

# CLAYTON COUNTY BOARD OF ELECTIONS AND REGISTRATION

Special Called Business Meeting  
7946 North McDonough Street  
Jonesboro, GA 30236

March 22, 2024  
2:00 PM

## APPROVED POST SUMMARY MINUTES

PRESENT: Chair Walker, Vice-Chair Hope, Secretary Johnson, Board Member Wesley, Board Member Foster Hall, Director Dozier, Deputy Director Brown, Attorney Reed, and Administrative Assistant Taylor.

1. The meeting was called to order at 2:00 PM
2. Moment of Silence.
3. Adoption of Agenda.

**Motion made by Board Member Foster Hall, seconded by Board Member Wesley, to adopt the agenda for the Special Called Board Meeting on March 22, 2024. Vote Unanimous. Motion Carried.**

4. Public Comment: Citizens will be given a three (3) minute maximum time limit to speak before the Board of Elections and Registration about various topics, issues, and concerns. Public comment 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 the citizens who have signed up to be heard at the next regular business meeting.

### **Five (5) public comments:**

#### **Orlando Gooden**

The purpose of my complaint was to address an issue with you regarding the integrity of The Affidavit of Candidacy. The Company has a Commissioner who serves on the Board who blatantly lied on her application several years ago. After contacting the state, the press, and the State Ethics Board, that person is still on the Board, and there has been no retaliation retribution, no consequences for those missed statements ... why? So, we will have to make it our business since there is a time limit window to file a complaint before this individual takes office. We will do that now to preserve the integrity of the Affidavit of Candidacy since no one seems to be getting this on this Board.

#### **Mickey Garber**

Madam Chair, Members of the Board, I respectfully yield the floor because I have no comment. And I will save any comments for the challenges. Thank You.

#### **Jake Evans**

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Yes, I'm an attorney for Mrs. Allen and here to speak on the challenges. I would like to reserve my right to do that. No Comment at this time. Thank You.

### **Pat Pullar**

Good afternoon, everyone. I came today to talk about the legislation before our state legislators at this session. I feel that there are some bridges that are putting an undue burden on our county and all the counties in this state. One of them is reducing the number of voting machines on election day. This means they will have only one election machine for 250 people, which is crazy. You know this is really an opportunity for them to suppress the vote. I won't go into all the election stuff, but they are also requiring counties to challenge and report absentee ballot votes by 8:00 PM, which is crazy. No one can possibly do that. All the legislation that was put forward, some of them, most of them, are unfunded. Meaning, that is would be a burden to Clayton County and the rest of the counties in the state to put forth any effort to administer all of these changes that took place. So, what my suggestion is to call all of our legislators and make them aware of the legislation they are trying to put forward. Maybe try to stall it in committee, but I don't know. We are not the majority; Democrats are not the majority. Most of the things that go into committee will go on the floor. We should at least have our voices heard. I just wanted to talk to you about that today.

### **Theresa Tally**

I have concerns. I think my main concern is when a lot of positions are coming up and we are having to vote in May. The main concern I have is that it is ridiculous that anybody can apply and run for anything in our county with no background. They haven't done anything in the county, they haven't supported anything, they haven't spoken on anything. But when it comes to running for office, it seems anybody can run for office. I'm a female, and I have never shot a gun. Can I go to the current Sheriff Allen and say I want to be a police officer or sheriff? With no background, would he hire me? I don't think so. There needs to be better qualifications to run for anything in our county. It needs to be better than just the commissioner and chair. I think that there is something our election board needs to look at. Look at the background: If I went to jail for stealing, would Sheriff Allen hire me? No, he would look at my background even if I wasn't convicted. I would show, I would be a risk to run under him or to work under him. So, I'm saying we need better policies in place when a candidate wants to run for anything in our county. Thank you.

## **5. New Business**

### **A. Challenges:**

Chair Walker informed everyone on how the challenge process would go, making it fair for everyone.

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Chair Walker announced to everyone that the Board of Elections and Registration had received several challenges regarding Mrs. Allen's qualifications as a candidate for Commissioner, District 3 seat.

Chair Walker stated that before the hearing, she wanted to explain how the process would go today.

Chair Walker stated that the Board takes very seriously its duties to protect the voters interested in having public offices in the community held by legally qualified persons. This process, which is set forth in the State Law under O.C.G.A 21-2-6, is a safe way to allow voters the right to ensure that it is so. This Board does not have unlimited powers. We only have the power that is granted to us by law. Therefore, if there are matters that are raised in this process that are outside of the powers expressly granted to us, we cannot do anything without the information. The only matter we are charged with addressing today is whether significant evidence demonstrates that candidate Allen is not qualified to run for District 3. Any allegation of criminal behavior or other such matters should be brought to the attention of the appropriate authorities. All of the challenges are to one candidate, and many are challenging her candidacy for the same reason. Therefore, we are going to hear each case individually but reserve our decision until all the cases have been presented.

After all the cases have been presented and heard, we will go into closed-door deliberation. And announce our decision verbally. A written decision will be provided to each of the challengers individually and the candidate by Tuesday, March 26, 2024. In case there is a desire to appeal, all parties will be sworn in prior to the beginning of each case.

Please be prepared to present any evidence, written or testimony, in support of your position. It is the candidate's burden to show that they are eligible to run for office.

The Board will first hear from the challenger, but the final response will be from the candidate to prove their eligibility in light of the challenge.

As this is an administrative hearing, the standard is per ponderous of the evidence. Which means the matter is determined by moral and responsible certainty. In some incidents, it is described as 51% likely that the matter is correct.

Chair Walker asked if there were any questions after she completed the process.

Director Dozier informed Chair Walker that she would present the challengers to her in the order they were received.

Chair Walker reminded everyone to be respectful of everyone and the information that will be presented before the Board.

### **B. Challenger Jean – Funny v. Allen**

Attania Jean-Funny was sworn in. She stated that she is a resident of District 3 and noted that nothing here is personal.

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Further, it is important to establish residency because even if you live in the same county, depending on the district you live in, we share different life experiences. Each Board Member should share their life experience with the district they represent.

I have to honestly say that the experience I had when I declared my candidacy was done for every candidate; we may not be sitting here right now.

My experience when I came in to declare my candidacy for Commissioner was done by Auntavee here, and she went on the voter registration. She pulled up and qualified my last name and my address when I came to declare.

Of course, I wouldn't be a solid candidate if I didn't research my opponents.

So, upon hearing that.... I'm going to call her Tally-Allen. She has used both last names on things, so...either one.

Upon finding out she was running for District 3, I did what I do for all my opponents and looked her up on VoteBuilder. I could not find anything under Tashe'Allen. What I did find when I put up Mr. Allen's name in the system was LaTashe' with no accents and Talley sharing the same address. I took a picture of it. As you know, VoteBuilder comes from the Secretary of State.... they download the information from the Secretary of State Office. Under VoteBuilder, as of September 1, 2023, it has her address as 6590 Oak Mill Ct, Morrow.

There is a screenshot of this.

Upon that, I understand .... I will get to that later.

