

SPALDING COUNTY BOARD OF ELECTIONS & REGISTRATION
Special Called Meeting Workshop
August 23, 2024

This special called meeting/workshop of the Spalding County Board of Elections and Registration was held at the Spalding County Senior Center on Memorial Drive at 9:00 a.m. on Friday, August 23, 2024. Attending were: Chair, Ben Johnson (arriving late), presiding; Roy McClain; James Newland; Jim O'Brien; and Dexter Wimbish (arriving late).

Also present were Elections Supervisor Kim Slaughter; County Attorney Stephanie Windham and Attorney John O'Neal; and Teresa Watson to record minutes.

Call to Order – Vice Chairman Newland called the meeting to order at 9:00 a.m.

Invocation/Moment of Silence - Invocation was given by James Newland.

Pledge to the Flag - Pledge was led by Jim O'Brien.

Adoption of the Agenda

Motion/second to approve minutes of the meeting by James Newland/Roy McClain carried unanimously.

New Business

Chairman Johnson noted there were important updates in Georgia Election Law for 2024. He stated a presentation would highlight what is new for 2024, changes to Georgia SB 189 and rule changes.

Attorney Stephanie Windham introduced John O'Neal who had just begun employment with Beck, Owen, and Murray. He provided a PowerPoint presentation that highlighted the 2024 Updates to Georgia Election Law. In response to an inquiry, Attorney Windham noted that conflict of interest disclosures were signed annual by board members.

There have been reasonable inquiry rule changes to SEB rules, but reasonable inquiry has not been defined. This was approved 8-6-24, so it takes effect 8-26-24 barring a legal challenge. Several lawsuits are currently ongoing; it would surprise Attorney Windham greatly if a suit were not ready to enjoin. There seem to be partisan objections to rules changes. The Board is responsible for inquiries since they certify elections.

An examination of documents proposed rule O.C.GA 183-1-12,12,1 adds further requirements for certifying. Potential legal challenges may exist with the current requirement that a certification be done no later than 5 p.m. on the Monday after election. A new certification can occur if the Board wants to conduct a reasonable inquiry and/or examine election documents prior to certification; those cannot take more than 6 days, or the local Board is in violation of state law. They cannot certify before 5 p.m. on Friday, due to accommodating provisional voters. So, we would have to have two meetings: Friday and Monday, which must be properly noticed. Only the legislature could extend.

Other provisions in SB189 were discussed, such as the requirement for Secretary of State notification for emergency SEB meetings and any 3rd party candidate that receives ballot access in 20 states or territories now, which automatically qualifies them for a Georgia ballot. Another mandates that the Secretary of State create a pilot program for auditing paper ballots (cannot use a QR Code or Barcodes). Any special elections called to present questions must be called within 90 days. Some provisions in SB 189 take effect in 2025 and some in 2026. Homeless voters can utilize a permanent address at the registrar's office and some issues may arise for a voter losing residence in the county if a voter registers in another state, county, etc.

A PowerPoint was presented by Attorney John O'Neal on 2024 Updates to Georgia Election Law as follows:

Important Updates in Georgia Election Law for 2024

Agenda

- Introduction
- What's New for 2024
 - Changes to Georgia Statutes:
SB 189
 - SEB Rule Changes: 183-1-12-.02
& 183-1-12-.12.1
- Changes for 2025 and 2026
- Final takeaways

Changes to Georgia Law: SB 189



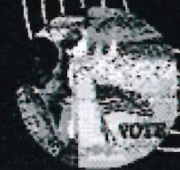
First, what's new for Election Day 2024....

Key Changes in SB 189 for 2024

- New Rules For Determining Whether Probable Cause Exists To Sustain A Voter Challenge and When a Challenge Can Be Adjudicated (O.C.G.A. 21-2-230).
- New Rules For Counting Absentee Ballots (O.C.G.A. 21-2-386).
- New Rules For Counting Early Votes (O.C.G.A. 21-2-493).
- New Rules For What Constitutes Conflicts of Interest (O.C.G.A. 21-2-19).

