



OFFICE OF INSPECTOR GENERAL

SUMMARY REPORT OF INVESTIGATION (Amended)

CASE NAME: Chattooga County
SEB CASE #: 2006-000050
INVESTIGATOR: Steve McBrayer
DATE OF REPORT: January 19, 2007

COMPLAINT:

On December 6, 2006, the Elections Division received a written complaint from Ralph Wright alleging the following:

1. Unlawful possession of absentee ballots in that 19 absentee ballot envelopes had postage applied by a postage meter assigned to an attorney's office in Summerville, Chattooga County, Georgia;
2. A signature on a voter's Oath of Elector on the outer absentee ballot envelope was not properly verified by the Chattooga County Board of Registrars in that the signature did not match the signature on the voter's registration card.

COUNTY AND ELECTION INVOLVED:

Chattooga County November 2006 General Election

COMPLAINANT:

Ralph Wright
Chairperson, Chattooga County Republican Party
3255 Shinebone Valley Road
Menlo, Georgia 30731
(706) 506-1056

RESPONDENTS:

Chattooga County Board of Registrars
Betty Y. Owings, Chief Registrar
Jeanette E. Parham, Registrar
Kimberly Moses, Registrar
Chattooga County Courthouse
P.O. Box 165
Summerville, Georgia 30747
(706) 857-0739

Carlton Vines
Judge of State Court, Chattooga County
Chattooga County Courthouse
P.O. Box 408
Summerville, Georgia 30747
(706) 857-4319
(706) 506-0184

Albert C. Palmour
Attorney at Law
9933 Commerce Street
P.O. Box 716
Summerville, Georgia 30747
(706) 857-5544

Canduis McCutchins
Elector
11515 Highway 27
Summerville, Georgia 30747
(706) 766-1756

Sidney Johnson
Campaign worker for Carlton Vines
345 East 4th Street
Summerville, Georgia 30747
(706) 413-3290

Anthony Odell Sparks
Campaign worker for Carlton Vines
56 West Elm Street
Trion, Georgia 30753
(706) 734-7340

Tommie Cheryl Eskew
Elector
299 Scoggins Street, Apt. 19
Summerville, Georgia 30747
(706) 506-5934

Steve J. Chappellear
Campaign worker for Carlton Vines
407 Union Street
Summerville, Georgia 30747
(706) 857-4563

Dorothy Gilreath
Secretary of Carlton Vines
10399 Highway 337
Summerville, Georgia 30747
(706) 506-0352
(706) 734-2757

Lois Reed
Campaign worker for Carlton Vines
6 Blake Street
Summerville, Georgia 30747
(706) 331-7944

SUMMARY OF INVESTIGATION:

Allegation 1:

Investigator McBrayer examined the 19 absentee ballot envelopes in question and found that 18 absentee ballot envelopes had postage applied by postage meter PB9944786. An inquiry through the U.S. Post office determined that the postage meter is registered to Albert C. Palmour, who has a law office in Summerville, Georgia. Investigator McBrayer spoke with Mr. Palmour, but he declined to be interviewed regarding the investigation. He would not allow his staff to be interviewed, provide any records, or confirm that he has a postage meter registered in his name.

Allegation 2:

Investigator McBrayer examined the registration cards, absentee ballot applications, and the Oath of Elector on outer absentee ballot envelopes of the 19 absentee ballots. Investigator McBrayer discovered that the signatures on the absentee ballot applications and/or absentee ballot envelopes of electors Defarria Johnson, Jeffrey Covington, Shanda Johnson, Tommy Phillips Jr., and Larry Nixon do not appear to be the same signatures that appear on the voter registration cards.

Investigator McBrayer discovered during the investigation that **Canduis McCutchins** did the following:

- Signed the name of Defarria Johnson on her absentee ballot application and absentee ballot envelope without her knowledge and consent.
- Signed the name of Shanda Johnson on her absentee ballot application and absentee ballot envelope without her knowledge and consent.
- Signed the name of Jeffrey Covington on his absentee ballot application without his knowledge and consent.

