

SPALDING COUNTY BOARD OF ELECTIONS & REGISTRATION
Regular Meeting
February 7, 2023

The regular meeting of the Spalding County Board of Elections and Registration was held at the County Courthouse Annex, 109 East Solomon Street at 5:00 p.m. on February 7, 2023. Attending were Chair Ben Johnson, presiding; Roy McClain; James Newland; Jim O'Brien; and Dexter Wimbish. Also present were Elections Supervisor Kim Slaughter, Attorney Stephanie Windham, and Teresa Watson to record minutes.

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

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

Citizen Comment

Chairman Johnson explained the guidelines for Citizen Comment.

Dr. Yoshunda Jones

Dr. Jones was honored to have her own section in the Supervisor's report. There are extremely valid reasons for not submitting Open Records Act requests by email. 1) Responses can go to incorrect or invalid addresses. Situations have been relayed to her whereby citizens have been hung up on by staff through phone calls. Then there are no records of conversations, 2) As previously documented, staff had erroneously entered email addresses. She feels the right to address issues in public under citizen comment at meetings and will continue to do so. She will correspond with the Attorney General's office as needed. She wants all exchanges on the record. She concluded with a quotation by Muhammad Ali, "I am America, but get used to me..."

Adoption of the Agenda

Motion Roy McClain to add four (4) items: Discuss performance evaluation for the Elections Supervisor, 2) Discuss files recently found in boxes, 3) Update the file scanning process, and 4) Discuss process for developing the FY 2023-2024 Budget. Jim O'Brien also wanted to discuss the collaboration for the letter to local legislators. Newland moved to accept the agenda as amended. Jim O'Brien seconded, and motion carried unanimously.

Minutes

Motion/second by James Newland/Dexter Wimbish to approve minutes for the January 3 and January 10 meetings carried unanimously.

Report of Elections Supervisor

Kim Slaughter reported that the City of Griffin Board of Commissioners has called for a General Municipal Election for Districts 2, 4 and the Mayor to be held on November 7, 2023 from 7 am to 7 pm. Qualifying is set to begin on August 21 at 8:30 am and extend to August 25, 2023 at 4:30 pm. Qualifying fees were stated: District 2 - \$403.20, District 4 - \$403.20, and Mayor - \$461.88.

GARVIS launched yesterday at 9:00 am, and the State will continue to refine during this process. They have directed that only a few registrations be done a day with follow up to ensure everything is operating correctly. We are making notes and are in contact with the State in case issues arise. The State feels it will be about six weeks before GARVIS is operating at its full potential. This is replacing ENET.

Ms. Slaughter has been working with the County Clerk of Court, Debbie Brooks, to bring about this project to completion, and an agreement has been reached. After all necessary signatures are executed, we may move forward with storing election files with the older election documents at the SecurStorage facility and the last two years of election documents at 825 Memorial Drive. We will begin moving the 2020 ballots to 825 Memorial Drive and ready them for scanning by Beck, Owen & Murray personnel as directed by the Board.

When organizing the various election files, it was discovered that there are several boxes labeled “voided/spoiled” ballots for the November 3, 2020, election. This is alarming and will be further reviewed.

Ms. Slaughter and Billie Preston will leave for GAVREO Conference on Sunday and return on Wednesday. She will check voicemail and email during her absence from the office.

Budget preparation for FY 2024 is underway and the goal is to have each Board member a copy on or before February 28, 2023.

The 2023 Election Calendar has been mailed to all members with hard copies in members’ binders.

There were no questions. Jim O’Brien thanked Ms. Slaughter for publishing the complete schedule.

Old Business

Amending of Bylaws – Jim O’Brien noted he had prepared a synopsis of changes by increment. His intention was to do something quickly in sections and not get bogged down with an overwhelming amount of verbiage to be considered. The Board proceeded to review the sections in order.

5.4 - Emergency Meetings – Ms. Windham said this does not really apply to emergency meetings. To get written requests submitted in a short time, sometimes as quick as a few hours in a true emergency situation, is cumbersome. Members were in agreement.

5.7 - Participation by Teleconference – Ms. Windham explained that Open Meetings law only allows such participation by teleconference twice per year. Mr. Wimbish asked if one could listen but not participate and Ms. Windham noted one would not be able to vote or provide discussion but could listen in if he/she was outside the two meetings per year rule. There are only a couple of reasons that qualify one can attend that way – you must be physically ill under a doctor’s care or be outside the jurisdiction. There, as stated, is a maximum of twice per year and a quorum must be physically present.

5.11= Summaries and Minutes of Meetings – Ms. Windham noted minutes would still be approved at the next meeting and then posted. Summary refers to what we refer to as an After Agenda. All agreed to abide by the requirement of the law and make the summary available within 48 hours after the meeting.

