

SPALDING COUNTY BOARD OF ELECTIONS & REGISTRATION

Minutes

April 12, 2022

The regular meeting of the Spalding County Board of Elections and Registration was held at the County Courthouse Annex, 109 East Solomon Street at 6 p.m. Attending were Chairman Ben Johnson, presiding and Board Members Roy McClain, James Newland, Jim O'Brien, and Alfred Jester. Also present were Elections Supervisor Kim Slaughter, and Attorney Stephanie Windham.

Call to Order

Chairman Ben Johnson called the meeting to order at 6:00 p.m. and welcomed everyone. He read a brief statement regarding meeting protocol.

Invocation/Moment of Silence

Mr. Jim O'Brien provided the invocation.

Pledge

Mr. James Newland led the pledge.

Citizen Comment

Chairman Johnson read the guidelines for Citizen Comment. Signed to speak were the following:

Sharon King, 143 Cumberland Road, Griffin

Ms. King referenced the status of Sunday voting since Ms. Slaughter's report provided all the information that board members had requested. Tonight's agenda does not have Sunday voting at all, so a majority of the Board would have to vote to add it to the agenda, which is probably not feasible. What is the rationale for not providing for this vote? She felt the Elections Supervisor had not fulfilled her duties and was making all of the Board look badly.

Dolly Adams

She was requesting information about her voter registration card. She and others do not have them yet, and an election will be coming up in May. She was told they were backlogged in February and wondered what the plan was for the provision of these cards.

Darrell Williams, 834 Dusky Sap Court, Griffin

Mr. Williams noted he had an uncle who gave his life to protect our way of life. One of the privileges in America is the right to vote which evokes a responsibility, as well. The uncle I never met died so that I and others could vote. Recently in 2020, Mr. Williams had a granddaughter who registered to vote for the first time, along with some friends. She has to work six days a week at her job now and she loves her job. Her only day off is Sunday. If she lived in Spalding County, would there be some mechanism for her to vote? We have retained a public relations firm for Spalding County Elections at great cost, so could not we allow for a Sunday vote for a few extra dollars?

Bob Baer

In the February meeting there were phone calls and discussions on the Dominion equipment. The state owns the equipment, but each county is responsible for the maintenance of same. He has not heard what the final decision was regarding this equipment. He has been in the elevator maintenance business all his life, and they always felt the best suited provider of maintenance was the manufacturer or a qualified service company. You need to ensure there are good response times. Voting machines are the heart of the elections process, and he encouraged a resolution to this issue be forthcoming and publicized.

Dr. Yoshunda Jones

Dr. Jones wanted to address the ridiculousness of this board functioning for almost a year without By-laws. It is important that board members be educated in the proper protocols for conducting a meeting. She also

wanted to address a breach of protocol when a Trump supporter was allowed to yell at her while she was attempting to exercise her right to free speech, whereas audience members at the last meeting were allowed to be heckled because of their stance on Sunday voting, which was concerning for her. Additionally, she did some research on the presentation that was given by the representative from Online, Virginia Gallaway, on products they were proposing for Spalding County Elections. She is associated with a coalition related to elections security issues and is also a Paulding County Commissioner. She stated in a March interview that she did not believe in early voting and that folks should not be allowed to “lollygag” for three weeks. Dr. Jones was concerned that Spalding County was even considering circumventing the Secretary of State by contemplating using Sonline. The Board needs to be transparent about the issues in Spalding County.

Maria O’Donald

She asked if there were efforts being made to clean up the voter rolls. She wondered if residents were allowed to help in any way, i.e., collecting signatures, etc., with this effort.