Investigator McBrayer discovered that **Tommie Sheryl Eskew** did the following:

- Signed the name of her son, Tommy Phillips, Jr., on his absentee ballot application and absentee ballot envelope with his knowledge and consent.

Investigator McBrayer discovered that **Rose Nixon** did the following:

- Signed the name of her husband, Larry Nixon, with his knowledge and consent.

Investigator McBrayer discovered that **Registrar Jeanette Parham** did the following:

- Allowed members of the Chattooga County Republican Party access to the registration card file to allow them to compare signatures on the registration cards with signatures on the absentee ballot envelopes. The Republican Party made a copy of the registration card of elector Larry Nixon because it was clear to them that the signature on the card did not match the signature on the absentee ballot envelope.

During the investigation, Investigator McBrayer discovered that Sidney Johnson, Anthony Sparks, Steve Chappellear, and Lois Reed were working as campaign workers for Carlton Vines, a candidate for the office of State Court Judge.

Investigator McBrayer discovered that **Sidney Johnson** did the following:

- Assisted elector Annie Martin in completing an absentee ballot application and failed to sign as assisting.
- Took possession of the absentee ballot applications of Annie Martin, Defarria Johnson, Shanda Johnson, Jeffery Covington, Andrea Smith, and LaQuennth Rounsaville.
- Marked the ballot of Defarria Johnson without her knowledge, and failed to sign as assisting.
- Marked the ballot of Shanda Johnson while conversing with her over the telephone, and failed to sign as assisting.

- Took possession of the absentee ballots of Annie Martin, Defarria Johnson, Shanda Johnson, Jeffery Covington, Andrea Smith, and LaQuennth Rounsaville.
- Delivered the above absentee ballots to the office of Carlton Vines.

(Investigator Chris Harvey and Inspector General Shawn LaGrua later discovered that Sidney Johnson gave absentee ballots directly to Carlton Vines).

Sidney Johnson is related to Defarria Johnson (niece), Shanda Johnson (niece), and Andria Smith (cousin), but to his knowledge, they are not physically disabled.

Investigator McBryer discovered that **Anthony Sparks** did the following:

- Took possession of the absentee ballot applications of Melanie Sparks, Rebecca Sparks, Brian Sparks, Shirley Sparks, Sherry Glass, David Glass, Kelly Brown, Margene Dover, David Padgett, Ricky Smith, Connie Smith, and Larry Nixon.
- Took possession of the absentee ballots of Melanie Sparks, Rebecca Sparks, Brian Sparks, Shirley Sparks, Sherry Glass, David Glass, Kelly Brown, Margene Dover, David Padgett, Ricky Smith, Connie Smith, and Larry Nixon.
- Delivered the above absentee ballots to the office of Carlton Vines.

Anthony Sparks is related to Melanie Sparks (wife), Rebecca Sparks (Sister-in-law), Brian Sparks (brother), Shirley Sparks (mother), Sherry Glass (brother's mother-in-law), Margene Dover (sister-in-law), Ricky Smith (brother-in-law), and Connie Smith (sister-in-law), but to his knowledge, they are not physically disabled.

Investigator McBryer discovered that **Steve Chappelle** did the following:

- Assisted electors Christopher Phillips, Tommy Phillips Jr., Tinney White, and Shirley Johnson, in completing an absentee ballot application and failed to sign as assisting.
- Took possession of the absentee ballot applications of Tommie Eskew, Christopher Phillips, Tommy Phillips Jr., Tinney White, and Shirley Johnson.
- Marked the ballot of Tommie Eskew, and failed to sign as assisting.
- Marked the ballots of Tommy and Christopher Phillips, without their knowledge and consent (Tommie Eskew gave Steve Chappelle the ballots of her son's, Tommy Phillips, Jr. and Christopher Phillips, to mark).
- Took possession of the absentee ballots of Tommie Eskew, Tommy Phillips, Jr., Christopher Phillips, Tinney White, Shirley Johnson, and Christine Smith.
- Delivered the above absentee ballots to the office of Carlton Vines.

