

CHATHAM COUNTY BOARD OF REGISTRARS

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February 10, 2022

Tybee Island Town Council
403 Butler Avenue
Tybee Island, GA 31328

Re: Tybee Island Voter Rolls

Dear Council Members:

I serve as the current Chairperson of the Chatham County Board of Registrars where I have been a Board Member since July 2005. I am writing you today in my capacity as a single Board Member, and not necessarily on behalf of all five (5) Members of our Board.

Through various channels, our office has been made aware of concerns expressed by Tybee Island residents (and others) about the accuracy of Tybee Island's voter rolls. In particular, I was forwarded by several individuals a copy of a letter dated January 26, 2022, which raised several issues about individuals who were suspected of having improperly registered to vote at a Tybee Island address. Attached to that letter were several items, including a spreadsheet of individuals (with identifying information) that the letter authors' research had concluded may be improperly registered to vote in Tybee Island municipal elections. That letter seems to further question whether appropriate steps have been taken to maintain an accurate voter list, either by the Board of Registrars or by the Tybee Island municipal government.

I take this opportunity to provide insights and information to the members of council regarding the process of challenging voter registrations, and the history of such challenges by Tybee Island municipal government.

Tybee Island municipal government initiated significant municipal challenges in 2017 and 2019, led by Clerk of Council Jan Leviner. Ms Leviner has submitted to our office the names of hundreds of individuals that Tybee Island municipal government wished to challenge. Our Board undertook a preliminary review of the evidence proffered in support of those challenges, which consisted largely of (1) utility records showing the

registered address had a utility account in the name of someone other than the registered individual; (2) property record cards for the address where a challenged individual was registered, reflecting an owner's name that was different from the name of the voter registered at that address; and (3) secondhand accounts from Tybee Island residents, indicating that the individual registered at a particular address no longer lived there.

Our Board denied the majority of the challenges presented by Tybee Island in 2017 and 2019. The challenges that were successful were those supported by the firsthand account of someone with personal knowledge who swore under oath that the individual registered at an address did not in fact reside at that address. If I remember correctly, that individual was Sherry Simmons, and there were approximately ten (10) successful challenges.

At the conclusion of the hearings on those challenges, we relayed to Ms. Leviner (and others from Tybee Island who were in attendance) that success on a municipal challenge requires a high burden of proof, given the significant deprivation of constitutional rights that a challenge to an individual's right to vote implicates. We advised that a secondhand account regarding an individual's residency, given to the municipal challenger by someone not willing to come before our Board to swear out that testimony under oath, is hearsay evidence that we would not be permitted to consider.

We also pointed out that utility account information and property ownership information will also not meet the challenger's elevated burden of proof. The mere fact that utilities at a particular address might be in a different person's name does not mean the individual voter does not live there. The people living in that household might not all share the same last name, or the utilities might be in the name of the landlord, and the challenged individual could be a tenant. The same goes for property record card information – a challenged individual using an address for registration purposes could be a tenant living at that location, and thus reside at that location, without being the owner of the property.

To her credit, Ms. Leviner took each of these setbacks in stride and continued to press myself and fellow Board members for input on how she could improve the prospects of Tybee Island's municipal challenges. I personally participated in numerous calls and meetings with Ms. Leviner and Tybee Island's City Attorney (amongst others), in which Ms. Leviner presented her ideas on alternate means of proof as to residency (or non-residency) of a challenged individual. At each such meeting or call, I conveyed on behalf of our Board that the most persuasive evidence will always be an individual with personal knowledge who comes before us and swears under oath that the challenged individual does not reside at the registered address, and provides compelling proof thereof.

Ms. Leviner continued to doggedly pursue the challenge procedure through ongoing dialogue with our Board and our office. Ms. Leviner recently inquired about the possible use of the Electronic Registration Information Center (ERIC) database for researching a challenged individual's possible registration elsewhere. Unfortunately, our office does not have direct access to ERIC and cannot submit individual challenged voters' names to the Secretary of State for such research purposes.

Ms. Leviner later undertook an extensive cross-reference of possible challenged voter names against a list of individuals registered in Tybee Island who had not voted in the last ten (10) years. While we acknowledged this is helpful information that could be part of an overall presentation in favor of a challenge, we had to inform Ms. Leviner that such evidence would not carry the day by itself.

In short, Ms. Leviner has shown great persistence and professionalism in her pursuit of ensuring an accurate voter roll for Tybee Island. I can say unequivocally that, in my nearly seventeen years of service on the Board, I have witnessed no other municipality's clerk put forth anywhere near the amount of time and diligence in the pursuing the challenge process. I believe that Tybee Island would likely have been successful on more of their municipal challenges over the years if the individuals pressing Tybee Island to submit challenges would aid the process by participating in person, and by providing a firsthand account of their personal information.

I would be remiss if I did not conclude this letter by pointing out the unfortunate upshot of the recent letter and its attachments. Soon after the sending of that letter (and the social media dissemination of same), our office began receiving an onslaught of calls from concerned voters on Tybee Island inquiring about why they had been included on that list when they were legitimately registered on Tybee Island. Our office continues to receive on average five calls a day from citizens objecting to their inclusion on the list of individuals suspected of registering improperly on Tybee Island.

I hope this letter provides some insight on our Board's position with respect to the situation. Please let us know if there are any questions or clarifications we can offer on the above.

Sincerely,

CHATHAM COUNTY BOARD OF REGISTRARS



Colin A. McRae,
Chairperson

cc: Wanda Andrews
Billy Norse
Debra Geiger
Katherine Durso
Sabrina German