

**SPALDING COUNTY BOARD OF ELECTIONS & REGISTRATION**  
**Regular Meeting**  
**September 20, 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 6:00 p.m. on September 20, 2022. Attending were Vice Chair James Newland, presiding and Board Members Roy McClain, Jim O'Brien, and Dexter Wimbish, with Chairman Ben Johnson attending electronically. Also present were Elections Supervisor Kim Slaughter and Attorney Stephanie Windham.

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

**Pledge to the Flag** - Pledge was led by Roy McClain.

**Citizen Comments**

Vice Chairman James Newland read guidelines for citizens' comments.

Signed to speak were Ron Hoffman and Dr. Yoshunda Jones.

Ron Hoffman, 130 Milner Avenue, Griffin

Mr. Hoffman noted that on June 3, CISA outlined nine vulnerabilities of Dominion voting machines, such as origin validation which has been shown to be susceptible to forgery. Dominion has been held to be in violation of O.C.G.A. 21-2-27,1 and 21-2-300-a2 by the U.S. District Court. He read sections pertaining to ballots' QR codes which are unreadable by sight. He stated that additionally ballot markers and ballot scanners may be purchased independently. Optical scanning equipment for recording and computing the vote should be conforming to requirements. The election is coming up in a few weeks and our machines have been shown to be vulnerable according to state law.

Dr. Yoshunda Jones

All county boards of election and registrations have received the following highlights.

- 1-Information submitted is unreliable.
- 2-There is no probable cause to sustain these mass challenges.
- 3-Mass challenges likely violate the national voter registration act.

Mass challenges if sustained, amount to a purge of the voter rolls based on the changes. O.C.G.A. 21-2-230 challenges to voter eligibility can result in removal but cannot negate the requirements of NVRA. One of the following conditions must be satisfied: 1) voter has to request removal, 2) voter confirms in writing the change, and 3) the voter fails to respond and fails to vote in the next two federal general election cycles. The upcoming elections will be November 8 and NVRA prohibits removal within 90 days before an election because this allows for the greatest chance of disenfranchising. Sustaining mass challenges without individual hearings would violate state and federal due process. It would expose this board to legal liability and bring accountability to a halt. She continued to provide notice of challenges and the burden of proof that lies with the person making the challenge. For reasons discussed, this board should not continue the practice of approving removal of mass challenges on personal requests provided on a list. Concerned citizens report that submitted ORA requests pertain to same.

**Adoption of the Agenda**

*Motion/second by to adopt the agenda by Roy McClain/Dexter Wimbish carried unanimously.*

**Approval of Minutes**

*Motion/second to approve Minutes of August 9, 2022, by Dexter Wimbish/Roy McClain carried unanimously.*

### **Report of Elections Supervisor**

Ms. Slaughter referenced her report to the Board, citing a voter registration update showing absentee applications at 1302. Deceased removals totaled 38, and online voter registration was 117 and includes duplicates of current records. DDS registrations totaled 772 and also can include some duplicates. Felons total 33. NCAs totaled 360. Logic and accuracy testing began September 14, 2022, and equipment will be ready for deployment upon completion of Logic and Accuracy. She provided details of logic and accuracy. Some could not locate the report in packets, and Ms. Slaughter assisted.

The Elections office has acquired additional space, Spalding County is giving over extra space in order to conduct office procedures and processes. She thanked County Manager Ledbetter and Lance Griffin for their help, and she invited board members to visit.

The felon process report provided by Billie Preston was provided. Procedures are followed and a letter is sent that provides a 30-day window for response if an error is believed. Only then can they be removed.

A Press Release was composed today and should go out September 21. It highlights dates of October 11 as the deadline to register to vote or make changes for the November 8 election. October 11 is also the date we begin to mail absentee ballots for applications received. Advanced early voting will be held from 9 to 5 for the following: 10-17 thru 10-22, 10-24 thru 10-29, and 10-31 thru 11-4, Voting will be held in the Athletic Hall of Fame. October 28 is the last day to request an absentee ballot by mail. November 8 voting will be held from 7 am to 7 pm.