Determining Whether Probable Cause Exists and When a Challenge Can Be Adjudicated:

CHANGES TO O.C.G.A.
21-2-230



O.C.G.A. 21-2-230

Brief Review:

There are two different mechanisms in Title 21 to challenge Voter Registration.

- First is **O.C.G.A. 21-2-228** which challenges if a voter is able to register or remain registered.
- Second, is **O.C.G.A. 21-2-230** which are challenges to whether or not a registered voter is eligible to vote in a particular election.
- What we are discussing here ONLY applies to O.C.G.A. 21-2-230.
- 21-2-229 remains **UNCHANGED**.

When a § 21-2-230 Challenge Can Be Adjudicated

O.C.G.A. 21-2-230(b)

"Upon filing of such a challenge, the board of registrars shall immediately consider such challenge..."

O.C.G.A. 21-2-230(c)(1)

"Any challenge to an elector within 45 days of a primary, runoff primary, election, or run-off election shall be postponed until the certification of such primary, election, or runoff is complete..."

- So, if a challenge is made to a Voter's eligibility to vote in a particular election, and that challenge is made with less than 45 days before the election, the challenge **CANNOT** be decided by the Board of Registrars until after the actual election takes place, and the Voter **MUST** BE allowed to vote.

Changes to § 21-2-230(b)

O.C.G.A. § 21-2-230(b)

"...the board of registrars shall... determine whether PROBABLE CAUSE exists to sustain such challenge..."

- What is "Probable Cause"?
 - It is a legal standard of proof (used mostly in Criminal Law).
- SB 109 amended § 21-2-230(b), so that what constitutes "probable cause" is now more clearly defined:
 - Deceased Voter
 - Voter who is voting or registering to vote in another jurisdiction
 - Voter who obtains a absentee exemption in another jurisdiction
 - Voter who registered at a nonresidential address
 - 1) While in
 - 2) Database
 - 3) Or other publicly available source (derived from a gov't source)

Random Real World Example:

Congratulations

YOU HAVE WON THE MEGA MILLION LOTTERY

Voting under § 21-2-230 is like applying for the Mega Millions Lottery.

- Anybody can register, BUT:
 - You're dead
 - You're already registered at a different address
 - The address of your registration isn't your address
 - The address of your registration isn't your primary (e.g. "transient") address
 - The address of your registration isn't a residence
- You cannot win/vote.**

Changes to § 21-2-230 Continued

What DOES NOT constitute probable cause:

USPS National Change of Address database

- There **MUST BE** some other corroborating evidence.

What DOES NOT constitute probable cause continued

§ 21-2-230(b)(2)

- If a Voter is determined eligible pursuant to O.C.G.A. § 21-2-217(a)(8), (10), or (11), then any challenge of the Voter's ability to cast a ballot based on residency "shall be deemed insufficient".
- In other words, if the Voter is determined to be a resident under § 21-2-217(a)(8), (10), or (11), then residency isn't a valid basis to challenge that Voter.

O.C.G.A. § 21-2-217(a)(8), (10), & (11)

At the polls, the voter shall be provided with a ballot containing a question as to whether the voter wishes to vote for or against the proposed amendment to the Georgia Constitution.

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New Rules for Absentee Ballot Counting

O.C.G.A. § 21-2-386(a)(3)

- Absentee Ballots can now be counted beginning 10 days before Election Day.
- All of Absentee Ballots received in or before the deadline must be counted by Election Day.
- Ballots received after the deadline will be counted on Election Day.
- On Election Day, all ballots received by the deadline will be counted.

New Rule for Early Voting Ballot Counting

O.C.G.A. § 21-2-493(a)

- All early voting ballots SHALL be counted, i.e. "tabulated" by no later than 3 PM or within 1 hour of the polls closing.
- Same requirements as § 21-2-386(a) for absentee ballots.

New Conflict of Interest Rules

O.C.G.A. § 21-2-156 and (3)

- Applies to all state employees and all state and local employees.
- Prohibits or restricts state employees from using their position to influence the state or local government in a manner that is not in the public interest.
- Excludes from the rules any state employee who is not a state employee or local employee.
- Excludes from the rules any state employee who is not a state employee or local employee.

In other words...

