURTHOUSE
July 20, 2012
2:00 PM

- I. Call to order: 2:10 PM.
- II. Roll Call
 - a) Mr. Lynn Callaway, Vice-Chairperson: [present by telephone]; arrived at 3:15 PM.
 - b) Mr. Frank Ford: present
 - c) Ms. Annie Parker: absent
 - d) Ms. Janet Pearson, Chairperson: present
 - e) Mr. Bob Stinnett: absent
 - f) Gary Sanders, Supervisor of Elections and Registration: present
 - g) Anne Lewis, BER attorney
- III. Challenge Hearing
 - a) Ms. Pearson outlined the challenge hearing process and asked if either party wanted to sequester witnesses, make motions, offer stipulations of facts, or make opening statements.
 - b) Mr. Melvin Bishop offered his opening statement, providing background information about his unpaid taxes and informing the Board that he has a payment plan in place.
 - c) Ms. June White offered her opening statement, alleging that Mr. Bishop falsely swore on his declaration of candidacy that he does not own any back taxes.
 - d) Mr. Bishop presented to the Board four documents as evidence for consideration, to which Ms. White did not object.
 - e) Ms. Pearson asked if either party wished to make a closing statement. Neither did.
 - f) Ms. Pearson reviewed the documents tendered and admitted.
 - g) Mr. Ford moved to enter executive session to consult the Board's legal counsel.
 - i) Mr. Callaway seconded the motion.
 - ii) Vote: all in favor.
 - iii) The Board entered executive session at 2:43 PM.
 - h) Mr. Ford moved to come out of executive session to accept additional evidence.
 - i) Mr. Callaway seconded the motion.
 - ii) Vote: all in favor.
 - iii) The Board reconvened at 3:43 PM.
 - i) Mr. Bishop presented to the Board one additional document as evidence for consideration, to which Ms. White did not object.
 - j) Mr. Ford moved to enter executive session to consult the Board's legal counsel.
 - i) Mr. Callaway seconded the motion.
 - ii) Vote: all in favor.
 - iii) The Board entered executive session at 3:52 PM.
 - k) Mr. Ford moved to come out of executive session.
 - i) Mr. Callaway seconded the motion.
 - ii) Vote: all in favor.
 - iii) The Board reconvened at 5:30 PM.
 - l) Mr. Ford made the following motion:
 - i) The Board has considered all the testimony and documents submitted by the parties.

After reviewing all the evidence, the Board finds that Melvin Bishop is not qualified to seek and hold the public office for which he is offering because he is a defaulter on state taxes and has not provided any proof that he has removed his ineligibility by making full payment of the taxes or that he is making

payments to the tax authority pursuant to a payment plan, as required by Article 2, Section 2, Paragraph 3 of the Georgia Constitution.

Because the ballots have been printed and voting has begun, the Board directs that a prominent notice be placed at each affected polling place advising disqualification of the candidate and all votes cast for such candidate shall be void and shall not be counted.

- ii) Mr. Callaway seconded the motion.
- iii) Vote: all in favor.
- m) Ms. Pearson informed the parties that a signed copy of the order will be mailed on Monday, July 23.
- n) Mr. Ford moved to adjourn
 - i) Mr. Callaway seconded the motion.
 - ii) Vote: all in favor.
 - iii) The Board adjourned at 5:33 PM.

ATTEST:



Gary Sanders
Supervisor of Elections & Registration



Janet C. Pearson,
Chairperson

AFFIDAVIT OF CHAIRPERSON OR PRESIDING OFFICER

Just C Pearson, Chairperson/Presiding Officer of the Putnam County Board of Elections & Registration, being duly sworn, states under oath that the following is true and accurate to the best of his/her knowledge and belief:

1.

The Putnam County Board of Elections & Registration met in a duly advertised meeting on July 20, 2012.

2.

During such meeting, the Board voted to go into closed session.

3.

The executive session was called to order at 2:43 a.m./p.m.

4.

The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

Consultation with the county attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and (insert the citation to the legal authority making the tax matter confidential) _____;

Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(6);

Other (describe the exemption to the open meetings law): _____ as provided in (insert the citation to the legal authority exempting the topic): _____.

This 20th day of July, 2012

Just C Pearson

_____, Chairperson/Presiding Officer,

Putnam County Board of Elections & Registration

Sworn to and subscribed
Before me this 20th day of

July, 2012

Notary Public

My commission expires: 1-3-13



STATE OF GEORGIA
COUNTY OF PUTNAM

AFFIDAVIT OF CHAIRPERSON OR PRESIDING OFFICER

Janet C. Pearson, Chairperson/Presiding Officer of the Putnam County Board of Elections & Registration, being duly sworn, states under oath that the following is true and accurate to the best of his/her knowledge and belief:

1.

The Putnam County Board of Elections & Registration met in a duly advertised meeting on July 20, 2012

2.

During such meeting, the Board voted to go into closed session.

3.

The executive session was called to order at 3:49 a.m./(p.m.)

4.

The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

Consultation with the county attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and (insert the citation to the legal authority making the tax matter confidential) _____;

Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(6);

Other (describe the exemption to the open meetings law): _____ as provided in (insert the citation to the legal authority exempting the topic) _____.

This 20th day of July, 2012.

Janet Pearson

_____, Chairperson/Presiding Officer,

Putnam County Board of Elections & Registration

Sworn to and subscribed
Before me this 20th day of

July, 2012.

Notary Public

My commission expires: 1-3-16

