

SPALDING COUNTY BOARD OF ELECTIONS & REGISTRATION
Regular Meeting
May 28, 2024

The regular meeting of the Spalding County Board of Elections and Registration was held at the Office of the Spalding County Elections and Registration on Memorial Drive at 10:00 a.m. on Tuesday, May 28, 2024. Attending were: Chair, Ban 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.

Call to Order – Chairman Johnson called the meeting to order.

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

Pledge to the Flag - Pledge was led by James Newland.

Citizen Comment

No one was signed to speak at the meeting.

Kim Slaughter, Elections Supervisor reported on the Board required Audit for the May Election and that as directed by the Board, a random drawing of contests took place on Election Day and School Board District 2 was the contest drawn in which to conduct the Audit. The total hand count was 1,089 for Doss and the electronic EMS count was 1,090, for a difference of 1. Kim Register received 1,388 on both the hand count and the EMS count for no difference. The one difference for Will Doss was from Precinct 11 at First Presbyterian Church which had a paper jam on the ICP Scanner on Election Day. We were notified by the polling precinct and directions were given on how to address and resolve the issue. However, there appeared to be some confusion between poll workers and the voter as to whether the number of votes cast on the scanner had changed after the ballot had been scanned but became jammed. The voter was allowed to scan her ballot once more as it was understood that the machine had not counted the ballot. After continued conversation, the voter stated that the number had changed but her ballot had been scanned twice. to retrieve the paper jam. She, in essence, voted twice, and this accounted for the extra vote for Doss. The actual count for Doss was 1089, but the machine recorded vote for Doss was 1,090.

Discussion followed. Mr. McClain noting we have every expectation for accuracy. We will have to certify the hand count and not the machine number with a notation to the state that will clarify the difference. The Board reviewed the hand count and EMS count comparison sheet.

New Business

- a. Report of the Results for the May 21, 2024, General Primary/Non-Partisan Election for Spalding County.

The Elections Summary Report for all contests, all districts, all tabulators, and all counting groups was read in its entirety by Kim Slaughter.

- b. Certification for the May 21, 2024, General Primary/Non-Partisan Election for Spalding County.

It was noted that the extra ballot that was allowed to be processed would have resulted not only for the extra vote in the Board of Education District 2 race, as identified in the random hand count, but also for all on that extra ballot. However, it would not have made a difference in any contest. Ballots are not numbered.

Attorney Windham said the function is ordered by Elections certification, and we can certify with the caveat that one race incurred a duplicate vote but cannot identify beyond that vote. This race was nonpartisan, and we will make the Secretary of State's Office aware.

Mr. Newland moved to certify as reported in the Election Summary Report, seconded by Mr. O'Brien, with the caveat that when the letter of clarification goes to SOS, we identify this one vote in the Doss race and allow that process should have been done within a time frame.

Mr. McClain said he was inclined to think that every race in that precinct is probably off by one, as well, even though the only hand count was for District 2 of the School Board. Discussion followed. Optics are concerning, and our integrity may be called into question. We are going to be accurate and when we cannot, we will fix the inaccuracy and do our best to ensure it does not happen again. It would have been more work with more time required, but we should have been complete in our process once we discovered this.

Mr. Wimbish said his feeling was that a lawsuit will be coming our way. We can limit our liability with these two votes, and a letter to SOS could insulate the two issues and protect the Board from litigation and alleviate having to allocate resources for legal matters. Optics are bad since we have made such strides toward a positive image in the last few years. Counsel can say we followed the letter of the law with the hand count.

Ms. Windham felt it would be reasonable to separate the two in our certification. Mr. Wimbish said even in our minutes, it will look at the two numbers for certification and will be convoluted. While recognizing the lawyer in him, he felt one way to make the circumstance clear is to identify one vote to certify and then have a discussion about the issue.

Mr. McClain called the question. The vote was unanimous in favor.

Mr. McClain moved to have additional conversation about the certification of audit numbers as opposed to machine count numbers. Ms. Windham said we should clarify in a letter to inform the SOS office regarding the double-scanned ballot. ***Motion was seconded by Mr. Newland, and the vote was 4-0-1 with Mr. Wimbish abstaining since he was not clear as to legal obligations of the Board. Ms. Windham asked Mr. Wimbish to clarify why he abstained and, after clarification, informed the Board it would be recorded as a no vote, making the vote 4-1 with Wimbish opposing.***

The way we interpret ministerial is probably not how legal will interpret, noted Mr. McClain.

Chairman Johnson noted his appreciation for Kim Slaughter and all staff. He was sorry for the error but said it was good to identify the oversight and take steps to rectify; this should inspire confidence. He also stated he got a great vision for how well the recent renovations worked on election night.

Mr. Newland congratulated staff, too, noting he felt we established the standard. He thanked poll workers and hand count workers, also.

Mr. O'Brien complimented the team on Election night, even working through the challenge of a locked gymnasium. He had only good things to say. He questioned if the only tabulation of results that count is from the electronic machine count and not the hand count. Ms. Windham noted would be so only until the SOS adjusts the count, should they desire to do that.

Mr. Wimbish said he was happy with the performance and feels good about how Spalding County has moved to be more accountable and function with integrity. He added that he voted against using the hand count because he believes the law does not give us that purview (ability) to interpret. He

understood that a full hand count would have added a great deal of pressure on staff. He apologized for being late; his law practice requires a great deal as well.

Mr. McClain appreciated the Board and the audit process; it demonstrates it is good and that there is no room for error. The expectation of the public is for a zero-error rate. That is not easy but is what we have to strive to do. A machine malfunction caused this problem; but we resolved it. Another level of complexity has now been added, and he is not a big fan of machines. We must deal with parameters. He had no chance to talk to poll managers, but he felt they need reinforcement from the Board. He thanked those who could for going and supporting. He was not sure how it could be better, but we must strive to make process smoother, better, and easier. The system is not meant to be accurate but rather to be cumbersome in the state. All pieces do not fit seamlessly together.

Report of Elections Supervisor

She thanked the Board for their participation and support. It means a lot to all the staff. She thanked staff and noted one can only accomplish great things with great people. She wanted to go on record as not opposing hand counts and manual audits. However, to be clear, it can be a burden, especially between primary and primary run-offs when time is of the essence. We are working now to close this election and working on the May 20 deadline for voter registrations for the June 18 runoff. We have received the election project file already and are preparing for L&A testing. There are runoffs between Jack and Duggan for U.S. House of Representatives District 3, and District 4 School Board between Incumbent Barbara Jo Cook and Cheri Weldon.

Ms. Slaughter detailed the protocol for voters to vote in subsequent elections, based on their declared parties involved and for nonpartisan races.

Adjournment

Motion/second to adjourn at 10:41 a.m. by Roy McClain/Jim O'Brien carried unanimously.

Ben Johnson, Chair

Teresa A. Watson, Recording Secretary