NO BUSINESS WITH DOMINION!

NO DOMINION STOCK!



Changes to SEB Rules - "Reasonable Inquiry"

The New "Reasonable Inquiry" Rule

- Under the new rule, a person who is not a state employee or local employee, but who is a state employee or local employee, must make a "reasonable inquiry" into the financial interests of the person who is not a state employee or local employee.
- Reasonable inquiry is NOT defined.
- Many cases reported on August 28, 2004, and on August 29, 2004.
- During a legal challenge.



SEB Proposed Rule – Examination of Documents

- Proposed Rule 125-12-121 adds further requirements for Certification
 - Form, including recording the number of total ballots at each precinct and the total number of the precinct
- To address the Substantive Process
 - Board members must be provided a written explanation of the process and the results of the process and the results of the process
- This proposed Rule came up during the July 14, 2024 NEB meeting
- The Rule was approved on August 19, 2024
- The Rule will take effect September 8, 2024

Potential Legal Challenges with the new SEB Rules

Current Georgia Law requires that local Boards of Elections certify no later than 5 PM the Monday after the Election, i.e. 6 days.

Under the new SEB Rules, if a local Board of Elections wants to conduct a "reasonable inquiry" and/or "examine" election documents prior to certification, those cannot take more than 6 days, or the local Board is in violation of state law.

Other 2024 Effect Provisions In SB 189

The following are other changes implemented for 2024 by SB 189

Do not necessarily affect County functions, directly, so this is more of an "FYI"

- O.C.G.A. § 21-2-100 – The current SOG now explicitly comes from the SOB.
- O.C.G.A. § 21-2-100 – Requires notification to the SOB of emergency SEB meetings.
- O.C.G.A. § 21-2-172 – Any Third Party must state the reasons for the request in 20 (15) days or less, and the reasons must be stated in writing for the Georgia Election.
- O.C.G.A. § 21-2-180 – Mandates the SOB create a plan program for handling paper ballots (currently O.R. or Decisions).
- O.C.G.A. § 21-2-180 – Any Local Government shall be present at a petition to initiate a referendum within 21 days, if held in conjunction with a statewide election (future legislation).

Changes for 2024 and 2025

- Several provisions of SB 189 will not take effect until 2025 or 2026.
- Taking Effect in 2025
 - O.C.G.A. 21-2-172
 - O.C.G.A. 21-2-300
 - O.C.G.A. 21-2-380
- Taking Effect in 2026
 - O.C.G.A. 21-2-379.23

Taking Effect 2025

O.C.G.A. § 21-2-172

- (a)(1) – The election officer "personnel involved" shall be considered the registrar's office.
- (a)(2) – The following will be considered a voter's last residence in the County if:
 - (A) Voter chapters in another state, county, etc.
 - (B) If a voter does vote in another jurisdiction and does not re-register in the County upon returning.
 - (C) The Voter is relying solely on a USPS or Private PO Box.
- (b) – USPS National Change of Address information may be considered when determining a person's residence for voter and vote.

Taking Effect 2025 Continued

O.C.G.A. § 21-2-300(7)(1)

- In election districts with fewer than 5,000 registered voters, Election's Superintendent can petition the SOB to allow votes be cast by paper ballot.
- Can only be used for County officials offices.
- Special Primaries
- Special Elections
- Runoffs

O.C.G.A. § 21-2-386 – Absentee Ballots

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• O.C.G.A. § 17-2-346(a)(2) – if someone induces or coerces by the identity part in the client, it is an

- happens from 8 PM to 10:00 PM in Clinton Center
- was cancelled this year due to COVID-19
- **O.C.S.A. § 21-2055(2)(2)** - all married couples or couples with dependent children shall receive:
 - 10% off
 - 10% discount
 - 10% off on regular rate for persons occupying this nation, who are not a child
- **O.C.S.A. § 21-2055(2)** - when children are not a child, the O.C.S.A. shall be:
 - 10% off on regular rate, 10% off on child
 - 10% off on regular rate, 10% off on child
 - 10% off on regular rate, 10% off on child

- O.C.G.A. § 21-2-386(c) - Inner envelopes of absentee ballots must be:
 - placed in a ballot box
 - Secured and sealed
 - with SOS chain of custody documents

- O.C.G.A. § 21-2-386(e) – any challenged absentee ballots must be deposited with the SOS chain of custody documentation.

