

# SPALDING COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION

## AFTER AGENDA

**October 8, 2024**

The regular meeting of the Spalding County Board of Elections and Voter Registration was held at the County Courthouse Annex, 119 East Solomon Street at 6:00 p.m. on Tuesday, October 8, 2024. Attending were: Chairman, Ben Johnson, presiding; Roy McClain, Dexter Wimbish, Jim O'Brien and James Newland. Also present were Elections Supervisor Kim Slaughter, Attorney Stephanie Windham and Kelly Romero to record minutes.

**Call to Order** – Chairman Johnson called meeting to order at 6:02 p.m.

**Invocation/Moment of Silence** – Invocation was given by Roy McClain.

**Pledge to the Flag** – Pledge was led by Dexter Wimbish.

**Citizen Comment** – Jim Moore shared the following concerns about rules recently implemented by the State Election Board:

- Will the Board require hand counts of ballots?
- If yes, will the hand count include absentee and overseas military ballots?
- The cost of hand counting ballots.
- Who will pay for the hand count expense?
- How many people are required in order to hand count all ballots and are they available?
- Will hand counters be bipartisan?
- What happens if the hand counting is not completed by time of certification?
- How will the “reasonable inquiry rule” be implemented?
- What does the Board define “reasonable” to be?
- How can the Board guarantee all ballots will be counted?
- Are these rules under Georgia State law?

**Adoption of Agenda - Motion/Second to amend and adopt the Agenda by James Newland/Roy McClain to add to “Old Business” discussion of movement of funds as previously voted on by the Board and to add to new business a Status Report on hand counting. Carried unanimously 5-0.**

**Old Business** – Roy McClain’s item to direct the supervisor to move monies. Back in an executive session it was discussed about a movement of funds with the county commissioners in January or February where we were directed to take care of internal funding after the budget was approved. Some funds were moved out of the insurance funds into paid allowances. We need to do that at least one more time before the end of the year so that we can take care of all of the obligations we have already voted on and approved. **Motion made by Roy McClain/Dexter Wimbish e makes to direct the supervisor to move \$8000 out of the insurance fund that will not be needed this year and to pay allowances carried 5-0.**

### **New Business**

**Election Supervisor Report – Kim Slaughter**

**Voter Registration Report** – Registered voters per Secretary of State (GARVIS) as of October 6, 2024, is 53,142. A full voter registration update was provided to the board members.

**Election Supervisor Kim Slaughter reported the following items:**

Yesterday, October 7, 2024, was the first day allowed by law to begin mailing out Absentee Ballots.

Our office officially acquired the space next door (formally the UGA Extension Office) last Friday October 4, 2024. The door from our original office to the newly acquired space has been installed for a couple of weeks. Construction began dropping power into the Advance (Early) Voting area yesterday afternoon. She has spoken with the construction director and was assured that we would be ready for Advance (Early) Voting next Tuesday.

Signs have been placed at Precinct 10's original location (Carver Road Fire Station) and the new location (Oak Hill Church) and in between the two locations as required by law.

Logic & Accuracy is completed for 189 Ballot Marking Devices, 189 printers, and 21 ICP Scanners. KnowInk is to release Advance Voting Data for the Poll Pads this evening or tomorrow and L & A will be completed for the Advance Voting Poll Pads. Kim gave a huge thank you to her team who worked tirelessly along with her to complete an ambitious goal for logic and accuracy.

Sample Ballots have been prepared and voters may access their sample ballot by visiting our office or Ga My Voter Page.

Voters who have requested an Absentee by Mail may utilize the GA My Voter Page to check the status of their ballot.

Early processing of Absentee ballots for the November 5, 2024, Election is scheduled and has been advertised according to the Ga Election Code. Kim has included this document with information under "General".

Kim Slaughter has completed training for 101 poll workers and has scheduled and additional eight poll workers for training. She is expected to train an additional 15 poll workers which will put them at the 125 mark and in a good position for accommodating voters for the November General Election.

There was a quick shout out for two of the poll workers. Jackie Roberson who is participating in the Spalding Sheriff's Citizen Academy and Chris Piland who was promoted to Brigadier General this past Saturday.

Advance Voting Poll Workers total 43 with 24 serving at one time. Ben Johnson asked how much we have stepped up in early voting for this election versus the others. Mrs. Slaughter advised they were up about 30 to 40 poll workers.

Advance Voting begins on Tuesday, October 15<sup>th</sup> due to the Columbus holiday observed by the Secretary of State's office.

Advance Voting dates are as follows:

October 15-19 8:00 a.m. until 6:00 p.m.

October 21-26 8:00 a.m. until 6:00 p.m.

