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The Atlanta Journal-Constitution

Do-over déjà vu: Georgia Republicans face a third vote for House seat

POLITICS

By Greg Bluestein, The Atlanta Journal-Constitution

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Forgive Graham Hodgkins for being a bit irritated.

The Banks County retiree has already voted twice over the past year in a race to represent a slice of northeast Georgia in the state House. And on this crisp Friday afternoon, he's back a third time to cast yet another ballot.

"It's bizarre. It's expensive," Hodgkins said. "And I'm upset."

The ongoing electoral battle between Chris Erwin and Dan Gasaway has turned into Georgia's version of "Groundhog Day," except with bitter politicking, courtroom drama, claims of voter fraud and a Super Bowl ad.

Voters have already cast ballots twice in the race between the two Republicans to represent House District 28, and both times a judge threw out the results because they were marred by illegal votes.

Now officials are preparing what they hope will be the final election Tuesday to decide the seat, which was vacant for the last six weeks of the legislative session. And residents can only hope that this time — after tens of thousands of taxpayer dollars have been spent — it produces a clear result.

"You want to make sure the right person is in, but a lot of this is unnecessary," said Donald Harris, another retiree. "This should've been over with by now. To say there's voter fatigue — well, that's an understatement."

The do-over déjà vu began during the May GOP primary, when Erwin challenged Gasaway, a three-term incumbent whose district stretches from Georgia's border with South Carolina through Stephens and Banks counties and about half of Habersham County.

In that first vote, Erwin appeared to unseat Gasaway by a 67-vote margin — until Gasaway and his legal team discovered mapping mistakes that incorrectly placed dozens of Habersham voters in the wrong House district.

That prompted a superior court judge to order the first new election to be held in December. The margin of that vote was even closer: Erwin clung to a two-vote lead when the counting was finally finished after wrangling over provisional ballots. The certified vote count was 3,521 to 3,519.

But Gasaway filed a new legal challenge, this time claiming that 21 voters had illegally cast ballots. Among the residents listed in the complaint was Banks County Sheriff Carlton Speed, who was accused of living outside the district. He called that claim "insulting and humiliating."

After a four-day trial in February, the judge found that four of those voters were ineligible — enough to sway the outcome of the race. The results were nixed, again, and Erwin was removed from his House seat — leaving more than 55,000 people in the district without a representative.

'Torn people apart'

No matter what happens, the seat will stay in Republican hands. It's territory so conservative that no Democrat stood for election; Donald Trump carried the district with more than 80 percent of the vote in the 2016 presidential election. But Democrats have seized on the disputed vote to criticize how Republican Gov. Brian Kemp oversaw elections when he was secretary of state.

Stacey Abrams repeatedly brought up the Gasaway case during her campaign for governor as an example of how problems with state elections can cut across party lines, and her Fair Fight group ran local ads during the Super Bowl featuring a Republican commissioner from the district.

Kemp's office earlier blamed Habersham officials for putting voters in the wrong district, and in interviews with more than a dozen local voters, many of them echoed that criticism.

Habersham officials did not immediately comment.

“It’s Habersham’s fault we’re in this situation, so they ought to pay for it,” said Bo Garrison, the owner of a popular general store in Homer. “Neither one of the candidates caused this situation, but the sad part is, this race has torn people apart.”

Along with the campaign signs that have sprouted up all over the district, so have resentments. Some of the harshest criticism is aimed at Gasaway, whose critics call him a sore loser and fault him for pursuing legal fees — his lawyer estimates the cost at $90,000 — against Habersham County.

“It’s called politics,” Carol Hodgkins said shortly after casting her ballot for Erwin during early voting in Homer. “Chris is a gentleman. But his opponent just won’t give up. And we lost out on having a voice in the Georgia House.”

Erwin, a former Banks County schools superintendent, has echoed those complaints in his campaign message, calling Gasaway’s lawsuits “frivolous and ridiculous but not out of character.” He described the drawn-out legal battle as “double taxation without representation.”

“Not only did he sue me and the counties, he’s asking for us to pay his legal fees,” Erwin said. “What I’ll tell you is that people are tired of this — they’re tired of the accusations, and they’re tired of having to go vote.”

Gasaway, meanwhile, has cast himself as an underdog running against a powerful political establishment despite his three terms in the House. He pointed to campaign finance records that showed Erwin raised about $130,000 — roughly five times more than Gasaway.

Another indication of the vitriol: A doctored image making the rounds on social media shows a fake picture of Gasaway embracing Abrams, a reviled figure among many Republicans in the area. (Abrams was edited into the picture over an image of Gasaway’s wife.)

“This has been extremely tough on my family,” said Gasaway, who runs a commercial poultry business. “The forces against me, from the previous administration, have made this campaign extremely divisive.”

For aggravated voters, Tuesday’s election brings a dim hope that both sides can put their grievances behind them and unite behind a victor — if there is one. Steve Turpin, a potter, predicted more voters will turn out than expected.

"This one is going to end it all. It better," he said, as if trying to convince himself. "If not, there's going to be some serious consequences."

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