




FILED
OSAH

DEC 9 2014

OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

STATE ELECTION BOARD,
Petitioner,

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Kevin Westray, Legal Assistant

v.

DOCKET NO.:
OSAH-ELE-LV-1516735-60-Malihi

RUSSELL ALLEN GASSAWAY,
Respondent.

INITIAL DECISION

A hearing was held today, December 9, 2014. Respondent failed to appear.

1.

Respondent is a convicted felon. He was convicted of Possession of a Firearm by a Convicted Felon on March 28, 2008, and was sentenced to a term of 5 years. Exhibit SEB-2.

2.

On or about January 19, 2012, while still serving his felony sentence, Respondent filled out an "Application for Driver's License, Permit, or Identification Card" at the Department of Driver Services (DDS). On the application form, Respondent indicated that he wished to register to vote. Exhibit SEB-1.

3.

Respondent completed a voter registration card and signed his name under the statement that said "I swear or affirm under the penalty of perjury . . . I am eligible to vote in Georgia." *Id.*

4.

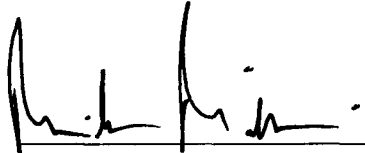
Respondent violated OCGA 21-2-216(b) by registering to vote after having been convicted of a felony, without having been pardoned or having had his rights restored. Respondent also violated OCGA 21-2-561 by registering as an elector knowing that he did not possess the qualifications required by law.

5.

Pursuant to OCGA 21-2-33.1, the Court imposes the following penalties against Respondent:

- (1) Respondent must cease and desist from violating any election laws,
- (2) Respondent must pay \$250.00 in civil penalties within 30 days of this order, and
- (3) Respondent shall be publicly reprimanded for his conduct as outlined above.

December 9, 2014.



MICHAEL MALIHI
Administrative Law Judge