Voters can check with the Elections office or on the myvoterpage link contained in the press release for information. One can follow their absentee ballot process, as well. A drop box location inside the office with camera-secured will be available from 9 am-5 pm during early voting.

The office is fielding phone calls regarding the many mailers that sometimes confuse voters. Kim Slaughter stated that our office does not send out mailers regarding registering to vote or applying for an absentee ballot unless requested.

### **Old Business**

-Public Relations assistance. This Board never did anything other than discuss this matter, so there is nothing more to be done stated Mr. McClain. There was no ad hoc committee but rather just general conversation with Spalding County. No vote is needed, and the general consensus was to disband any pertinent action.

-Discussion as to who is to serve on Bylaws Committee, including a code of conduct. Jim O'Brien said on July 17, 2022, he presented an email request to present a motion to amend the bylaws and create a committee to draft a version of the amended bylaws with no reference to a code of conduct. He felt employees of the Elections office are bound by the code of Spalding County, so it would not be appropriate to include a code of conduct in the bylaws for how we do work here.

Ms. Windham advised that employees are bound to the Spalding County personnel code of conduct and rules associated with that policy, but this Board is not. Any code of conduct adopted would apply only to the Board. Mr. O'Brien asked if Elections employees are employed by Spalding County.

Ms. Windham said Kim Slaughter is employed by the Board and employees are employed by her and all are subject to the personnel ordinance of Spalding County.

Mr. O'Brien asked if the County has an ethics ordinance, and Ms. Windham responded they did. She emailed that to Board members earlier tonight.

Mr. O'Brien differed and opined that in terms both should be separated out. Mr. McClain said he did not expect them to be together in first place. Ms. Windham agreed.

Mr. Johnson urged the Board to not confuse this with the County's ethics policy. Some issues have arisen because of treatments in the past. We probably should be held to the same standard and language probably comes from this. He had no objection to separation of the two. Different laws next year will probably overwrite any such action anyway. This is not an effective use of time, but he was not averse to separation.

Mr. O'Brien quoted from former bylaws and asked if it was possible to amend rather than create a new set of bylaws. The last time they were amended by the Board was September 11, 2018. Section 8 provides guidance for amending the bylaws. He was looking at how to implement changes. Mr. Johnson asked if the previous action dissolved the prior bylaws and wondered about the verbiage. Other bylaws may not be in effect at all. Ms. Windham was not sure. Mr. Johnson noted he was agreeable to proceeding amending this long document, being sure to coordinate with new bills.

Mr. Newland asked to address formation of a committee to study and recommend. It was determined that Mr. O'Brien, Mr. Newland, and Mr. Wimbish would serve, and the Chair of this committee would be Jim O'Brien. Mr. O'Brien will ensure contact other committee members. He has already started comparison with former bylaws, and bills 769 and 202. He felt the committee would be up to the task. Ms. Windham advised she may have a Word version of the previous bylaws and if so, she will provide them for easier revision.

-Final inventory and move. Most files have been moved but inventory not tackled yet, said Mr. McClain. This should be completed within the next week or so. He ran into a couple of glitches with the secured care facility, i.e., Wi-Fi password was not available and unexpected use of a generator. He was hopeful that in the new space there would be some opportunity to do file storage with Spalding County and save some money. Kim Slaughter replied that the new space was adjacent to the existing space with a passage between the spaces. This will be much easier for equipment and access. There is enough space to work in the storage space, as well, and it includes a viewing area, said Mr. McClain.

-Question re Executive Sessions. Dexter Wimbish said a citizen questioned if staff was or should be involved in Executive Sessions. There is no policy regarding staff, and Ms. Windham said typically the head of an agency is included in Executive Session unless there is reason for them to be specifically excluded at the Board's discretion. There is no need for a policy because often the head of agency will have information pertinent to the reason for exemption. Mr. McClain said this Board has always had staff in Executive Sessions. Mr. Wimbish said the practice seemed irregular, but he was new and not sure of protocol.