5.12 - Executive Session – Roberts Rules on closed meetings stipulates that only members of the Board and/or committees may attend. A member must move and second with debate allowed and a vote taken. All non-members must leave the room until the Board votes to end Executive Session. Ms. Windham noted that we leave and go into another room where the public cannot attend. Also said Ms./ Windham, language stipulates the allowed reasons for closing a meeting. For personnel issues, for example, we may elect to leave the Election Supervisor out, but for most other reasons her presence is important. If litigation or other legal matters are being discussed, her participation may be vital. Additionally, on occasion we may need the County’s Human Resources Director or County Manager to provide input and we can invite them. We would not want to invite the public because that would negate the reasoning for closing a meeting. Because so much is determined on a case-by-case basis, she would be hesitant to be very specific. Some discussion followed. Customer courtesy is enjoyed by a Board and Roberts Rules allows for that. The Elections Supervisor and Attorney should be allowed to attend Executive Sessions unless specifically excluded.

8.5 – Jim O’Brien included Early Voting and Runoffs. Ms. Windham said if this is to be in our bylaws, it should be according to the Secretary of State stipulations or elections calendar, rather than specific dates.

Mr. McClain noted there is a difference between bylaws (bigger umbrella coverage) and Standard Operating Procedures (SOPs), such as running the board. SOPs can be utilized as needed. He felt Section 8.5 may be in SOP territory and not bylaws. Ms. Windham said this board had more issues that should be addressed in

bylaws. Mr. O'Brien suggested they put it in because bylaws talk about elections and primaries. Mr. McClain maybe in this case we could just remove 8.5. The Chairman agreed, noting we must go by the state calendar. Chairman Johnson noted it would be really helpful if, when editing, we could track changes to better see what has been changed. He agreed with Mr. McClain that the bylaws prior did go over the line to address matters already addressed by the State. There could be conflict if the state changes its requirements.

8.6 - Weekend Voting – Mr. O'Brien was hoping this was directly out of 202. Ms. Windham had no problem putting this in the bylaws, but she stressed we need to cite O.C.G.A. references. Mr. McClain agreed, saying we need to do what state law requires.

Chairman Johnson asked that Mr. O'Brien and his committee circulate these revisions to Ms. Windham first and then solicit Board member comments to further the process.

New Business

Evaluation Process for Elections Supervisor

Mr. McClain noted Ms. Slaughter has been in the Elections Office for over a year, and most performance evaluations are conducted annually. He received from the County's HR Director a sample, and it is supervisor specific. He offered this as a place to start the conversation. The Chairman can talk to Kim Slaughter, relay what is needed from her for evaluation, and arrange for the evaluation. No other review from any County personnel will be forthcoming and no peer review. Ms. Windham explained we must notice a public meeting and then have it fall maybe under Executive Session consideration typically. Discipline may be handled in a public meeting. This should be a standard annual review. Ms. Windham suggested all members participate by being given a standardized form, after which the Chairman and HR Director could proceed with gathering member evaluations. Mr. McClain responded to the Chairman that he can research further the standardized forms and schedule a date. Miles Neville, HR Director for the County, may already have the necessary forms and protocols in HR to assist. Ms. Windham noted that Ms. Slaughter would be subject to the Spalding County personnel policy, as well.

Mr. McClain referenced files that are problematic; they were found in the process of securing files for storage (more than a few), and one box was damaged. One is a bank box full of envelopes found in the storage area. Chairman Johnson suggested archiving these, as well, and Mr. McClain said because of the severity of the situation, he felt they might need to appoint a member of staff, along with someone from the attorney's office and representatives from both parties to the Board, to go over and see what the contents are. He was concerned they are important, partisan, etc. We need to know how to answer. We need to see if, in fact, they are spoiled ballots as some markings indicate. We need to know. They are already unsealed, and Ms. Windham noted there is a standing order allowing the unsealing of boxes because of the moving/relocating process. We are not sure what is in boxes, but after 2020 election Ms. Ridley said the Post Office was checking for absentee ballots several times a day. A couple of days after the election, several ballots were delivered that, of course could not be counted.

Chairman Johnson noted they could perhaps put this under the file storage issue next. Mr. McClain said honestly to have representatives in attendance would be good; Mail is delivered to the address comes through the front office. Historically the % of spoiled or damaged ballots are much fewer than these appear to be. A lot of these are in envelopes as if they were to be mailed out. Also, some are envelopes that have been returned. Also at a quick glance, there appear to be loose ballots in the box. This appears to involve the first election with Dominion voting machines, and they had many issues, said Ms. Windham.