So, upon information, I believe that the candidate has provided false information regarding their residency; it is believed to have claimed residency in District 3 for a total of over one year, and residency must be established by sight statute. So, in determining whether an applicant is entitled to a homestead exemption, it is necessary to ascertain from all the facts available whether an applicant owned or occupied a home on January 1 and whether the home was being occupied as a permanent residence and a place of abode and was the legal residence of the applicant for all purposes. This is 1967, Attorney General #67-11. Property must be occupied by the claimant as a dwelling place; homestead exemption is allowed only for property occupied by the claimant as a dwelling place. 1950-51, Georgia Attorney General #172.

The homestead exemption must be occupied as a permanent resident in a place of abode by the applicant awarded the exemption. The homestead shall be the legal residence and domicile of the applicant for all purposes. O.C.G.A. 48-5-43K

Where property is owned or occupied jointly by two or more individuals who occupy the property as a home, if the property is otherwise entitled to be a homestead exemption, the homestead can be claimed in the name of joint owners residing in the home. Where the properties in the homestead are legally owned by others, others shall be entitled to claim the full amount of homestead exemption O.C.G.A 48-5-43H.

Occupied primarily as a dwelling means that the applicant and members of the family occupy a portion of the property as home; no more than one exemption must be claimed pursuant to the subparagraph in connection with the occupancy of one home except in the case of duplex or double occupancy. Dwelling is when the line of division falls with a natural bonafide plan on land or building of the two units formed or separately occupied and owned. O.C.G.A 48-5-46.

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The domicile of a married person shall not be pursued to be the domicile of a person's spouse. O.C.G.A. 19-2-3

We also have a case where Dozier v Baker was granted a summary judgment that was presented as documentation of legal residency in the district. And with that included voter registration and voter history, driver's license and homestead exemption on the property in the district, and vehicle registration. Thus compiling enough evidence for residency.

In the Election context, a person may have several residencies but only one domicile. No definite amount of time spent in a place essentially does not make a place home. A residency in another jurisdiction does not make decisive the question of domicile.

So, both the voter registration and actual voting in Clark County, or particular persuasion.

So Smiley-545 v Davenport -139 Georgia App 753-758-2 229-SE2D 489 1976.

Other evidence is that Commissioner Baker's domicile is in Clark County. The county includes the purchase of a home and additional rental property, payment of property taxes and utilities, service on a transverse jury, income tax returns, campaign disclosure reports, qualifying affidavit to run for re-election, receipt of business mail, and Church attendance.

Handle v Powers 84-GA 550: In determining residency, the secretary had to consider all 15 rules of 21-2-217 as applicable.

Also, there are rules of determining residency 21-2-217 in determining the residency of a person desiring to vote or to qualify to run for elective office. The following rules shall be followed as they are applicable.

14- The applicable address in the county or municipality in which a person declared a homestead exemption if the exemption has been deemed the person's residence.

15- For voter registration purposes, the Board of Registrars, for candidacy and residency purposes, the Secretary of State, Elections Superintendent hearing officer may consider evidence where the person receives significant mail such as personal bills and other evidence that indicates where the person resides. O.C.G.A 21-2-2-17

We did ask for the affidavit of candidacy well before this hearing. It was past the 3-day allowance, and we did not receive it. We did pull the property statement. If it is true that she has claimed residency for over a year, that would go back to 11-15-22, in which she claimed and paid property taxes based on the fact that Morrow was her residence. In which case, she has defrauded the county and paid less taxes than she actually owed. We do know recently, 2023, that it has been changed. Another issue that I would like to bring before the Board is if your residency is not in question, why go and start deleting a whole bunch of things that show your residency to be in Morrow instead of in District 3? So, if you go on social media, Nextdoor, you can tell that she changed her residence from Morrow to Panhandle three (3) weeks ago. And then, went and deleted all of those posts showing that she actually resided in Morrow. So, there is no need if you lived in a particular area for an amount of time that you lived there, there is no need for you to go and start deleting and changing things this week if you know you have already qualified for a particular area based on where you live. So, I believe the amount of deception that has been going on. Changing addresses and exemptions, things like that shows that there is a level of deception to the residents of District 3 and to the local government here, which is why I'm here to challenge this case.

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Thank you.

### **C. Ward v. Allen: Candidate Qualifications Challenge**

Tanesha Ward was sworn in.

Tanesha Ward stated she was a veteran, taxpayer, and homeowner in District 3.

She stated that she was very disheartened by the process. She stated there should have been procedures to follow at the meeting emailed to everyone, including what was read before the meeting started. There is a timely process that has to be done from the time the challenge is submitted. She stated you have two (2) weeks from qualifying to present your challenge, which she did timely. She further stated that she submitted an open record request on March 15 at 1:30 AM. And that she has not received her open record request to date. She has contacted Director Dozier on two (2) occasions and was told it is being looked into. Four days later, she sent a follow-up and was told again that it was being looked into. She stated that she entered her reservation number into the County's website to check on the request, and it stated: "in process." Prior to coming to the meeting today, she checked on it again, and it stated "partial request released". She is unsure who was handling her request because she did not receive any status notification.

When the initial meeting was scheduled for March 15, she emailed Director Dozier asking for her documents because the law requires three days to get the requested record(s), and she knew they would not come in time. As of today, she has yet to receive those records. She further stated that it is ridiculous that we have a process that we are not following. She has sent her complaint to the state and Attorney General because we have processes that we need to follow.

The constitution sets eligibility for citizens who qualify as a candidate for office in the state, county, and local municipalities. The Georgia Constitution Article II, section two (2), paragraph three (3) O.C.G.A 45-2-1 and Code of Clayton Section 2-3. Further, O.C.G.A 452-1(b) provides that the residency requirement for a candidate for any kind of office is 12 months prior to the election to the office. As we are aware, the Georgia Primary date is May 21, 2024. We have a few issues to consider....we are considering Mrs. Talley Allen's residency. Morrow was her home of record at the time of declaration in July of 2023. She purchased that home in May of 2015. Since that time, she has claimed that home and has enjoyed a homestead exemption on that property. As the law requires, once a name change has occurred homestead exemption should have been updated. According to the homestead, even today, her name on that property still reflects LaTashe' Talley. On her declaration of affidavit, she declared her name was Allen. As the law requires, once your name has changed, the homestead exemption should have been updated. And you update that with a form in the Tax Commissioner's office. There is a home exemption form.

Once the property at 335 Bear Creek Trl, Hampton, was purchased in November 2022, she maintained her primary residence in Morrow as her domicile. The law states the domicile is permanent. There was no attempt from November 2022, at minimum, to September 1, 2023, to make the Hampton address her permanent primary address. Her voter registration continued to reflect 6590 Oak Mill Ct, Morrow, where she and her husband receive campaign contributions, which are listed on the website and disclosure form. In addition, tax papers to Latashe" Talley

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generated on 11-15-23 showed and reflected the Morrow address. There has not been a reasonable occurrence of actual residents acquiring domicile at 335 Bear Creel Trl, Hampton. There has not been a one (1) year requirement which the constitution requires. The law is very clear: a resident must change their address within sixty (60) days of moving from one address in the county to another address on their driver's license. That is Georgia Code motor vehicle and traffic #40-5-33. The only exception is if the license expires within 150 days. Even a renewal is warranted. At this time, her voter registration should have been updated. The Board of Elections was not notified in writing or online of the change. And you all should have that information because I never received it. Just because Levan Allen established residency in Hampton does not guarantee Tashe's residency. Domicile needs to be established in her own right. And that is covered under O.C.G.A 19-2-3; the domicile of a married person should not be assumed to be the domicile of that person's spouse. O.C.G.A 21-2-17: establishes the rules of residency.