Investigator Chris Harvey and Inspector General Shawn LaGrua later discovered the following:

- Steve Chappelle stated that Carlton Vines told him that absentee ballots would make the difference in the election.
- Steve Chappelle stated that Carlton Vines told him to pick up the completed absentee ballots and take them back to his law office.

Investigator McBrayer discovered that **Dorothy Gilreath**, secretary of Carlton Vines, assisted Vines with absentee balloting by doing the following:

- Reviewed absentee ballot applications that were delivered by campaign workers and other individuals for accuracy and completeness.
- Mailed the absentee ballot applications.
- Reviewed absentee ballots that were delivered by campaign workers and other individuals, by examining the Oath of Elector on the absentee ballot envelopes for accuracy and completeness, applying postage to the envelopes if postage was not applied, and sealing envelopes that were not sealed.
- Took the absentee ballots to the post office to mail.

Investigator Chris Harvey and Inspector General Shawn LaGrua attempted to interview Dorothy Gilreath a second time, and Ms. Gilreath refused to answer any further questions.

Investigator McBrayer discovered that **Lois Reed** did the following:

- Took possession of the absentee ballot applications of Sharon Reed, Rosy Ingle, Inez Blackmon, Jo Ann Blackmon, Betty Siffles, Robert Siffles, Sr., Cindy Fitzpatrick, Helen White, William White, Larry Blackmon, Kathryn Collins, William Littrell, Ashley Swicegood, and Jamie Fitzpatrick.
- Took possession of the absentee ballots of Sharon Reed, Rosy Ingle, Inez Blackmon, Jo Ann Blackmon, Betty Siffles, Robert Siffles, Sr., Cindy Fitzpatrick, Helen White, William White, Larry Blackmon, Kathryn Collins, William Littrell, Ashley Swicegood, and Jamie Fitzpatrick.
- Delivered the above absentee ballots to the office of Carlton Vines.

Lois Reed is related to Betty Siffles (sister), and Robert Siffles (brother-in-law), but to her knowledge, they are not physically disabled.

Investigator McBrayer spoke with Carlton Vines, but he declined to be interviewed regarding the investigation.

At this juncture the case was turned over to the Prosecuting Attorney's Council (appointed by the Attorney General as Special Prosecutor) and the GBI. After continued investigation, the case against Carlton Vines was presented to the grand jury and an indictment was returned. The criminal case was tried in April 2009 and resulted in a hung jury. Carlton Vines resigned his position and in an agreement reached with the prosecuting attorneys and the Judicial Nominating Committee, Mr. Vines has agreed to never hold judicial office.

POTENTIAL VIOLATIONS:

The facts indicate that Jeanette E. Parham, Registrar with the Chattooga County Registrar's Office may have violated O.C.G.A. § 21-2-225 by providing original applications for voter registration to the public for public inspection and copying.

The facts indicate that the Chattooga County Registrar's Office may have violated O.C.G.A. § 21-2-386(a)(1)(C) by failing to properly validate signatures on absentee ballot applications and the Oath of Elector on outer absentee ballot envelopes.

The facts indicate that Canduis McCutchins may have violated O.C.G.A. § 21-2-385 by providing assistance to electors that may or may not be disabled or illiterate in completing their Oath of Elector on absentee ballot envelopes, and failing to mark a reason for assistance, and sign the Oath of Person Assisting Elector;

The facts indicate that Canduis McCutchins may have violated O.C.G.A. § 21-2-562 by signing electors names on absentee ballot applications and the Oath of Elector on outer absentee ballot envelopes with or without the knowledge and consent of electors.