October 28-November 1 8:00 a.m. until 6:00 p.m.

The Elections Office participated in the Spalding County Kiwanis Fair and was able to answer questions for residents of Spalding County. The booth looked great, and it proved to be a wonderful outreach to the community.

**Discussion of Scheduling meetings in case of an Emergency due to HB 769 was given to County Attorney Stephanie Windham.** County Attorney Windham suggested that they schedule a meeting for October 15<sup>th</sup> but need to be sure there is a quorum presence and asked for time preferences for the meeting. The meeting can be started at any time but needs to be called to order then they can recess that meeting. That way a meeting is not being scheduled every day and then there be a need to cancel. They can remain in recess unless or until they need to come back from recess and start the meeting. This will take the place of scheduling and noticing 14 meetings. We can schedule one and recess it and come back as needed. The meeting is scheduled for the first day of early voting in case there is a need that day. This will be on the notice and agenda and will be published and announced showing possible days. When Chairman Johnson opens the meeting, he will announce there is no business currently and will be in recess until needed. We will not be adjourning but recessing. It was discussed when members were available. The three members that could attend the first meeting at 10:00 a.m. are Chairman Johnson, James Newland and Jim O'Brien. Stephanie advised that for election day they will schedule a meeting that will remain open until certification and will be held at the elections office. The same procedure will be in place as far as recessing. Chairman Johnson advised this doesn't require a vote and for Kim Slaughter to schedule the meetings.

**Discussion of Hand Count Audit for the November General Election** – Kim Slaughter proposed to count one Federal Contest for the November 5, 2024 General Election and asked direction from the Board as to how to proceed with the hand count. Jim Newland and Chair Johnson advised in the past it has been a pull out of a hat type of solution a couple times. Jim Newland doesn't like there being so many races that will not be counted, the local races. He proposes we count one federal and one local race.

Discussion continued and Board member Roy McClain advised that technically it is still their policy to hand count all ballots. If someone wants to make a motion to amend that and change it to one local and one federal, they can do that at any time but they are still under the 100 percent accuracy. Chairman Johnson advised there was a vote to limit the hand count due to the runoff being so close to the previous election. Roy McClain advised if we are not going to do 100 percent we need to change it.

Dexter Wimbish addressed Stephanie Windham that considering the controversy they have in the state around the authority of the Georgia Election Board and their lack of authority are we as a board setting ourselves up for litigations because we are not required from state law to hand count any races. The question is do you foresee litigations if we move forward with a hand count with any race on this federal election? Stephanie advised that was a possibility since they have been threatened with litigation in the past. However, the threats in the past, she hasn't found them to be truly credible threats. We are merely auditing counts. There are Boards of Elections that have done this and continue to do this on a regular basis for every election, but it happens we are in the spotlight. We are in the fishbowl, and they are not, but the purpose of what we are doing is simply auditing. It is not the same audit that the Secretary of State requires us to do, but it is a double check basically and she has talked to other county attorneys and others at the state level to include the Secretary of State's office who did not have any issue with the process we are following.

Dexter Wimbish wants to know how much a litigation will cost. They are already under one lawsuit. Stephanie advised there is a cost because most of the cases are not seeking money damages and as such our insurance doesn't cover it. So, we are not trying to meet a deductible to try to get things paid for because they don't get paid, but we are doing all we can to handle these things in the most professional and economical way possible. We share this with about 12 other counties that are also named, and she is working together with them. We are making joint defense agreements and working together to minimize the cost for the counties.

Dexter Wimbish asked Kim Slaughter about morale. He advised that she had some concerns about morale and that was a smaller election. What concerns do you see with a bigger federal election? Mrs. Slaughter advised that the SEB ruling has come through to hand count the ballots at the precinct and we all know we are dealing with a larger volume of everything in this election and you only have so much staff and so many poll workers, so this is why she made the proposal she did. Yes, there will be more to do. The poll workers will already have a very late evening because of the SEB ruling. Sure, there is concern. She believes we can do it but is asking the board consider her proposal.

James Newland wanted to clarify that what the SEB is wanting is for them to verify the count is the same. Kim advised these are two different things. We audit and we audit by contest. There are candidates in the contest and when we audit, we audit how many votes each candidate receives and does it balance to what was uploaded. Election night what is being counted are ballots only. This total should balance with that of the ICP scanner reflects. Still there is larger volume. We all know polls close at 7:00 p.m. but we won't be finished voting at that time. The law allows for everyone in line at 7:00 p.m. to cast their vote. If you have 50 or 100 people in line, it is a longer night already. Then you must package everything up and then you have to count ballots. We are not finished on Election Day. We have multiple tasks into that week and the next week or two including a state required audit.