I ask this Board to consider all the facts of this hearing. We have a current Commissioner who qualified with an affidavit that her taxes were paid. And that wasn't true. So, I'm here today to ensure the qualifying process is done thoroughly and correctly. We have to protect our election process as we know it is under attack, especially in our community. I demand that representatives follow the Constitution, have integrity, and do their due diligence. What I would like for every candidate who qualifies and who represents me and my household is to know that it is not acceptable to falsify documents and not do your due diligence. There are 20,000 citizens in District 3. If one can't handle their own personable business, how can we trust them to effectively handle the business of the citizens in District 3?

I yield my time back.

### **D. Yancey v. Allen: Candidate Qualifications Challenge**

Carol Yancy- District 1 resident

Ms. Yancy had questions about the documents the Elections Office sent her regarding Georgia Code 21-2-6(b), which pertains to her challenge.

It states that any elector would have to be eligible to vote to contest or challenge a candidate.

Ms. Yancey asked if she was reading it correctly. She was asked to read it again....

It states that the elector has to be eligible to vote in order to challenge a candidate. An elector will have to file a complaint with the superintendent with reasons why the candidate is not qualified for office.

I'm in District 1, and if my residency is in District 1, I'm trying to figure out. I have the same codes the other two (2) submitted. Do I, am I allowed to challenge?

Attorney Reed stated to Ms. Yancey.... You can present your evidence, and no one will stop you. If it turns out that you aren't eligible, we will not put that in.

Ms. Yancey asked.... are you going to swear me in? Ms. Yancey was sworn in.

Ms. Yancey stated the evidence she has would be the homestead exemption, as the previous two (2) have already quoted all the codes. My other concern is also based on the word qualification. That is too generic because me, along with some other people, challenged Commissioner Franklin

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about her being ineligible. And, we were given a definition that qualifications don't mean qualified as we were thinking to require a background check and all the information given before. One person or entity says it's the democratic party, and the other says it is the Elections Board policy process. So, my concern is, and that's what I've been asking Ms. Dozier and Attorney Reed for the internal process for the county versus sending me the code.

Thank you for the information you sent me, Attorney Reed, but what is the internal process? That seems to be the disconnect with this communication. I did send the homestead exemption assessment with my complaint. I do have a copy, and you can have a copy if you want to.

Thank You, I'm through.

#### **E. Ensley v. Allen: Candidate Qualifications Challenge**

Ms. Ansley was sworn in.

Ms. Ansley stated that this is very simple because everything has been said and the same things done she also did. Looking up the domicile, looking up the homestead exemption, and all of that. But the point is, I'm not going to repeat all of that. My main concern is just as a sixteen (16) resident here that there are so many confusing processes, that we don't know what to follow. When we follow them, they seem to be diverted, and that's not the right thing to do. So, I'm just asking for this.....to please get a process that everyone can follow and that we can depend on getting the answer, the same answer if we do that seventeen (17) or eighteen (18) times. And getting the answer without being told to go to three (3) different places or see five (5) different people. It is very disheartening, and I know that government has to be a lot confusing for a lot of people. But, I just think procedures must be followed. And I think we are not doing that properly. And if we can do that, whatever the law says, let's just follow the law. Whatever we don't understand, please explain it to us as if we are in elementary school because something may go over our heads. And I'm not trying to be facetious; I'm very sincere about this. All of these laws and stuff are here for a reason, and if we don't follow them, what's the point of having them?

That's just what I have to say.

Thank you very much. No.... I don't have any evidence.

#### **F. Gooden v. Allen: Candidate Qualifications Challenge**

Gwen Gooden was sworn in.

Mrs. Gooden stated she was from District 3. My complaint is the affidavit of candidacy does not.... she is not eligible because she has not lived at 335 Bear Creek Trail, Hampton, GA, for a year. The candidate says she has been there for a year. She has a homestead that she did not can until this year. So, you can't live in 2 places. One has her name on it in two records. Her candidacy states that she lives in District 3, but this is not true.

Thank you.



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### **G. Gooden v. Allen: Candidate Qualifications Challenge**

Orlando Gooden was sworn in.

Mr. Gooden stated that what was already said was covered. He stated it was sent with a cover letter when he submitted his complaint. So, he won't go through the whole thing. Of course, it is a violation of candidacy, residency, and eligibility; as I stated the last time I was here, and I will say it in the beginning.... this issue has become important to me because we have a Commissioner on the Board that blatantly violated and falsified a document. When we went to investigate it with Chris Carr and everybody else, it was supposed to have been kicked back to the Elections Board. It was a timeframe, and it was a whole bunch of time sending things out to the DA's office and all of that and the Solicitor General. If we had been advised of the timeframe that you have to put in a complaint from the qualification date to the date of the election. But, I will say this.... later, these complaints have been filed pending what your actions are.....I will be filing a complaint with the State Ethics Board. Because, to me, this is blatant. So, it's been said that registration, voters, and election primary rules do determine residency. It was 21-2-217 subsection 1 .... I'm not going through it; you should have it.... subsection 2, O.C.G.A 21-2-217 subsection 1, subsection 2, subsection 14, and 15.... all address residency. Also, I'll state it again. Part 1 tax exemption 48-5-40, subsection 1, subsection 3, subsection K.... O.C.G. A 45-2-1, 21-2-6, subsection I, subsection 3, states residency. This was included in the package that I submitted to the Board. This is the property tax statement. It was stated before the homestead exemption was claimed for two (2) years, 2022 and 2023. Yet, when you look at the declaration of candidacy of affidavit, this is what we went through with the Board of Commissioners, too. When they falsified the document.

It specifically states you have been there for one (1) year and how can you claim a homestead exemption for 2022 and 2023? There's a conflict there. Done and notarized. Then you have a declaration of intent to accept campaign contributions for July 6, 2023. How can you claim....well she has a PO Box...she's claiming that she was a resident of Hampton at the same time she was getting a tax exemption for a homestead in 2022 and 2023. So, you can't do both. You either live here and you claim your homestead exemption. It specifically states in the rule that a homestead exemption should be your address. Now, it also states that if you move or live with your spouse or whatever, where you claim your homestead exemption is your address. Do you need a copy of these documents...? I filed them when I submitted my complaint. Oh, by the way, this is the address where she at...Ok, that was the 6590 Oak Mill Ct, Morrow, GA. Again, I don't know Ms. Allen, and no personal attack towards her, but afterward, what we went through with the Commissioner on the Board. Everybody who runs for office in my district is going to be vetted. You guys don't have a vetting process. But what you do and these complaints end up at the Solicitor General and District Attorney offices; no one wants to hold people accountable. That's the problem we are having with the Board of Commissioners now: a lack of accountability. So, you can't complain to them because they don't want to hear what you have to say. But we will complain to you before, and we will complain to you afterward. And I will say, whatever your results are to the State Ethics Board. I will end it with this...there's a person, when I filed a specific complaint with the Ethics Board twice, there's a person on the Ethics Board that lives in Henry

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County. Really! You cannot run ethics in Clayton County and live in Henry County. We need to make sure that if you are running for office here and say you are going to represent us, then you better live here. Especially District 3. With all the nonsense going on, nothing personal, I am going to make sure if you come to serve the people.... then you better be qualified.