- O.C.G.A. § 21-2-379.23(d)

- Mandates that the last portion of a paper ballot shall be the official indicator for purposes of counting.
- The official count of all ballot members shall be based only on the last portion of the ballot.
- The official count CANNOT be based on scanning information in QR code, bar code, or any other such "machine" coding printed on the ballot itself.

By Agency of Cells & New O.C.S.A. members for 2024

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Legislative Update – County Attorney Stephanie Windham

The following is a redlined version of the requested changes to local legislation, for the Board's consideration:

Section 1. There is created a board of elections and registration for Spalding County which shall have jurisdiction over the conduct of primaries and elections and voter registration in such county.

Section 2.

(A) The board of elections and registration shall be composed of five members, each of whom shall be at least 21 years of age and an elector of Spalding County and each of whom shall be appointed by the chairperson of the county executive committee of the political party whose candidates at the last preceding general election received the largest number of votes in this state for members of the General Assembly. Two members shall be appointed by the chairperson of the county executive committee of the political party whose candidates at such election received the next largest number of votes. Each of the appointments by the political parties shall be made and certified as follows: The members shall be nominated by the chairperson and ratified by the county executive committee of each of the above-designated political parties at least 40 days before the beginning of the term of office, or within 40 days after the creation of a vacancy in the office, and the certification of the appointment of each member shall be made by the executive committee filing an affidavit with the clerk of superior court no later than 30 days preceding the date at which such member is to take office, stating the name and residential address of the person appointed and certifying that such member has been duly appointed as provided in this Act.

(B) The fifth member of the board shall be selected and appointed by the vote of a majority of the judges of the Superior Court of Spalding County. The selection and appointment of the fifth member of the board shall be made at least 30 days before the beginning of his or her term of office, or within 30 days after the creation of a vacancy in the office, and certification of the appointment of such member shall be made by the filing of an order by the chief judge of the superior court with the clerk of superior court no later than 20 days preceding the date on which such member is to take office, stating the name and residential address of the person appointed and certifying that such member has been duly selected and appointed as provided in this Act.

(C) If the appointments of any such member of the board of elections and registration appointed by the political parties is not made and certified as provided in this Act, such member shall be appointed forthwith by the governing authority of Spalding County and, within five days after such appointment, certification thereof shall be made by any member of the governing authority filing an affidavit with the clerk of superior court stating the name and residential address of the person appointed and certifying that such member has been duly selected and appointed as provided in this Act.

Section 3. The clerk of the superior court shall record each such certification on the minutes of the court and shall certify the name of each such appointed member to the Secretary of State and provide for the issuance of an appropriate commission to the member within the same time and in the same manner as provided by law for registrars.

Section 4. No person who holds an elective public office shall be eligible to serve as a member of the board of elections and registration during the term of his or her elective office, and the position of any member shall be deemed vacant upon such member qualifying as a candidate in any primary or election for public office. No person shall be eligible to serve as a member of the board of elections and registration while holding any public office to which he or she was appointed or while he or she is a salaried employee of the governing authority of Spalding County or of any municipality within the

county or of any board of education or commission, board, or authority appointed by the governing authority of the county or municipality within the county, except that members of the board of elections and registration shall be eligible for reappointment.

Section 5.

(A) The members of the board appointed by political parties in office on the effective date of this section shall serve out the terms to which they were elected. Successors shall be appointed for terms of four years and until their respective successors are duly appointed and qualified. Terms of office of board members appointed by the political parties shall begin on the first day of January following the expiration of their immediately preceding term of office.

~~(B) The term of a member selected by the other members of the board shall terminate on the effective date of this section.~~ The initial member appointed by the judges of the superior court shall then take office not later than July 1, 2021, and shall serve an initial term ending on January 1, 2025, and until a successor is appointed and qualified. Successors to such fifth member shall be subject to removal at any time for cause by a majority of the superior court judges of Spalding County after notice and a hearing.