The facts indicate that Sidney Johnson may have violated O.C.G.A. § 21-2-385 by providing assistance to electors that may or may not be disabled or illiterate in marking their absentee ballots, and failing to mark a reason for assistance, and sign the Oath of Person Assisting Elector;

The facts indicate that Sidney Johnson may have violated O.C.G.A. § 21-2-409 by providing assistance to electors who were not disabled or illiterate in voting their absentee ballots;

The facts indicate that Sidney Johnson may have violated O.C.G.A. § 21-2-385 by taking possession of official absentee ballots of multiple electors, whom he was not related to and/or were not physically disabled, for the purpose of personally delivering such absentee ballots for the absentee electors;

The facts indicate that Sidney Johnson may have violated O.C.G.A. § 21-2-574 by having in his possession official absentee ballots of multiple electors for the purpose of personally delivering such absentee ballots for the absentee electors.

The facts indicate that Anthony Sparks may have violated O.C.G.A. § 21-2-385 by taking possession of official absentee ballots of multiple electors, whom he was not related to and/or were not physically disabled, for the purpose of personally delivering such absentee ballots for the absentee electors;

The facts indicate that Anthony O. Sparks may have violated O.C.G.A. § 21-2-574 by having in his possession official absentee ballots of multiple electors for the purpose of personally delivering such absentee ballots for the absentee electors.

The facts indicate that Steve Chappellear may have violated O.C.G.A. § 21-2-385 by providing assistance to electors that may or may not be disabled or illiterate in marking their absentee ballots, and failing to mark a reason for assistance, and sign the Oath of Person Assisting Elector;

The facts indicate that Steve Chappellear may have violated O.C.G.A. § 21-2-409 by providing assistance to electors who were not disabled or illiterate in voting their absentee ballots;

The facts indicate that Steve Chappellear may have violated O.C.G.A. § 21-2-385 by taking possession of official absentee ballots of multiple electors, whom he was not related to and/or were not physically disabled, for the purpose of personally delivering such absentee ballots for the absentee electors;

The facts indicate that Steve Chappellear may have violated O.C.G.A. § 21-2-574 by having in his possession official absentee ballots of multiple electors for the purpose of personally delivering such absentee ballots for the absentee electors.

The facts indicate that Dorothy Gilreath may have violated O.C.G.A. § 21-2-385 by taking possession of official absentee ballots of multiple electors, whom she was not related to and/or were not physically disabled, for the purpose of personally delivering such absentee ballots for the absentee electors;

The facts indicate that Dorothy Gilreath may have violated O.C.G.A. § 21-2-574 by having in her possession official absentee ballots of multiple electors for the purpose of personally delivering such absentee ballots for the absentee electors.

The facts indicate that Lois Reed may have violated O.C.G.A. § 21-2-385 by taking possession of official absentee ballots of multiple electors, whom she was not related to and/or were not physically disabled, for the purpose of personally delivering such absentee ballots for the absentee electors;

The facts indicate that Lois Reed may have violated O.C.G.A. § 21-2-574 by having in her possession official absentee ballots of multiple electors for the purpose of personally delivering such absentee ballots for the absentee electors.

The facts indicate that Tommie Sheryl Eskew may have violated O.C.G.A. § 21-2-562 by signing electors names on absentee ballot applications and the Oath of Elector on outer absentee ballot envelopes with or without the knowledge and consent of electors.

The facts indicate that Albert C. Palmour may have violated O.C.G.A. § 16-2-20 by being a party to a crime of possession of absentee ballots outside a polling place, a violation of O.C.G.A. § 21-2-574, more specifically, by being in possession of 19 absentee ballots of voters for the purpose of affixing postage, with a postage meter registered in his name, to the outer absentee ballot envelopes for mailing.

The facts indicate that Carlton Vines may have violated O.C.G.A. § 21-2-385 by taking possession of official absentee ballots of multiple electors, whom he was not related to and/or were not physically disabled, for the purpose of personally delivering such absentee ballots for the absentee electors;

The facts indicate that Carlton Vines may have violated O.C.G.A. § 21-2-574 by having in her possession official absentee ballots of multiple electors for the purpose of personally delivering such absentee ballots for the absentee electors.

The facts indicate that Carlton Vines may have violated O.C.G.A. § 16-2-20 by being a party to all the above offenses.

RECOMMENDATION:

It is recommended that this matter be referred to the Attorney General's Office for appropriate action