Thank you.

Mr. Mickey Garber asked the Board if the public could speak during the challenging process if they were not signed up to speak. No was stated to Mr. Garber.

### **Attorney Jake Evans represents Candidate Allen.**

Attorney Evans asked the Board to first look at what is before the Board. And that the Board is evaluating the duties and the values and not evaluating whether the homestead exemption was properly applied for or the credentials of the candidates. That is for the voters to do. He further stated that you are not evaluating the truth or some of the allegations made about fraud or not fraud. Again, that is what the voters are to do. What is to evaluate is whether or not Ms. Allen is qualified to run for Commissioner in District 3.

Attorney Evans stated that he would review the law and that Georgia law has a clear and easy explanation. He passed out several pieces of evidence to show to the Board and Attorney Reed.

Attorney Evans states the qualifications to be a County Commissioner in Georgia as defined by the appropriate Georgia Code and Ordinances.

O.C.G.A 45-2-1- Three (3) primary qualifications to run for County Commissioner in Georgia:

1. You have to be a resident of the county in which you are seeking office for at least 12 months prior to election or appointment.

It has been apparent that number one (1) has been misunderstood by the challengers. You must be a resident of the county. It is not required to be a resident of the district that you are running for. This is not an issue. It has been evaluated and determined by the Attorney General's opinion. (given to the Board as evidence)

2. Annotations from the Secretary of State Handbook page 180 of the handbook.

A candidate for office must reside in their residence for a period of his or her election. He or she does not have to reside in the commission district for which he or she seeks election for that period.

Attorney General 86-23

3. A County is not authorized to establish more stringent resident requirements for the election of county commissioners than the requirements established in the O.C.G.A. This means that a county, whether Clayton or any county, cannot adopt requirements more stringent than these.

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Georgia law says you must reside in the county. A more stringent law would be you would have to reside in the district.

The Attorney General's Opinion 97-27, which was August 21, 1997. Evaluated this question: When a candidate runs for County Commissioner was required to live in the district they were running for. Ms. Allen does live in the district, but you don't have to live in the district. Page four (4) section 45-2-1, middle paragraph, second sentence: Requires only the candidate to reside in the appropriate county for a year prior to his election. It makes no mention of his being a resident of his relevant commission district for a year prior to qualifying. It shows this 86-23 Attorney General's Opinion, which is also sighted in section 2 of the qualifications. Ultimately, it says... if a candidate is forced to reside in his single district for a year before qualifying, he could be forced to reside in the county more than a year before his election., if qualifying is before the election. As a result, this provision is unenforceable to the extent of derogation to the law by creating a longer residency requirement than that created by statute. Therefore, it is my opinion that a candidate for commissioner must reside in the appropriate county for one (1) year prior to being elected. He need not reside in a single-member district he is seeking to represent for one year. On this issue, whether you are running for county commissioner or not in Clayton County, you do not have to live in the district. In fact, the County cannot adopt stringent rules, and if you do, the Attorney General's Opinion rule will be unenforceable. It appears that most of the argument the complainants are making is based upon assumption which is not supported by evidence. Also, to talk about Ms. Allen does not live in the district because she has not lived in the district for a year. And for fact, she has lived in the district. And that she is not eligible is directly inconsistent with Georgia Law. And is in no way proper. Georgia law clearly establishes that you only have to live in the county for one year prior. You do not have to live in the district. We have already looked at three (3) of the qualifications. Further, you have to be a qualified voter. I have not heard anyone dispute whether Ms. Allen is a qualified voter. You must be a citizen of the State and attain the age of 21. I have not heard anyone contend that Ms. Allen is not 21 years of age. So those are the three qualifications you have to have. And that is the focus for the Board today: Does Ms. Allen meet those requirements? She undoubtedly does.

The next thing that I will briefly go over, because I want to establish the law. In a way that I don't think will take a tremendous amount of time, I'm going to do as you would in a trial. I will give you guys my opening statement: this is the evidence, and this is what the law shows. I will call Mrs. Allen up here, and she will give testimony so you guys can hear from her. And after she gives her testimony, I will hand out a couple of documents to you guys. And then you would close it together. My closing statement will say: This is what the law is, this is what the evidence showed, and this is how the Board should rule. So next, what is important, there has been a lot of talk about the homestead and the homestead this and the homestead that. Ms. Funny referenced a case called Handel v Powell. The Handel v Powell is a 284 Ga 550 case. In that case, they tried to challenge the eligibility of a candidate on the basis of homestead. And they said this former candidate has

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their homestead in a place different from where they legibly live, and the homestead is enough to establish standing alone, they don't live there. The Handel case expressly said this is not the case. And under Georgia law, the homestead is just one of many factors in establishing a domicile. A domicile is ultimately established by the intent of where the voter lives. And the intent where they believe they reside. Which is based on the totality of the circumstances. Based on where you go to sleep every night, where you live, and where you park your car. All of that stuff is your strongest evidence of the testimony of the voter and the individual and what the voter says under oath.

Attorney Evans asked not to be interrupted until he finished his opening statement.

Chair Walker made a statement to the public: To be respectful of one another, and they will have the opportunity to speak or state questions after Mrs. Allen gives her testimony. Attorney Reed stated that questions would be taken after Mrs. Allen completed her statement.

Mrs. Jean-Funny told the Chair...that Attorney Evans mentioned her name, and she wanted an opportunity to speak.

Attorney Evans continued... O.C.G.A 21-2-217 established that there are many factors that collectively determine an individual's intent where they deem their domicile. Mrs. Allen is going to testify to the evidence collectively going to show. It is going to show undoubtedly that she resides at 335 Bear Creek Trl, that her neighbors have written multiple letters that they see her go to the address every day, and that her bills are sent to that address every day. And as we begin to hear Mrs. Allen's testimony:

1. She doesn't have to live in the district. Georgia law is emphatically clear that she does not have to live in the district. And if there is an ordinance that requires her to live in the district, AG Opinion, which was mentioned earlier, would establish that ordinance as unenforceable.
2. Even though she doesn't have to live in the district for a year, she does live in the district. And she takes on her behalf, herself, and myself very seriously about the accusations being made against her very seriously. This is not something she takes lightly, and she undoubtedly respects the process and the work that you guys are doing. But she wants to show, even though she doesn't have to, and the GA law doesn't require her to. Beyond a shadow of a doubt, she has acted one hundred percent (100%) properly during this process. And so maybe we can put a chair for her to sit in to give her testimony.

Attorney Reed asked a question for clarification with the Board's consideration:

Looking at 45-2-1 it states that notwithstanding anything in this paragraph, the General Assembly may abide by local law for a period of district residency for any county or municipal government.

Attorney Evans addressed Attorney Reed's question.