Mr. Newland said in his experience the number of spoiled ballots were very marginal. These apply to absentee ballots. Some ballots are not in envelopes though. There is a mixture of issues in this box, making for a very unusual situation, said Mr. Newland. Some discussion followed. It was noted for Mr. Wimbish that late absentee ballots are not referred to as spoiled, but rather as rejected.

Chairman Johnson noted that Mr. McClain's suggestion was good in an effort to better define what is included in the boxes. Motion by Mr. Newland to appoint a committee as described previously, seconded by Mr. McClain carried unanimously.

Files Moving to 825 Memorial Drive to Scan. Once this is accomplished, then files for long-term storage can go back. Logistically, it is better to scan in the new back room of the Elections Office. Mechanics are to get with Beck, Owen & Murray personnel and move boxes to 825 Memorial Drive, to do the scanning, then send back long-term files that are rarely referenced to storage. There are an estimated 70 boxes, so an hour and a half to move on an afternoon when it is not raining should take care of it. Mr. McClain thanked Beck, Owen & Murray staff and elections staff for all their work on this project.

FY 2023-2024 Budget – Ms. Windham explained that last night the Spalding County Board of Commissioners approved the FY 2024 budget calendar. Budget requests are due from department heads and officials by 2-24-23. Then, the Commissioners will review and make recommendations. We need to set a budget with the Elections Supervisor and then send to the County Manager for consideration by the Commissioners. We must be quick. We are a little behind in the process because the County Manager has just been cleared to return to work on Monday. Budget will be his priority. Chairman Johnson stated that last year we delegated this to the Elections Supervisor and should again since there is a new member of the Board of Elections, and a past Board cannot encumber a future board.

Motion was made by Mr. McClain to delegate authority for financial development of the FY 2024 budget to Kim Slaughter as in the previous year to ensure it is done in a timely fashion. Motion was seconded by Mr. Wimbish. She can work with County personnel. Ms. Windham said a special called meeting would be up to the Board. She cautioned them to remember that when delegating authority to Kim and getting a final submission, the actual final budget may get cut by Spalding County. The Board of Commissioners still has accountability and responsibility. Motion carried unanimously.

Legislation letter – Jim O'Brien. Chairman Johnson said when we met with legislators last month, he hoped we would generate one unanimous or multiple communications to be sent officially by this Board to the body of legislators. That is what we were driving toward. Clearly we had a summary with things we felt were agreed upon, but issues brought up by Stephanie Windham and Kim Slaughter regarding procedures, split into two and were sent to the Board. He thought he had expressed himself adequately, but perhaps that was not the case. Mr. Wimbish had no problem with content, as he did not care to get into daily operations of the Office, but rather going forward, triggers that do not encourage inclusiveness should not happen.

Chairman Johnson said Legislators were here with us five Board members for the meeting, and we said we would get what they needed and send it to them. Your names could either be or not be on it. This point of contention was explained very well by Mr. Wimbish, but wording triggered a negative response. We did our best to fix it and will do better next time.

Mr. McClain said he wanted to do this exercise with Legislators every year. We were fortunate to get that opportunity. Mr. O'Brien said he struggled because he did not feel he was included as a part of the process in regards to the letters sent out to the legislators. He wanted to bring it up because this is not the way to act in the future. He agreed with voting issues but not with the drop box matter. For something to go out on behalf of the Board without his being consulted did not sit well with him. Kim Slaughter added this was part of her presentation (drop boxes). If going forward, if she needs to relay more specifics to Legislators, she encouraged the Board to give her direction. Everything she covered in the letter was covered in correspondence with Board members previously. All were copied so in her mind, her Board knew and was aware of what she felt was her instruction to proceed.

Mr. O'Brien stated he did not recall saying that. As a Board member, he felt excluded from the process. The urgency was they were going into session, and we wanted them to have information in front of them before that happened. Mr. O'Brien reiterated if documentation is coming from the Board, he would like an

opportunity for input. Chairman Johnson noted we will try to do better and emphasized there was no intent to exclude anyone. Mr. Wimbish stated this goes back to clear direction, and he noted he did not want to be micromanaging her. If the documentation is from the Elections Supervisor, then the Board is not creating anything. Chairman Johnson will follow with better intent moving forward. Mr. Newland appreciated the opportunity to put his name on such a document from such a rare meeting as was had with Legislators.

Board Member Comments

Mr. Johnson	No comment.
Mr. Newland	No comment.
Mr. O'Brien	No comment.
Mr. Wimbish	No comment.
Mr. McClain	No comment.

Executive Session

None

Adjournment

Motion/second to adjourn by Mr. Newland/Mr. O'Brien at 6:11 p.m. carried unanimously.



Ben Johnson, Chair, Presiding



Teresa A. Watson, Recording Secretary