Chairman Johnson thanked Kim Slaughter and her staff for all the hard work they put in. Kim said she appreciates each of the board members and has asked that they plan to assist on Election Day with any needs they may have. Chairman Johnson asked for specific things to do on that day such as splitting up the precincts.

Kimberly Slaughters report is now complete.

**Consider approval of the September 10, 2024, Regular Monthly Meeting Minutes – Motion by Dexter Wimbish/ James Newland, 5-0 carries.**

Chairman Johnson advised that if counting of the ballots had been done at the precincts on the previous election, an error could have been caught where a ballot was run through the scanner twice. Therefore, the number of ballots didn't match the number on the ICP scanner. The Chairman then continued his summary of where they are on this issue to this point. He also advised he doesn't see that the threat of litigation should make them do something or not do something.

James Newland doesn't understand why someone wouldn't want to verify some part of this.

Jim O'Brien asked Mrs. Slaughter to clarify if the new SEB ballot counting is immediately after election night or if it falls on the next day or a couple of days later. Kim advised that it is to be that evening unless there are 750 ballots or more and then a decision can be made to do it the next day however there is more paperwork you must do for this to happen. It is easier to do this election night because you already have your poll workers there and they can get it done. This is not like an audit where you can pull in other poll workers to help, it must be the manager and assistant managers of that precinct. After reviewing the process, it is her opinion to get it done Election Day night. Dexter asked if the ballot count needed to be done in the precinct according to the new law. Kim advised unless it was over 750 then a decision could be made to count the following day with certain notifications, but she wants to keep it consistent and streamlined.

Dexter Wimbish asked how the timing of the hand count be affected if there are one or two inquires and they must be discussed. Chairman Johnson advised, as discussed, earlier they will have a meeting that was recessed. Stephanie Windham advised the Board could be meeting while the staff counted. She also

advised that if it was something major, they would have to take it to a judge like in 2020 to get the poll hours extended. Dexter Wimbish asked that since the Spalding County judges now select the fifth member of the Board wouldn't that be a conflict of interest. Wouldn't we need to go to another jurisdiction. Stephanie advised she will talk to Chief Judge Ballard and possibly the AG's office as well.

Roy McClain has nothing further.

Chairman Johnson advised they have a request from Kim to count one federal contest. He asked for motions. Motion was made by James Newland that they count one federal and one local race both to be drawn out of the hat. Jim O'Brien seconds. He advises he likes the scope because it is very respectful of the staff and poll workers and being considerate of them. Later we might want to revise our rulings.

Chairman Johnson advised on both sides there is a lot of trust that has been broken. It is very hard to earn but easily squandered. He wants to show the public that we do balance, and we have done all we can within the law. James Newland wants to count everything but with all the other rules, requirements and laws placed upon us by various jurisdictions, he wants to be respectful of the staff and believes this is the least they can do.

Dexter advised that 10 years ago, we wouldn't have this discussion because section five was still in effect. You couldn't have these changes 90 days before an election. He is speaking about the rulings of the State Election Board. He believes 95 % these rules will be challenged legally. Spalding County is about to become the poster child. They are about to have a national eye on them. We are going along with all these rules. He has an issue with these. He advised none of this is required by law and he will vote against it.

**Motion made by James Newland/Jim O'Brien to hand count one federal race and one local contest to be drawn from a hat. Motion carried 3-2 the motion was raised and seconded. Carried 3 – 2. Opposing Dexter Wimbish and Jim O'Brien.**

**Consideration for approval of purchasing 175 HP Laser Jet Cartridges for Voting Equipment printers for \$ 25,705.75. – Motion by Dexter Wimbish/Roy McClain to approve payment for printer cartridges in the amount of \$25,705.75 carried 5-0.**

### **Board Member Comments**

**Roy McClain** advised he was given a tour today and it is nice but not perfect but a lot better than what we have now. Having to move the scanner down the sidewalk was not good. He also wanted to thank the staff.

**Dexter Wimbish** is looking forward to a smooth election. He also thanked the staff and Kim and wants the election to go off without a glitch.

**Jim O'Brien** wanted to thank Lorelai for her help moving packages.

**James Newland** stated we have a professional staff. He can tell this when he comes to the office and talks to us. He knows we can pull it off and will be there to help.

**Chairman Ben Johnson** advised he will also be there to help and thanked Kim, the board and staff.

**Adjournment**

**Motion to adjourn James Newland/Dexter Wimbish. Carried 5 – 0 at 7:02 p.m.**

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**Ben Johnson, Chairman**

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**Kimberly Slaughter, Election Supervisor**