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Attorney Evans stated that, based on GA law, it doesn't matter since she has lived there for more than a year. He is about to show that...that would require more stringent requirements since it was required under GA law and should be appealed because of the AG opinion; it would not be enforceable.

LaTashe'Allen was sworn in and was questioned by Attorney Evans.

Mrs. Allen stated that her name was LaTashe'Allen and that she resides at 335 Bear Creek Trl, Hampton, GA 30228.

She moved to 335 Bear Creek, Trl, in December 2022. She previously lived at 6590 Oak Mill Ct, Morrow, GA. 30260. Since then, she has continuously lived at that address and has not moved to another address.

Attorney Evans presented exhibit #1.

Mrs. Allen stated it was a text from her job.... her W2 form. Mrs. Allen stated that the address on the W2 form is 335 Bear Creek Trl, Hampton, GA 30228, which is accurate as her domicile. The exhibit was passed to the Board and Attorney Reed.

Exhibit # 2 was presented.

Mrs. Allen stated that exhibit #2 was her voter's precinct card, which documented her address as 335 Bear Creek Trl, Hampton, GA, 30228. She recalled that her voter registration card was updated on May 12, 2013. No, I'm sorry, she stated. It was 2023. She further stated that exhibit # 2 is consistent with showing her address where her domicile is. She was asked what address is where her domicile is.... she stated 335 Bear Creek Trl, Hampton, GA 30228. The exhibit was passed to the Board and Attorney Reed.

Exhibit # 3 was presented.

Mrs. Allen stated exhibit was the receipt from where she changed her address with the DDS (Department of Driver's Services). She changed her address with DDS on May 12, 2023. Attorney Evans asked .... is this to show that you changed your driver's license? Ms. Allen stated, yes. Ms. Allen was asked.... did you understand that when you changed your driver's license, it would automatically update your voter registration? She again stated yes. Mrs. Allen was asked what address she changed her driver's license and voter registration to. She stated 335 Bear Creek Trl, Hampton, GA, 30228. She further states that exhibit # 3 is consistent with showing where her domicile is. The exhibit was passed to the Board and Attorney Reed.

Exhibit # 4 was presented.

She was asked if she recognized exhibit #4. She stated, yes. And further stated that this was a letter from Ms. Norma Garcia. Mrs. Allen stated that Ms. Garcia is a former resident of hers from Oak Mill Landing, the old neighborhood of District 1. She wrote a letter to confirm that she (Mrs.

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Allen) does not reside at the home at this time. Mrs. Allen was asked if she could read to the Board what Ms. Garcia meant in her statement. Ms. Garcia's statement was as follows: I can contest that my former residence was adjacent to the Allen family's previous home when they lived at 6590 Oak Mill Landing neighborhood, District 1. The Allens vacated the property in December of 2022 and I can confirm that the Allens has not resided in the home since that time. I frequently interacted with the Allen family, whether it was returning from errands, walking my dog, or roundtrips to the store. Mrs. Allen was asked if that was Ms. Garcia at the bottom. She stated, yes, it is. Mrs. Allen was asked if Ms. Garcia could be there today.... Mrs. Allen stated, No, she couldn't. The exhibit was passed to the Board and Attorney Reed.

Exhibit #5 was presented.

Mrs. Allen was asked what is exhibit #5. She stated that this was a letter from her current neighbor who resides in the Bear Creek neighborhood with her. She further stated it was from Mr. Dan Curl. She was asked by Attorney Evans to read, for the convenience of the Board, any sentences that she thought would be pertinent. Mrs. Allen began reading the letter....I would like to send in my testimony that Tashe'Allen and her family are neighbors in the Bear Creek subdivision in the Panhandle of Clayton County. Her family resides at 335 Bear Creek Trl, and I verified that her homeowner dues are paid and that her family is in good standing with the HOA. I occasionally see the Allens riding in their golf carts in the neighborhood, enjoying our friendships in the subdivision. I can say that Tashe' Allen lives at the residence listed above. I first met the family when she moved into the neighborhood in December 2022. Respectfully submitted, Dan Curl. Attorney Evans asked Mrs. Allen if that was consistent with the sequence of her whereabouts for the last two or three years when you moved to the address where you now live. Mrs. Allen stated, yes, that is correct.

Exhibit #6 was presented.

When asked, Mrs. Allen stated that exhibit #6 is another one of her neighbors who lives next door. The neighbor would like to say, in her testimony, that Tashe' Allen currently lives at the house next door to her, located at 335 Bear Creek Trl. I occasionally see the Allens in the yard, walking to the mailbox, taking the trash out, or riding in the golf cart or at the burn pit. And to say that Tashe'Allen has lived at the residence listed above since December 2022. Please feel free to contact me if you have any more questions.

Exhibit #7 was presented.

Mrs. Allen stated that exhibit #7 is her marriage certificate. Attorney Evans asked Mrs. Allen to tell the Board about the marriage certificate. Mrs. Allen stated her name is LaTashe' Allen, and she has been married to Levon Allen since December 2, 2016. Attorney Evans asked if they moved in together after they were shortly married. Mrs. Allen stated that they actually lived together before they were married. She was asked to tell the board about moving in together, when you

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moved, and, about the homestead exemption and all the talk that has been done about that. Mrs. Allen stated... When we purchased the home, we purchased the home with one income, which was my income. At the time we purchased the home, we were not married, so the loan went in my name alone. My maiden name is Talley. So, in 2015, we purchased a home, and I was only 25 at the time. So, we applied for a homestead exemption for that one time. So that is why the tax documents are in the name Talley. And I was not married at the time when we purchased the home.

Exhibit #8 was presented.

Mrs. Allen was asked to take a look at exhibit #8. Mrs. Allen stated that this was another letter from my neighbor, Mr. Dryer, who lives in the Hampton area. Mr. Dryer's letter stated that the Allen family currently lives next door to me at 335 Bear Creek Trl., in District 3. And that he occasionally sees them walking to the mailbox, picking up the trash, out riding on the golf cart and at the burn pit. He further stated that he can say that Tashe' Allen has lived at 335 Bear Creek Trl., Hampton, GA 30228, since December 2022.

Exhibit #9 was presented.

Mrs. Allen stated that exhibit #9 is a copy of her driver's license. The address on her license is 335 Bear Creel Trl, Hampton, GA 30228, which is consistent with where she resides.

Chair Walker asked for a brief minute to look over all the exhibits presented to the Board and Attorney Reed.

Exhibit #10 was presented.

Mrs. Allen stated that exhibit #10 is her Discover credit card bill. The address document on the bill is 335 Bear Creek Trl., Hampton, GA 30228, which is her address and domicile.

Exhibit #11 was presented.

Mrs. Allen stated that exhibit #11 is her power bill at the Morrow house, which is 6590 Oak Mill Ct. Morrow, GA 30260. She further stated that the bill shows little or no voltage being used at the house, which is zero kilowatts.

Attorney Evans said in closing that Mrs. Allen has given the Board many documents and witness statements. He asked Mrs. Allen to state when she moved to the Bear Creek address. She stated December 05, 2022. The Bear Creek address is in District 3, and she has lived there continuously from December 2022 to the present day. Further, stated that she did intend to change her address in December 2022 to the Bear Creek Trl address. She stated that at no point or time did she intend to change her domicile from Bear Creek Trl back to Oak Mill Ct. in Morrow, GA.