Isaac Melton, 515 North Brookwood Terrace, Griffin

Mr. Melton was disappointed that Sunday voting was not on the agenda but hoped the Board would see fit to add it to the agenda. Issues pushed from meeting to meeting are of concern; the public has a right to know the stance and official record of the Board of Elections. It appears this important issue is being delayed to the point it may not be addressed before the upcoming election in May. He hopes cost would not be the issue since they have authorized a request for a public relations company. Also, to claim it does not allow for workers’ to have time off, simply closed another day so that Sunday may be available. He stated the establishment clause in the First Amendment should seek to negate an argument against religious practices when considering Sunday voting. Sunday voting needs to be addressed by this Board so that the public is aware of board members’ positions.

Adoption of the Agenda

Motion by Alfred Jester to add the consideration of Sunday voting for the May 24 General Primary and Special Election, seconded by Jim O’Brien. Motion carried unanimously.

Motion/second by Jim O’Brien and Alfred Jester to add consideration of a contract for the maintenance of Dominion voting equipment carried unanimously.

Motion/second to adopt the agenda as amended by James Newland/Jim O’Brien carried unanimously.

Minutes

Motion/second by James Newland/Alfred Jester to approve the Minutes of the March 8th, 2022 meeting carried unanimously.

Old Business

Consideration to hire a public relations firm did not come from this Board, noted Chairman Johnson, but rather was from County administration. We have had no presentations as yet from prospective firms, but we may have some in the near future. For the county that Jim O’Brien contacted, the Elections Supervisor noted they were in favor of such an arrangement and that other counties were doing it, as well. He was told there were a number of companies who were providing these type services. Roy McClain said he went to the County Commission to explain, and the Commission would like to know specifically what counties were contacted. If we have not provided that information to the Spalding County Board of Commissioners, we need to do that. He has not seen any solicitations for public relations firms yet. He was told that Spalding County does not have the personnel to handle public relations or even questions. Chairman Johnson said the Board would be open to receiving proposals for consideration with approval from the County, of course.

Consideration of Sunday voting, said Mr. Jester, said everyone had heard from their constituents and some information was still to be forthcoming. He prayed about it as a Christian, but he wanted everyone to know they have a right to vote. Not all precincts would have to be open, but rather just one. He would like to see Sunday voting be approved and put to bed tonight, and he moved to approve. Motion was seconded by

Mr. O'Brien. Mr. McClain said the information was included in the Board's packets, but Mr. O'Brien disagreed, saying the first time he had seen this document with the breakdown is tonight.

Mr. McClain asked Ms. Slaughter to address. She stated the Board did not have this particular document, but she did share all the information on that document with the Board. The document was not intentionally left out, but staff was actually researching the matter right up until time of the meeting. She said her report was done after Sunday voting had been addressed in last month's meeting. That is when her report was completed, and she shared it with all board members.

Mr. O'Brien still maintained this was the first time he had seen this document with the total breakdown.

Chairman Johnson said he understood both sides of this issue and was afraid we are just mincing words. Sunday voting has been available in Georgia since 2014, and the only time we have had it was for the 2020 General Election. Counties inside the Perimeter are not even open for Sunday voting, according to his research. The whole point of Sunday voting was based on expected turnout and polling place wait times. He still has not heard any concrete argument for implementing. Mail-in ballots are available and 17 days of active voting, including Saturdays. He does not see a valid reason to authorize Sunday voting, race, and religion notwithstanding. He would like to hear rational rather than emotional arguments.

Mr. O'Brien said SB202 permits Sunday voting and does not block it. It actually favors Sunday voting since it will most likely increase turnout. Additionally, this Board has been going back and forth for five months on this issue, and he felt it was time to promote Sunday voting.

Motion did not carry. Alfred Jester and Jim O'Brien voted for with Ben Johnson, James Newland, and Roy McClain voted in opposition.

Update on Dominion maintenance contracts.