(C) The board shall select one of its members to serve as chairperson of the board for a term of two years, beginning on the first day of January of each odd-numbered year and until a successor is duly selected and qualified. The chairperson shall be the chief executive officer of the board, and the board may, at its pleasure, specify his or her power and duties; and, if so specified, the effective date of any revocation or decrease of such powers and duties shall be after the expiration of the current term of office of such chairman. The board may appoint such other officers to serve at the pleasure of the board and may specify their duties, powers, and authority as the board, from time to time, may deem proper.

Section 6. Each member of the board of elections and registration shall be eligible to succeed himself or herself and shall have the right to resign at any time by giving written notice of his or her resignation to the appointing body and to the clerk of the superior court. Each member shall be subject to removal from the board at any time for cause, after notice and hearing, in the same manner and by the same authority as provided for the removal of registrars.

Section 7. In the event a vacancy occurs in the office of any appointed member before the expiration of his term, by removal, death, resignation or otherwise, the original appointing body shall appoint a successor to serve the remainder of the unexpired term as provided in this Act.

Section 8. Before entering upon their duties, the members shall take substantially the same oath as required by law for registrars. Members shall have the same privileges from arrest as registrars.

Section 9.

(A) The board of elections and registration shall:

(1) With regard to the preparation for, conduct, and administration of primaries and elections, succeed to and exercise all duties and powers granted to and incumbent upon the judge of the probate court pursuant to Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code";

(2) With regard to voter registration, succeed to and exercise all duties and powers granted to and incumbent upon the board of registrars pursuant to Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code";

(3) Formulate, adopt, and promulgate rules and regulations, consistent with law, governing the conduct of primaries and elections and voter registration; and

(4) Always strive to achieve openness, confidence, and integrity in their actions and to ensure the confidence of the public in the voter registration and elections process and the results of elections in Spalding County.

(B) The board shall comply fully with the provisions of Chapter 14 of Title 50 of the O.C.G.A., relating to open meetings, and Article 4 of Chapter 18 of the O.C.G.A., relating to open records. The board shall ensure that the public has adequate access to its meetings. ~~The board shall provide notice of its meetings and meeting agendas on the county website and by posting in a prominent public place in its offices at least one week before a regular meeting and at least 24 hours in advance of a special or emergency meeting. Such notices shall include the date, time, and location of such meetings and show the date and time at which the notice was posted.~~

(C) The regular minutes of a meeting subject to this section shall be promptly recorded and such records shall be open to public inspection once approved as official by the board, but in no case later than immediately following its next regular meeting; provided, however, that nothing contained in this section shall prohibit the earlier release of minutes, whether approved by the board or not. Such minutes shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal, and a record of all votes. The name of each person voting for or against shall be recorded. It shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the person voting against the proposal or abstaining. Once approved, such minutes shall be signed and show the approval date.

(D) Neither the board nor its employees shall conduct voter registration or voter outreach drives. The board may conduct educational events on voter registration and to demonstrate how to vote on the election equipment being used by the county.

(E) ~~The board~~ Elections Director shall be responsible for training ~~Cr~~ causing to be trained all employees of the board and all poll workers in election laws and procedures.

(F) The board shall annually develop and submit to the county governing authority a budget for its operations.

(G) For the security of its staff and to provide public confidence in the voter registration and elections process, the board shall ensure that security cameras are placed in its offices and that such cameras operate 24 hours a day. The video feeds from such cameras shall be recorded and such recordings shall be maintained for 12 months following the date of recording.

Section 10. ~~The board~~ Elections Director shall be responsible for the selection appointment, and training of all poll workers in elections and such workers shall be appointed, insofar as practicable, from lists provided to the board by the county executive committee of each political party.

Section 11. On May 1, 1987, the judge of the probate court shall be relieved from all powers and duties to which the board of elections succeeds by the provisions of this Act and shall deliver thereafter to the chairman of the board, upon his written request, the custody of all equipment, supplies, materials, books, paper, records and facilities of every kind and description pertaining to such powers and duties.