Mr. Johnson said from his tenure of 2012 through 2014, they did have staff in closed sessions unless there was reason not to be. He had no preference himself, but it important to be consistent. Ms. Windham said for example, if the Spalding County Planning Commission met in Executive Session, they would most likely have the Community Development Director in attendance. It is typical for a person in charge with pertinent information to be present. The Chief Appraiser would be present to the Board of Tax Assessors. This practice is not atypical and completely allowed. It would be up to the Board's discretion and could depend on topic. Mr. Newland said his sense is that this has been our practice even though there is no policy. Ms. Windham said no action is necessary; easily this could be handled on a case-by-case basis. There could be situations where you would specifically not want staff, such as discussion about staff in personnel issues/evaluations.

Mr. Wimbish then asked if Ms. Slaughter could provide her report earlier than has been her practice, perhaps with their packets. In her absence, she could supply her report ahead of time. Ms. Slaughter said she would leave this to the Board's discretion for direction. She noted she has been busy with logic and accuracy. Mr. O'Brien said having minutes ahead of time has been a real pleasure and feels the same about this monthly report. To have it earlier would be helpful. Ms. Windham noted the agenda has to be provided seven days ahead of the meeting, so timing may be issue with production of the report. Perhaps email summaries could help. Mr. Newland said he knew her workload varies, but if possible, getting this report a little early for review would be beneficial. Ms. Slaughter said she could update in email form if that would be acceptable and could possibly include other information that would be helpful. Mr. O'Brien noted that even a couple of days earlier would be helpful. Ms. Slaughter again said she would defer to the Board's direction. Mr. Johnson

asked if basically Ms. Slaughter could combine the agenda creation process with this report and send out something earlier, even if it was an incomplete report at the time. Members just do not want to get the report presented at meeting time as it does not allow ample time for review. Mr. McClain asked if Ms. Slaughter could give it a shot and see how it works. Ms. Slaughter asked Ms. Windham if it is a normal requirement for a report to be provided before the meeting. Ms. Windham said her only similar experience would be for the County Manager, and he updates the Board at the Board of Commission meeting. He does not provide a written report. Mr. Johnson cautioned that if we require Kim Slaughter to do this a set number of days prior to the meeting, then we as a Board have to be conscientious about getting info for the agenda to her in timely fashion. Board members should get agenda items in to her about 10 days in advance of meeting and, for other last-minute considerations, we can amend the agenda if we need to do this. Kim Slaughter can utilize email, saying we need agenda items provided within this time. Ms. Windham said Ms. Slaughter has already been doing this by email.

-Discussion of felon removal process. Mr. Wimbish thanked Ms. Slaughter, and he read the letter that is sent to felons in advance of removal into the record. Language was not added but had always been there, noted Ms. Slaughter. Mr. Wimbish noted that if he had been provided information before, he would have known that.

-Absentee application issue. The constituent issue has been resolved but left on agenda because Mr. Wimbish desired it to be so.

#### **Board Member Comments**

Mr. Johnson	He appreciated everyone and see the Board next month.
Mr. Wimbish	No comment.
Mr. Newland	The County and Elections have worked together well. He thanked Ms. Windham.
Mr. McClain	No comment.
Mr. O'Brien	He thanked Spalding County for assistance with moving records to this better location.

Ms. Slaughter read a Proclamation from Spalding County recognizing National Voter Registration Day as September 20, 2022. Elections provide a mechanism that highlights both rights and responsibility to ensure voices are heard.

#### **Executive Session**

County Attorney requests an Executive Session to consider pending/potential litigation.

Ms. Windham noted that she did not request an Executive Session. The Chair has suggested that it remain on the agenda, but there is no such request tonight.

#### **Adjournment**

*Motion/second by Mr. McClain/Mr. O'Brien to adjourn at 7:04 pm carried unanimously.*

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James Newland, Vice Chair, Presiding

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Teresa A. Watson, Recording Secretary