Chairman Johnson said he was glad to hear the opinion voiced earlier that the manufacturer of the equipment is best suited to maintain the equipment. Several of the actual equipment manufacturers are located in China, but there are two approved vendors to take care of hardware but neither one of those is who the contract is with, but rather it is with Dominion directly. He was not sure if Dell or someone else was providing the hardware equipment contract. To be clear, we have Dell and two or three other vendors, but Dominion said they would fix it should something break. However, they did not provide for service warranties or guaranteed response times. It was noted as best effort. They would, for instance, not bring out a spare if something broke on election day but merely do their best. Dominion additionally is the provider of software that is running on hardware. We have assurance of the Secretary of State's Office that they will bring out replacement equipment to make sure we stay up but there is no written contract in place. There is no specific response time commitments or hardware warranty repairs. At the state level, with regard to software, the versions of the software are frozen at version 5.5, which is certified, although they have a few updates that have come out but have not been certified. Having support on the software side, this agreement did not cover any of that. There is still a question as to whether or not we are legally authorized to use the software. They have not entered into any agreement with Dominion Voting Systems. This Board is assured we have spares for most items and can pay for any needed repairs out of our budget. We contracted with Dominion to have someone onsite should we encounter issues with tabulations of votes, etc., to function as a liaison with Dominion and with the Secretary of State's Office; this worked as successful strategy in last November's election, and we plan to do it again for the Primary. This is a frustrating and complicated issue involving several parties. We are taking steps to ensure we have done logic and testing protocols before any election cycle on all equipment. We touch and test about 192 devices.

Attorney Windham noted that Dominion did not allow for any negotiation on this agreement. Chairman Johnson added it ended up being \$3000 more than quoted, as well.

Mr. Jester said he appreciated all of staff's technical knowledge, but we have all these problems. He wondered why we have not approached our local legislators and get them to help get these issues resolved.

Chairman Johnson said he would love to have the Board collaborate on a letter to sign and send to Our local legislators, and Attorney Windham noted she had some talking points and would like to be part of any discussion. A workshop could be held in lieu of an ad hoc committee. Members concurred.

James Newland said he had been in business for many years, and he would not have wanted to do business with Dominion. They do not negotiate; they do not provide adequate service; nor do they give a decent price.

Chairman Johnson clarified for Jim O'Brien the process to be followed on this issue and the workshop. Attorney Windham noted this was shown as an item for discussion but could be considered if so desired. Mr. O'Brien noted that when he called for this item to be added to the agenda, he intended that a vote be taken.

Motion by Jim O'Brien to accept the Dominion Maintenance Agreement as presented, seconded by Alfred Jester. Chairman Johnson reiterated that we could repair equipment over the next year. There is no guarantee with this agreement for response/repair/replacement in a timely manner. He elaborated on issues that this agreement covers versus not providing. Mr. Newland said the Dominion contract benefitted Dominion but no one else. Chairman Johnson concurred. Ms. Slaughter noted for the Board that the issue may be moot since there was a deadline for this agreement which has passed. Mr. O'Brien agreed to accept in his motion the language that motion to accept was provisional on Dominion's acceptance since the deadline has passed, and Mr. Jester seconded the amendment to his second of the original motion.

Motion failed with Jim O'Brien and Alfred Jester voting in favor of acquiring a warranty with Dominion with Ben Johnson, Roy McClain, and James Newland voting against.

New Business

None

Elections Supervisor Report

Ms. Slaughter provided a report to the Board that noted important dates for upcoming elections, which is located on the Spalding County website (Elections and Voter Registration) for the Board and the public. The May Special Election will run on the same day as the General Primary to complete the 2022 term of Clay Davis. Redistricting has been completed and cards ordered from the Secretary of State's (SOS) Office. SOS has been working on a new voter registration system in the Elections Division. Garvis launched in March but did not do well. So, we were locked out of our normal registration system and out of Garvis. We elected to not do anything until the SOS had rectified their issues. We will update more on Garvis later. We were shut out for about four days. When we were able to come back into our existing E-Net system, there were conflicting cards. Regarding the lady who spoke earlier, we could have allowed voters who were registered to vote, although every voter in Spalding County was affected by the redistricting. To reduce confusion, we opted to wait for completion of the redistricting so all the information would be accurate. We are doing the best we can considering the nuances being encountered, noted Ms. Slaughter. To revise to a new voter registration system at this juncture was well intentioned and had good aspects but was too much, too soon. One can also do a virtual precinct card from the SOS website. Chairman Johnson requested that Ms. Slaughter update with SOS Office as soon as possible.