Section 11A. On July 1, 2003, the board of registrars of Spalding County shall be relieved from all powers and duties to which the board succeeds by the provisions of this Act. On and after July 1, 2003, no member of the board of registrars shall be entitled to any salary or salary supplement to which he or she may have been entitled as a result of holding such position. The board of registrars shall deliver thereafter to the chairperson of the board, upon his or her written request, the custody of all equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining to such powers and duties. Also, at such time, the board of registrars and the office of the chief registrar of Spalding County shall be abolished.

Section 12.

(A) There shall be an administrative director, to be known as the elections ~~supervisor~~ Director, to administer and supervise the conduct of elections, primaries, and registration of electors for the county who shall serve at the pleasure of the board. The board shall act to appoint such administrative director or elections

~~supervisor~~ Director within 60 days of the effective date of this section, or of the date of any vacancy in such position. Such elections ~~supervisor~~ Director shall be a legal resident of and registered to vote in Spalding County and shall remain a legal resident of and a registered elector of Spalding County while serving as elections ~~supervisor~~ Director.

(B) The elections ~~supervisor~~ Director shall be a full-time employee and shall not have any other employment while in such position. The elections ~~supervisor~~ Director shall be an employee of Spalding County and shall be entitled to all benefits available to other employees.

(C) Compensation for the elections ~~supervisor~~ Director shall be set by the board consistent with the budget of the board approved by the governing authority of Spalding County. Such compensation shall be paid wholly from county funds.

(D) The ~~board~~ elections Director shall be authorized to employ such full-time and part-time employees as the ~~board~~ Elections Director shall deem necessary provided same is consistent with the budget of the board approved by the governing authority of Spalding County. ~~All such employees shall be legal residents of and registered to vote in Spalding County and shall remain legal residents of and registered electors of Spalding County while employed by the board.~~

(E) No person who holds an elective public office shall be eligible to serve as elections ~~supervisor~~ Director or as an employee of the ~~board of elections~~ elections office during the term of his or her elective office, and the position of elections ~~supervisor~~ Director or any employee of the ~~board of elections~~ elections office shall be deemed vacant upon such person qualifying as a candidate in any primary or election for public office. No person shall be eligible to serve as elections ~~supervisor~~ Director or employee of the ~~board of elections~~ elections office while holding any public office to which he or she was appointed or while hear she is a salaried employee of the governing authority of Spalding County or of any municipality within the county or of any board of education or commission, board, or authority appointed by the governing authority of the county or any municipality within the county.

Section 13. The chairperson of the board of elections and registration shall receive \$120.00 per month in compensation for performing the duties of such office. The other members of the board of elections and registration shall receive \$100.00 per month in compensation for performing the duties of such office. Compensation for the clerical assistants and other employees shall be set by the board consistent with the budget of the board approved by the governing authority of Spalding County. Such compensation shall be paid wholly from county funds.

Section 14.

(A) The governing authority of Spalding County shall provide the board with such proper and suitable offices, furniture, and equipment as the governing authority shall deem appropriate.

(B) The county attorney shall be the legal adviser to the board and represent the board in all matters. The board shall not have the authority to hire any other legal counsel. If the county attorney has a conflict of interest, the board of commissioners of the county shall provide an attorney to represent the board of elections and registration.

Section 15. The words "election", "elector", "political party", "primary", "public officer", "special elections", and "special primary" shall have the same meaning ascribed to those words by Code Section 21-2-2 of the Official Code of Georgia Annotated, unless otherwise clearly apparent. From the text of this Act.

Section 16. All laws and parts of laws in conflict with this Act are repealed.

Effective Date: April 13, 2021

Discussion followed on the updates and suggested changes. It was noted that a change to absentee ballots now requires 3 people for chain of custody access. Official counts cannot use QR or barcodes. There are new rules for counting absentee ballots and early votes and new rules exist for what constitutes conflict of interest. There definitely can be no ties to Dominion.

New SEB Rules mandate that we proceed with caution. We can make a reasonable inquiry and look at documents related to an election if the Board feels there are irregularities or discrepancies in the count. OCGA still mandates that elections be certified by no later than following Monday at 5 p.m.