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Attorney Evans asked Mrs. Allen to be clear that her domicile from December 2022 is 335 Bear Creek Trl, Hampton, GA 30228. Mrs. Allen stated that her domicile is 335 Bear Creek Trl, Hampton, GA 30228. Attorney Evans then stated that he had no further questions.

Chair Walker asked Mrs. Allen to come back to the chair to answer a question. Chair Walker asked if anyone else had lived at 6590 Oak Mill Ct., Morrow Ga since she moved in December 05, 2022. Mrs. Allen answered, no.

Chair Walker further asked Mrs. Allen, do you have children? Mrs. Allen answered, yes, I do. And was asked where the children go to school. Mrs. Allen further stated that the children go to school in Clayton County, and they go to Kay Pace, and there is no district. It is a magnet school, a school of the arts.

Board Member Foster Hall asked Mrs. Allen if she owned the house on Bear Creek. Mrs. Allen stated, yes. And that will continue to be her current residence.

Secretary Johnson asked Mrs. Allen when she changed her voter registration. Mrs. Allen stated May 12, 2023. Secretary Johnson also asked if that was when her licenses were updated. Mrs. Allen stated, yes, ma'am. Secretary Johnson further asked what properties does she claim homestead exemption on. Mrs. Allen stated that 335 Bear Creek Trl, Hampton, GA 30228, is the only house that homestead exemption was claimed on in 2024. Secretary Johnson asked when she changed her homestead because you had it in Morrow last year. Mrs. Allen stated that as a married couple, you are not able to homestead with two (2) homes. So, when the tax bill was paid in November 2023, at that point, my husband filed a homestead in December 2023 on the current home we live in now. They were never at the same homes at the same time. Secretary Johnson questioned that the Hampton home went on homestead exemption in 2023 and when was the Morrow homestead removed. Mrs. Allen confirmed, saying yes, the Hampton home was in December 2023, and the Morrow homestead will automatically fall off.

Chair Walker asked Mrs. Allen, have you ever intended to defraud Clayton County residents in your candidacy while running for District 3? Mrs. Allen stated, no.

Secretary Johnson stated to Mrs. Allen that she had submitted utility bills., October 2023. Before October 2023, you resided at this address. Mrs. Allen stated, no, and to look further at the graph. It will show the past months where the kilowatts were little to nothing. Secretary Johnson said that in July of 2023, there were high kilowatts, and it was hot. August was up there, September was up there and October had a lot of usage on it, also. In 2024, it was pretty high, and it went down in February, April, and March and May. There is usage and consistent usage. Mrs. Allen stated, yes, there is usage; that is correct. Mrs. Allen asked Secretary Johnson if she was looking at the current year. Secretary Johnson stated that she was looking at the graphs from the previous years. In 2022, it was extremely high. Mrs. Allen stated right. Secretary Johnson stated that it went down in 2022, and in January 2023, it picked back up. Mrs. Allen stated that in July 2022,



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they were still living in the home. She moved out of that home in December 2022, and in looking at 2022, yes, you will see usage. Secretary Johnson stated that in 2022, the usage did drop off in December 2022. She also stated that in January 2023, the usage went back up. ...so, there was some usage in 2023 up until October. Mrs. Allen stated, yes, and currently in the home now there are still things in the house. We use it as storage, and we also have my mother-in-law's car there parked in the garage. And I have a second car as well that can't fit in the garage right now. And time to time we want to check on it to make sure squatters are not there. Things like that, and we still have some furniture there. I still have my winter clothes there. We still go back to the home to talk to the neighbors. That is why you still may see usage. My husband may have left the light on or something, and the refrigerator is still over there. So, we're not saying we don't still go to the property, because she still owns the property. They have to go over there and cut the grass and still keep up with the maintenance of the house. This is why you may still see some usage in the home. Secretary Johnson asked Mrs. Allen if she was currently on the deed with her husband. Mrs. Allen stated, no, ma'am, I'm not on the deed with my husband in the Hampton house. She further stated that her husband got the house on a VA loan because he was in the military. His name is on the deed of that house only.

Secretary Johnson asked if there was a copy of her affidavit. No response was given or heard.

Chair Walker stated to the attending public that they had the floor to ask Mrs. Allen questions pertaining to her residency. And asked that all be respectful and courteous.

Attania Jean-Funny

Attania Jean-Funny asked Mrs. Allen what resident she put on her children's application to attend school at Kay Pace. Mrs. Allen stated that when they first moved to the Hampton house, she changed her children's registration. When she applied to the school for her children, they lived at 6590 Oak Mill Ct, Morrow, GA 30260. And when they moved, she changed their address to 335 Bear Creek Tr, Hampton, GA 30228. So, right now, they are at 335 Bear Creek Tr., Hampton, GA 30228. Ms. Jean-Funny stated that she knew that when Mrs. Allen applied for the magnate program, you have to submit that paperwork. So, you did an address change after they had applied. Mrs. Allen responded no, ma'am. And, further stated, my kids are in first and third grade. Her son started attending Kay Pace in kindergarten in 2021, she believes. So, at that time, they were living in the Morrow home, her daughter, who now attends Kay Pace when they were living in the Morrow home. When they moved, she changed the address. She provided the power bill, whatever they were paying, the bill, and whatever was in her husband's name and her name at the time for the school to change the address to 335. So, as it stands today, her kids are registered at 335 Bear Creek Trl, Hampton, GA 30228.

Mrs. Jean-Funny stated that in Clayton County she knew you had to establish residency. She also stated that it was not just as much for Mrs. Allen. It was more for the Attorney for Mrs. Allen when he mentioned her name in the case. She referred to Attorney Evans saying that where you park

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your car or lay your head is not accurate evidence. She further stated that evidence you have to show to prove homestead would be documents like, payment of property taxes or utilities, income tax returns, and things like that are not like where you lay your head or park your car. Where your car is registered is some of the things needed. Once he said her name, about that, she wanted to let the Board know. She wanted to further say, of course, she lives there now and neighbors are going to write letters. Even though those letters are not notarized, so they can't go in as official documentation. Mrs. Jean-Funny asked for the issuance date of Mrs. Allen drivers license. The Board stated from the documents that May 12, 2023, was the issuance date. Mrs. Jean-Funny stated that it was once with the State of Georgia that changing your address did not automatically change your voter registration, and it was a glitch in the system where they wouldn't happen at the same time. She also stated that when she checked, there were some different names for periods of time in 2023. Mrs. Jean-Funny, yields the floor by stating, she has nothing further to say.