Some discussion followed regarding Precinct 12 changing from Liberty Springs Church to Fairview Baptist Church, which is a major change. We feel this will be a long-term change. Liberty Springs is presently without a pastor and requested the change. We are grateful to Fairview Baptist for their offer to serve.

House District 73 will appear as House District 74 on precinct cards. All upcoming elections will run on the new redistricting lines. House District 130 will appear. House District 117 was a new seat added to Spalding County. There may be a couple of other districts that will look a little different.

Absentee by mail paper ballots arrived on Friday, April 8. They are being reviewed to ensure that all Districts are correct. There have been 107 applications for absentee ballots to date. Mailing out of absentee ballots will be April 25 as required by law. There are legal requirements for absentee ballot requests/mailing/receipts.

May 13 is the last date we can receive an absentee ballot. Final proofs have been submitted and the ballot project file should arrive in a couple of days. We are charging devices and we can begin loading and testing soon after receiving the ballot project file. We are not the only county with delays. Today the state felt like the project file should be arriving in a couple of days. Logistics and testing notices have been posted.

Voter Registration Report does not reflect the normal data because of the Garvis/E-Net delay issue. As for the Board of Registration Audit Review, we are less than a week away. A full report will resume next month and will reflect all the changes that were necessitated. Staff has ensured that everything has been completed. Mr. Jester said he had visited the office and the ladies were to be commended for their tedious, dedicated work.

Chairman Johnson mentioned the offer of Maria for volunteer services. Ms. Slaughter said this type of work was done daily as changes are made. A part of doing this audit is to catch things that may not have been done in the past. It should be done in odd years. However, she wanted to make clear that the voter registration list is “cleaned up” on a daily basis; we cannot go out and canvas to clean up voter rolls. This conversation may actually be talking about two different things, and she might be better advised to offer with one of the local parties for canvassing services.

Garvis is scheduled for re-launch in July. Poll worker training for the advanced voting poll workers will be held on April 21 and, for election day training, on May 10. We are still in need of volunteer poll workers.

Comments

Roy McClain – The contract for storage is ready to be looked at online. It has undergone legal review and he has look at the physical space. When the contract is executed, we can look at dates for the physical moving of inventory. This should not be expected in less than a week or two. Attorney Windham has been most helpful throughout this process. There are many pieces to the process. Some product review may be necessary and can be done in a workshop or Zoom meeting. One particular item deals with inventory control for better management of accountable items. Perhaps we could address that issue again in the near future. To Zoom would require the Board to be present with the vendor being able to be virtual.

Alfred Jester – No comment.

Jim O’Brien – No comment.

James Newland – No comment.

Chairman Johnson – He agreed with the complimentary comments of Alfred Jester with regard to staff.

Executive Session

James Newland moved to enter into Executive Session at 6:55 p.m. as requested by County Attorney for the purpose of discussing pending and/or potential litigation as specified in O.C.G.A. 50-14-2(1). Roy McClain seconded the motion, and the meeting was adjourned to Executive Session by a unanimous vote.

Motion/second to adjourn Executive Session and reconvene to Open Meeting at 7:55 p.m. by Mr. Jester/Mr. O’Brien carried unanimously.

Motion/second by Mr. Newland/Mr. Jester to approve the consent order in the amount of \$19,321.36 carried unanimously.

Motion/second to adjourn the meeting by Mr. Jester /Mr. Newland carried unanimously at 7:57 p.m.

Ben Johnson, Chairman

Recording Secretary, Teresa A. Watson