As an editorial, Attorney Windham said the ever-increasing number of unfunded mandates continues to require more things that cost the County more money. Some grants are available to help with postage, etc. but no recent assistance has been noted. When you put more stress and strain on a small staff and must hire more poll workers, then problems and issues manifest themselves. There was some discussion regarding previous methodologies for counting paper ballots and other topics. It was noted by one attendee that Coweta County volunteers can hand count an entire county in 3 hours.

Chairman Johnson provided some background information on the prior vendor, Diebold. Hand counting is obviously more cumbersome than technological methods. He noted that the town hall portion of the meeting would cease, and the Board would now direct conversations to a discussion of suggestions to HB 769, We consolidated legislation a couple of years ago. There have been three acts, and some are no longer necessary. Attorney Windham referenced the redlined copy for consideration that incorporates the recommended changes. The first topic in Section 5 talks about selection of the fifth member of the Board. This does not need to remain since the fifth member is here and the language is no longer necessary.

In Section 9.b – we have to follow the Georgia Open Meetings/Open Records Law as it is written, but we are not required to have more stringent rules than those noted in this law. It does not allow us to have an emergency meeting big problem. Some things 20 minutes in elections but we have to schedule 24 hours to comply. We have no choice but to schedule for the potential of emergency meetings. This would allow us to call a meeting in emergency situations pursuant to Open Meetings law. Open Meetings law requires you to post on website at same time. Sometimes requires amending the agenda as a result. This requires us to follow Ga. Law.

Also, we have given by resolution certain powers to the Election Supervisor. Semantics suggest we bring her title in line with all other department heads. Consequently, we have ceded some duties to the Elections Director. She is responsible for training employees, and the Board is still responsible for the performance of the Elections Director. There are a few noted changes from Elections Supervisor to Elections Director. Some discussion followed regarding requiring staff to remain as legal residents, noting it is difficult to find local folks sometimes, so they elected not require this of staff.

One other editorial concerned a change not redlined regarding the use of county attorney in section 14.b. The Board has no authority to hire any other legal counsel. Attorney Windham felt the Board should be able to select an attorney should Windham have a conflict. The Board of Commissioners must select, so she will make this change even though it is not currently included in the redlined version. Mr. McClain felt a letter to this effect might be helpful to push it forward, although this will be the third request to do so. We can also do this by resolution at our next board meeting when it will be on the agenda.

Board Comments

Dexter Wimbish – no comments.

James Newland – thanked attorneys for clear and concise presentation. He was glad to see public interest.

Jim O'Brien – he agreed with Mr. Newland and noted we would post the presentation on the website since it was a great summary. Stephanie Windham will ensure this is handled.

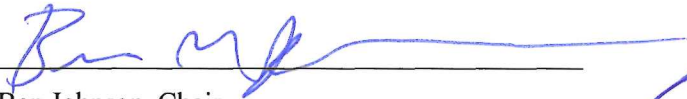
Roy McClain – A phone call yesterday from a citizen was talking about Roy to Roy. Some citizens can be misinformed, and he wanted everyone to be comfortable in calling Board members with any questions. We are doing our best for fairness and transparency, in a non-partisan manner.

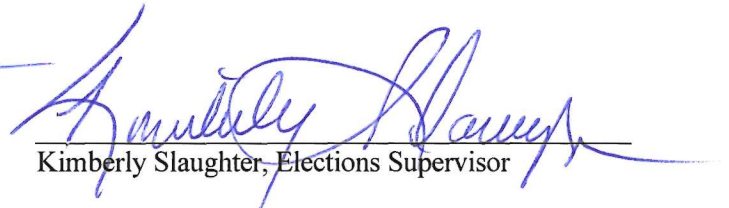
Ben Johnson— The pilot program for hand counts is something he is anxious to see. There are 75 days to the upcoming election.

Stephanie Windham noted that, as we hear about trainings from the State Elections Board on any of the new rules, we will certainly pass those opportunities along.

Adjournment

Motion/second by Dexter Wimbish/Roy McClain to adjourn at 10:19 a.m. carried unanimously.



Ben Johnson, Chair

Kimberly Slaughter, Elections Supervisor