Tanisha Ward

Ms. Ward started by saying she doesn't have ... and part of her records she didn't print off because she was told they would be there today. She stated to Mrs. Allen that no one resided in the home at 6590 Oak Mill Ct. Morrow, GA 30260. Mrs. Allen answered, correct. Ms. Ward then stated to Mrs. Allen that on her disclosure, dated March 7, 2024, that was accepted by the Elections Office, she stated that on January 9, 2024, she received a \$500.00 contribution from Taejha Meshell, who resides at 6590 Oak Mill Ct., Morrow, GA 30260. That's her mailing address and not where she resides. That's the address on her checks but, not where she resides. Mrs. Allen responded by saying, everyone here has checks. She is receiving a lot of checks now for the campaign, and the addresses can be business addresses or anyone's address. She further stated that Taejha is her sister, uses her address, and is experiencing housing insecurity right now. So, she is allowing her sister to use her address so she can put it on applications to get a job. So, that is why she is using it. She does not actually live there; she lives with my mom.

Ms. Ward stated, for the record, that if Mrs. Allen's sister is experiencing housing insecurity, she has her condolences. Ms. Ward continued to present her questions to Mrs. Allen, stating that she has her employment listed as Humana and using that address, and you have an empty house, and your sister is having housing insecurity.

Attorney Reed immediately told to Ms. Ward that this was her opportunity to ask questions as opposed to making arguments.

Ms. Ward continued with other questions. She wanted to address the Attorney General's ruling that Attorney Evans made a statement about the code and how long you have to be living in the district. She further stated that he failed to mention that the Supreme Court also made a ruling on that as well. Ms. Ward ended, by saying, that's all I had to say.

Carol Yancey

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Ms. Yancey stated that her questions were based on Mrs. Allen and her attorney's argument. Does that negate, but I read earlier stating that I can't vote for her because I'm not in her district. So, will the Board be changing the ballot to add her name to District 1? Only if his statement is true about the Attorney General and residency. And if her stuff was updated on May 12<sup>th</sup> or whatever day last year, does that fall into less than a year for residency in District 3? I'm just trying to get justification based on the argument her attorney made. What I read to you all was what I was trying to be transparent about. I'm in District 1, and based on 21-2-6, as the elector, I can't vote for her if his argument is that you don't have to live in any part of the county. Then, shouldn't her name be on the District 1 ballot? Because right now, it won't be showing on the ballot for District 1 Commissioner. I'm just trying to get clarification on the process. With their argument and Attorney Reed stating the local legislation, this came up back in December 2022, if I'm not mistaken, on the time of year. Just trying to get clarification. One thing says I can't challenge because I can't vote for her, 21-2-6 O.C.G.A., and their argument is she can live anywhere in the county. If that is the case, I should be able to vote for her. I'm just trying to get clarification.

Attorney Reed stated that right now, if she has any questions for Mrs. Allen concerning her qualifications as a candidate for District 3, she can ask. Otherwise, they would take that into account when the Board makes their decision.

Ms. Yancey stated that she was addressing mostly the attorney who presented that statement.

Chair Walker said thank you to Ms. Yancey.

Chair Walker asked Ms. Ansley if she had any questions for Mrs. Allen. Ms. Ansley had no questions for Mrs. Allen.

Gwen Gooden

Mrs. Gooden stated that her question is, the homestead is supposed to be where you live. She claimed the homestead for 6590 Oak Mill Ct., Morrow, for 2022 and 2023. She did not move that until a couple of weeks ago. So, what I'm concerned about and this Board, and it states that if you owe taxes, you cannot run. So, she owes \$20,000.00 in taxes where she doesn't physically live at 6590 Oak Mill Ct, Morrow, GA.

Attorney Reed told Mrs. Gooden that her statement should be a question directly to Mrs. Allen rather than an argument.

Mrs. Gooden then said, Mrs. Allen, is it true that you claimed the homestead exemption in 2022 and 2023? But if you moved to 335 Bear Creek, whatever, in 2022, you were not eligible for 2022 or 2023. And our rule says that if you owe taxes, city, state, or federal you cannot run for commissioner.

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Attorney Evans stated to the Board and Attorney Reed that he doesn't think that a question is in there.

Mrs. Gooden then asked Mrs. Allen, did you claim exemption in 2022 and 2023? Mrs. Allen said, yes, ma'am, I did. Mrs. Gooden stated, that within itself, Mrs. Allen means that you.....then, rephrased and asked as a question. Mrs. Allen, the question is, did you owe taxes at 6590 Oak Mill Ct and you took the exemption, did you not? But you were not entitled to it. And the law states that if you owe any back taxes you cannot run for a position. And you just said you did in 2022 and 2023.

Chair Walker said thank you to Mrs. Gooden.

Orlando Gooden

Mr. Gooden stated that his question is the same. You claimed a tax exemption. homestead tax exemption in 2022 and 2023, yet Ms. Talley.... Allen, you didn't move into the house until May 2023, right? Well, December is even better. Is your name on the deed at Bear Creek? Mrs. Allen answered, no, sir, it is not. So, if your name is not on the deed, but if I'm correct, what he quoted as Georgia law, it's insane to believe that Ms. Allen can run for office in District 3, but her residence is District 1. Is your residence District 3 or District 1? Mrs. Allen answered that her residence is 335 Bear Creek Trl, Hampton, GA, 30228. Mr. Gooden stated this is the last question that he has. Since he didn't get to see it, were any of those letters notarized? Mrs. Allen answered, no, they were not. Mr. Gooden then said, thank you.

Chair Walker thanked Mr. Gooden.

Attorney Evans asked Mrs. Allen more questions.

Mrs. Allen, where does your husband live? Mrs. Allen stated, 335 Bear Creek Trl, Hampton, GA 30228.

Mrs. Allen, where do your kids reside? Mrs. Allen stated, 335 Bear Creek Trl, Hampton, GA, 30228.

Where do you go home to every day after work? Mrs. Allen stated that she works from home at 335 Bear Creek Trl, Hampton, GA 30228.

And...are all those answers the same from December 2022 to the present day? Mrs. Allen stated, yes.

Attorney Evans told Mrs. Allen, no further questions.

Attorney Evans' Closing Statement

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Attorney Evans said, in closing, he will go over the underlining issue, which he addressed in the beginning. This is whether a county can adopt more stringent requirements. He wants to make that argument for preservation purposes. But we don't have to address that because looking at what is before the Board, which is testimony from Mrs. Allen, it's clear. And, looking at what the Georgia law says on this, and the perfect statute, O.C.G.A., 21-2-217, section A1, says a residence of any person shall be held to be the place of such person habitation fixed, without any present intention of removing therefrom. Section 15 discusses voter registration purposes, which is one of the strongest indicators of where they are domiciled. Section b is the kind of catch-all. In determining a voter's qualifications to register and vote, the registrars shall consider, in addition to the applicant's expressed intent. Which, Georgia's law establishes as the strongest indicator of where they are domiciled. Mrs. Allen testified under oath today where she attends her domicile. You should look at financial independence, where they file their taxes, marital status, where their parents live, where their spouse lives, their children, real property, car registration, property registration, etc., etc. So, for you guys' purposes we presented a lot of documents with information. But the case I think is the most ongoing case that addresses the Handel -Powell Case, which is the 284 GA 550. Which is a Georgia Supreme Court Case in 2008. In that case, the Secretary of State made a decision that fixated on the homestead and said that if someone filed for homestead somewhere, it must be their domicile. The Georgia Supreme Court reversed that decision and said that the decision was expressly wrong. And in the decision, the court says there must be a set of rules that are followed to determine residency when a filer runs for office. But in that case, the Secretary only enforced one of the fifteen rules, which was the homestead subsection. And the Court went on to say the Secretary's decision did not consider the remaining rules. And that decision, in effect, had the impact of elevating the homestead exemption above the remaining rules contained therein. Effectively, if this is questioned on any application of a candidate running for office. Should the candidate own a home in which the homestead exemption exists, a statute must be given a sensible and intelligent to all provisions. Refrain from all interpretation, which renders any part meaningless. Had the General Assembly intended such a preeminent role for the homestead exemption in determining the residence to qualify for office, it would have so stated in O.C.G.A 21-2-217 a. What that means is that if you look at what is before the Board is the complaintive is fixated on just the homestead exemption and saying that is enough to say Mrs. Allen doesn't live where she claims she lives. Georgia law emphatically says that an arbiter, like you guys, cannot do that. If you look at the evidence that has been presented before the board. We have had Mrs. Allen testify under oath, the only non-claimant that testified under oath today. She testified, under oath, that she moved to 335 Bear Creek Trl. address back in December of 2022. Her children moved there in December of 2022. Her husband moved there in December of 2022. She's married to Mr. Allen, and she continues to be married to Mr. Allen during that period. She gets bills at that address. Her power bills have flat-lined at the old address. Her voter registration has changed on May 5, 2022. It was assumed that she did not change her driver's license; even if so, it would have been ok before the May 21, 2023, election. So, what did

