

SPALDING COUNTY BOARD OF ELECTIONS & REGISTRATION
Special Called Workshop
January 03, 2023

This Special Called Workshop 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 January 03, 2023. Attending were Chair Ben Johnson; Vice Chair James Newland; Roy McClain; Dexter Wimbish; and Jim O'Brien. Also present were State Representatives Karen Mathiak and David Knight from Districts 74 and 134 respectively; Elections Supervisor Kim Slaughter; and Attorney Stephanie Windham.

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

Invocation/Moment of Silence - Invocation was given by Jim O'Brien.

Citizen Comment

Chairman Johnson read the guidelines for Citizen Comment.

Dr. Yoshunda Jones stated she would like to receive a response to the issues voiced in a previous Board of Elections meeting. She also took issue with the previous statement that citizens only had to wait one and a half hours to vote when, in fact, some waited for three hours. She also did not think it was a good display to comment about waiting in line without complaint. She wanted to mention, as well, at the last meeting there was discussion regarding a board member being unhappy with another for exercising their first amendment rights with regard to free speech, and she would like to hear an apology from the board member that was unhappy and who voiced what sounded like a threat if the practice continued.

Adoption of the Agenda

Motion/second by Mr. McClain/Mr. O'Brien to adopt the agenda as presented carried unanimously.

Senator Marty Harbin arrived to the workshop.

Chairman Johnson stated the Board of Elections wanted to meet with legislators as an update in hopes of determining an action plan to allow this Board and our Attorneys to proceed. He introduced Board members to the legislators.

Mr. Newland suggested the Board put its ideas forth and then hear from the legislators. Mr. O'Brien noted that the Board was in the process of updating the Bylaws accordingly. Mr. McClain said we would start with the boilerplate and then adjust as needed with input. Mr. Wimbish stated he was unsure as to what the outcome will be but is willing to listen.

Ms. Windham has already provided examples to our local legislators. The bylaws mirrored legislation at the time but need to be adjusted to HB 769, although she had some issues with this legislation. She has sent a redlined version to Representative Mathiak. One of the main problems with HB 769 is we have no mechanism to call an emergency meeting because of this legislation. To post 24 hours before a meeting is next to impossible in an election cycle if an emergency situation presents itself. Just to say we have to fully comply with the Open Meetings Act would be sufficient, said Ms. Windham. This particular requirement is a bit absurd, especially the posting of an agenda seven days prior to a meeting. It would not allow time for Board members to prepare, as well. This would lead to constant amending of the agenda for meetings. Representative Mathiak clarified Ms. Windham's comments that Open Meetings law would be sufficient. Also, the Elections Supervisor is the one who needs to be in charge of Elections Office staff and not the Board. She should be allowed the flexibility to run her office. If this could be changed to the Elections Supervisor, we would be satisfied.

Representative Mathiak said the Elections Supervisor is the employee of the Board, and that should remain the same, agreed Ms. Windham. But the Board does not need to be identified as being in charge of the Elections Supervisor's staff. Some discussion followed. All are fundamentally employees of Spalding County.

Mr. O'Brien questioned the residency requirement for the Elections Supervisor, noting that qualifications and skills are more important than a person's residency. He questioned if that was, in fact, needed. Ms. Windham felt this would be an area of compromise, although to eliminate this requirement would certainly open up the hiring pool for filling vacancies.

Representative David Knight said in other jurisdictions there was a feeling that if the area has a large enough population, an adequate hiring pool could be identified. They felt an Elections Supervisor from two counties away and not familiar with our area could not adequately represent and be responsible to the community. There could be residency requirements adjusted for staff, but he felt they could get an Elections Supervisor in the county with the background and skill set necessary.

Mr. Newland said he would be amenable to making this residency requirement a criterion for staff, as well. This would be an extension of our culture and provide a "good fit" for the county. Mr. O'Brien questioned why this residency requirement is meant for only Elections and not for law enforcement and other departments. Some discussion followed. Only in the Board of Commissioner positions are residencies required.

Representative Knight commented that the Elections Board members should be from the county in question. Ms. Windham said it was evident that employees are becoming harder to supply and this problem may grow. She would not be opposed to having employees be from a contiguous county. Enabling legislation has already provided requirements for the Board makeup. Representative Knight said from a cultural perspective, these things have been considered and adhere to the letter of the law. The citizenry want to know they can expect responsibility and accountability from its leaders at a high level in the community.

Chairman Johnson said residency requirement seems to be more the norm and not the exception. Local residents should demonstrate greater responsibility to the citizenry. Mr. Wimbish was concerned that, as a minority, the language being proposed did not encourage diversity. Some discussion followed.

Mr. O'Brien next mentioned that the committee presented a draft version incorporating HB 769 and SB 202. The Bylaws originally held that dismissal of a Board member could be done without a hearing and without cause. Chairman Johnson asked if HB 769 and SB 202 addressed.

Ms. Windham said currently the appointing political party could remove their appointee as they see fit, and the fifth member could be removed by an order of the Judge of Superior Court. There is nothing in the legislation that would govern this. Ms. Windham said her advise was to never do this without due cause, but she felt this should be addressed in the Bylaws. There is no redress for removal unless HB 769 is amended.

Discussion followed specifically concerning the removal of an employee who could then have been renominated for appointment. Code has not been revised since 1983 said Mr. Knight. This is not out of the realm of practice in most instances. Chairman Johnson said he was particularly surprised to find that a fifth member was decided by a coin toss.