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the complainants have, nothing but speculation and self-serving testimony. They undoubtedly have a skit in the game. Mrs. Allen has qualified, and they are also running for the same seat she is running for. None of them offered any tangible evidence to show Mrs. Allen doesn't live there. They didn't take pictures of her leaving her house or her going to sleep at the old house she used to live at. They didn't have a PI to track her to see if she lived there. They presented nothing whatsoever to show that she lives at the old address. And, if you look at the evidence before the Board, we have an overwhelming amount of evidence, including her testimony, including neighbors who have jobs. And it is very hard to get them here on a Friday at 2:00 PM on short notice and can't pay them to come. So, they were kind enough to give the letters they gave. Even, the Board could consider whatever evidence they provided. The evidence is overwhelming to show that in December 2022, Mrs. Allen moved to 335 Bear Creek Trl address. She has not left that address since that day. And nothing outside of speculation of self-serving testimony, nothing tangible, nothing outside of the complainants of self-serving testimony contradicts that. This is a very important decision for the Board. At the end of the day, we need to let voters decide who represents them. We need to ensure the voters make judgment calls about fraud, this and that, and whatever else. It's not our job as a Board to take away someone's eligibility, which would be a very, very dire and drastic action. But in this case Mrs. Allen has worked tirelessly for her campaign and to better the community. But most importantly, it's an easy call looking at what the law says as in 21-2-217. The Board must consider all of the factors; most importantly, the individual expresses intent on where they call their habitant, where they sleep every day, where their family lives, and where their husband is located. The Georgia law does not allow the homestead exemption, as this Handel V Powell decision establishes to officary all of the other factors will allowing show that Mrs. Allen does live at 335 Bear Creek Trl, which is in the district. Therefore, she is eligible to run for the County Commissioner in District 3. And we will respectfully request that the Board see the evidence, which is overwhelming, for what it is and deem that Mrs. Allen is eligible to run in that election. Attorney Evans thanked the Board and appreciated their attention. And, that he would be happy to answer any questions the Board may have.

Secretary Johnson asked if the utility bills presented were just copies. When they were printed out, was there a time stamp or anything?

Attorney Evans stated that he tried to pull as much as possible in such a short time. He believes, that Mrs. Allen was pulling it all together. And that you can't turn your heat off in totality at 100 degrees. A seventeen-dollar (\$17,00) power bill, you can't live in a house for seventeen dollars, not in Georgia.

Chair Walker allowed Mrs. Jean-Funny to ask one more question.

Mrs. Jean-Funny stated that Attorney Evans defamed their character by saying that they were there for self-serving business. She just wanted to express to the Board that, as residents of District 3,

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they have a past history of elected officials not being upfront if processes have not been put in place. So, she wanted to stress to him because he doesn't live in District 3 and has not experienced what they have experienced. And whether or not someone is qualified, we have the right to come here and express that to you all. In fact, if you say you live in one place but are getting a tax break in another place, you have claimed. That is also something to look at for the integrity of a person. So, if you have been paying a tax or given an exemption, but you have not lived in that residence, that is something we need to bring forth before the Board. I just want to stress that I don't have a problem running my race. As a matter of fact, we were in a forum last night where we spoke out about different issues. So, I don't have a problem, but for him to say this is a self-serving interest, I take offense to that. Mrs. Jean-Funny further stated that she was done, and he (Attorney Evans) didn't have to respond.

Attorney Evans stated that he would like to respond because it is important. He further stated that in no way was he defaming. Self-serving testimony is a legal term, that means that if an arbiter is evaluating evidence, for example, if you think back to the old scales here. The law says self-serving testimony has less evidentiary weight. If I'm saying something just to help myself out, then if I'm a juror or a judge, then that's not going to move the scales to say someone who has an objective fact, like a bill. In any way, did I use the word self-serving as a derogatory term or as an inflammatory term? It's used as self-serving evidence because it doesn't have as much weight as others. Attorney Evans stated that he just wanted to point that out.

Chair Walker thanked Attorney Evans and concluded the hearing. Chair Walker further stated that the Board would go into Executive Session. Everyone would have to leave the hearing. Afterward, everyone would be called back in, and a decision would be announced.

6. Executive Session: To consider personnel and/or litigation as necessary.

**Motioned made by Vice-Chair Hope, seconded by Secretary Johnson to go into an Executive Session to consider litigation at 4:40 PM. Vote: Unanimous. Motion Carried.**

**Motioned was made Vice-Chair, seconded by Secretary Johnson to reconvene the March 22, 2024 Special Called Hearing at 4:50 PM. Vote: Unanimous. Motion Carried.**

Chair Walker stated that the hearing will reconvene at this moment, and she will read the following.

### **In the matters:**

**Jean-Funny vs Allen**

**Ward vs Allen**

**Yancey vs Allen**

**Ansley vs Allen**

**Gwendolyn Gooden vs Allen**

**Orlando Gooden vs Allen**

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**Chair Walker called a motion to these matters. May I have a motion to deny these challenges on the basis that the candidate has provided a preponderance of evidence showing she is a qualified candidate for District 3?**

**Motion made by Board Member Foster Hall, seconded by Secretary Johnson, to deny the challenges Jean-Funny vs Allen, Ward vs Allen, Yancey vs Allen, Gwendolyn Gooden vs Allen, and Orlando Gooden vs Allen on the basis that the candidate has provided a preponderance of evidence showing she is a qualified candidate for District 3. Vote: Unanimous. Motion Carried.**

7. Adjourn.

**Motion made by Vice-Chair Hope, seconded by Board Member Foster Hall, to adjourn the March 22, 2024, Special Called Board Hearing at 4:51 PM. Vote: Unanimous. Motion Carried.**

**NEXT REGULAR SCHEDULED BOARD MEETING MAY 14, 2024**