So, everyone knows, a fifth member was appointed by a coin toss, said Representative Knight, since the two parties and the other four members could not agree on an appointee together. This was never considered to be an ideal practice. Ms. Windham said this was why the coin toss option was included. It removed the decision making process away from this Board. She agreed this Board might feel another member should be removed, and we need to address in our Bylaws in the best legal way we see fit. This legislation is intended to provide equal representation by both parties and then provide a fifth member that could be removed by a Judge.

Representative Knight provided a baseball analogy. This was not unprecedented to have a judicial appointment. More discussion ensued, and Ms. Windham noted Section 5D does specify that removal is for cause by a majority of Superior Court.

Mr. O'Brien said SB 202 deals with drop boxes being moved inside, and he did not understand the rationale since this made them less accessible because of the hours of 9 to 5 for operations.

Ms. Slaughter explained that state law required it to be under human surveillance at all times. Mr. O'Brien felt this could be accomplished with cameras outside. This will make it harder for people to access who might have trouble getting there during regular hours.

Chairman Johnson said he would like to do away with drop boxes altogether.

Mr. Newland said his comment on drop boxes was that the practice should make it easier for someone to vote but harder for someone to cheat.

Mr. Wimbish said there was no data to back up charges for voter fraud involving drop boxes.

Ms. Slaughter said she has seen changes over the year. Drop boxes were established because of COVID, rather than the previous practice of personally handing the ballot to a person. Some voters feel safer in this manner, even though they open the drop boxes each day for staff. To utilize drop boxes also adds time to the staffer's day because those ballots have to be logged after 5 p.m.

Chairman Johnson surmised that in Georgia, if one individual came up with more than one ballot from their household, they could more easily place them in different drop boxes without question. Chairman Johnson said there were varying degrees of cheating and wondered how to thwart it.

Senator Harbin agreed drop boxes came into existence because of COVID. The absentee ballots should be serialized. The problem is that a ballot placed into the drop box becomes anonymous. If we at least knew the number of the ballot, that would help. People must trust the system; that is paramount. To serialize them, would ensure better accountability, which is a good thing, if we are to continue with the drop box system.

Mr. McClain agreed but said all ballots should be serialized or everything would be suspect. Most citizens are concerned that their vote was cast and was counted properly. It is critical that they trust the system. And anything we can do to lessen the staff workload, that should be considered. Serialized ballots are used in other states, and Mr. McClain felt this was a must. Further discussion followed.

Representative Mathiak said when fields these type questions, she sends them to MyVoterPage where they can see their ballot was cast without divulging specifics of how a person voted but rather that they voted. Chairman Johnson relayed his experience whereby he could not be assured that his vote counted in a previous election before he was on the Board. Ms. Slaughter said updates were critical and things were better now than in years past. The data is available to the State as applications/ballots are received and they provide updates to MyVoterPage. Chairman Johnson said different counties utilized different methodologies for processing.

Mr. McClain wanted to discuss processes and procedures. The process to enter data in multiple sites and places is problematic. Computer systems are archaic, and the process is not modern or efficient. There is no trust for the machines we currently use. We need to get something simple enough for the average person to understand, in order to eliminate the charge of cheating. No one trusts the system. We have made it much more difficult than it has to be.

Chairman Johnson said we need to ensure a verifiable vote happened. This can be done while maintaining a secret ballot.

Ms. Windham asked that they consider human resource issues, such as short-staffing and unskilled staffers. An audit is not such a great idea when you have to ask the same qualified people to perform over and over again at the eleventh hour. She asked that legislators put themselves in these people's shoes when considering changes to legislation. Mr. McClain agreed, saying we ask them to do very complex work with no margin for error. Chairman Johnson noted that on one hand we are asking for a simpler process yet we concur that the process is complex.

Senator Harbin made a few final comments, noting they would hear and digest these recommendations and ideas today, then collectively work to address these concerns.


Representative Mathiak said she appreciated this meeting; they needed to hear where mistakes may have been made that need rectifying. When changes are necessary, everyone needs to work together to bring about those changes. She appreciated Elections staff and their hard work. Everyone has to feel value in their job. She was anxious to see the changes to the Bylaws, as well. With longer wait times, it might be prudent to have more machines. Ms. Slaughter said the machines were adequate, but they will need more space. Representative Mathiak said legislators would be willing to help in any way they could to help.

Representative Knight agreed, saying he would be happy to work with the provisions that were possible. Many agencies and people have a hand in legislative change. He thought this local Board of Elections should be very proud of the strides they have made in this community. He feels the elections went well this year and congratulated everyone. He concluded they, as legislators, had every intention of improving the process.

Ms. Slaughter shared that if members and/or legislators were to speak with Election Law officials in the Secretary of State's office, hopefully they can reiterate the real need to clean up election law and institute reform. Also, when going for training in years past, there was someone dedicated to reviewing legislation and how these changes affect processes and procedures in the office. This has not been done in recent training sessions. There is a true need to cover these issues, i.e., the absentee applications' attachments v. photocopies where the images were not complete and provisional ballots clarification of rejection vs. curing. Many voters traveling during the election cycle can provide a temporary "living outside the county." (Section 21-2-381d). Please clean up language issues such as these. Some are left to have to guess as to proof of relationship, as well. The fake ballot that was found deserves an answer from the Secretary of State's office. This was found by our staff in October of last year, and we are due an answer, yet no response has been received to date.

Chairman Johnson thanked everyone for their attention, noting that we might perhaps do this again in the future.

Motion/second to adjourn by Mr. McClain/Mr. Newland at 7:27 p.m. carried unanimously.



Ben Johnson, Chair, Presiding



Teresa A. Watson, Recording Secretary