



# *Board of Elections & Registrations*



## *Irwin County Georgia*

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*Waymond Harris, Chairman*

*Ethan Compton, Election Supervisor*

*Charlene Hutchinson, Republican Party Representative / Vice-Chair*

*Patricia Thurman, Democratic Party Representative*

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### **Board Meeting Minutes**

Tuesday, September 10<sup>th</sup>, 2024 @ 4pm

Call to Order: *Invocation and Pledge led by Chairman Harris*

Approval of Minutes: *Vice-Chair Hutchinson motions to approve minutes as presented, Rep. Thurman seconds, minutes approved 3-0*

Old Business: *N/A*

New Business:

1. November Election Preparation Updates
  - a. In order to accommodate a newly required Optical Character Recognition-based Ballot Image audit, the Risk Limiting Audit shall be postponed until 9am Monday November 18<sup>th</sup>.
  - b. In case new State Election Board rules mandating the counting of totals of ballots per precinct on the day after the election is passed, we will reschedule our already planned Ballot Scanning Ceremony to Wednesday November 6<sup>th</sup> at 10am.
    - i. This is where we, to accommodate legal changes for higher definition ballot images for open records retention and to more easily facilitate hand-auditing, have elections office staff and poll managers count and sort ballots, one precinct at a time, into sub-batches of 50, which are then scanned for records retention at a higher resolution for public examination than the election system is capable of creating.
      1. Our existing sub-batching procedures were easily adapted to these scanning law

changes earlier this year, and the procedures already comply with the new state elections board rules proposed, only requiring a date change to the date above in order to fully comply with the proposed new rule as written if passed.

- c. So that we can accommodate legal changes allowing local candidates to inspect the ballot proofs prior to final approval, account for delivery timeframes for the election project files and for a mandated statewide “dress rehearsal” to test the new election night results reporting portal, our Logic and Accuracy Testing timeframe has been changed to September 30<sup>th</sup> through October 2<sup>nd</sup>.

## 2. Clarification of Board Certification Powers, Duties and Obligations

- a. Given the increased press scrutiny surrounding proposed rule changes by the state elections board surrounding the ability of county election board members to investigate results prior to certification, we wished to provide information for this board and the general public to clarify the information the news articles have made so controversial.
  - i. Due to rule changes, on Friday November 8<sup>th</sup> at 3:00pm, we will have to hold a special meeting of this board to, as a full board, compare the numbered list of voters who voted in this election against the number of ballots cast per precinct and the number of voters registered per precinct.
    - 1. This count will only be for all ballots cast as of that time, and it is understood that these numbers may not be final or complete due to potentially pending cure provisional ballots and/or yet-unreturned UOCAVA ballots.
  - ii. At all times during the conduction of this and any election, members of this board are entitled to view any and all election records we possess within the confines of the law. This has always been our policy and unless the law changes, it always will be. These rule changes were spurred by a county elections office requiring their board members to file open records requests and pay subsequent fees for elections forms those board members requested to inspect prior to certification.
  - iii. While the state elections board passed a rule requiring board members to perform “reasonable inquiry” about the validity of election results prior to certification, that definition was left intentionally vague for each board member to define for themselves.
  - iv. We will still hold our meeting to certify the results of this election at 5:15pm Friday November 8<sup>th</sup>, as soon as practicable after the conclusion of the Provisional ballot cure and UOCAVA ballot receipt deadlines.
    - 1. Each board member has the ability to vote yes or no to certify, but state law requires any board members who vote no to submit their reasons for doing so in writing for public record.
    - 2. If a majority of board members vote no, the election results for this county will not be certified at that time. Office staff will work to address the concerns as written by dissenting board members, and notice will be placed for a special called meeting the evening of Saturday November 9<sup>th</sup> to once more attempt to certify.
      - a. The 24-hour timeframe between meetings is required in order to give adequate public notice in accordance with the Georgia Open Meetings Act.

- b. We will continue to hold special called certification meetings on Sunday, Monday and Tuesday if necessary, as state law requires this board to have a majority yes vote to certify the election results before 5pm Tuesday November 12<sup>th</sup>. The deadline is normally the Monday after the election except that Veteran's Day pushes back that deadline by a day.
    - c. It is very likely that if this board fails to certify in its first meeting, lawsuits will be filed against this board with the Tifton Superior Court pursuing a Writ of Mandamus to judicially compel this board to immediately meet again and for all members to vote yes to certify, and those lawsuits are likely to succeed unless the board member written justifications for voting no are found by the Superior Court judge to have merit.
3. If for any reason we cannot resolve all major discrepancies within the results by the time of the final attempt to certify on Tuesday evening, state law mandates that we shall still have to certify the results nonetheless, but that we will then need to create a report outlining the discrepancies and our concerns, and then provide that report to the district attorney for any necessary legal challenges to the election, be it needing later re-certification, additional recounts, legal challenges or a repeat election if any of those options are found to be warranted.
  - a. County board members who have failed to meet this deadline have been prosecuted in states across the nation, as it is a required duty of the office.
4. We would greatly prefer to avoid making national news headlines or to face any rule or law violations, and our office is at the ready to address any and all concerns so that this board can make their certification votes with confidence when the time comes.

Public Comment:

*Wyatt Thompson asked if we had fulfilled our poll worker needs, and how many auditors will be needed from each county party for the Risk Limiting Audit. Supervisor Compton once again thanked him and his father for their efforts in restoring the Irwinville Community Center so that it may remain in use as a polling place, and that since that discussion over the June, July and August 2023 meetings of this board, we have seen a surge in interested poll workers from across the county. Even with unexpected poll worker retirements recently, we are fully staffed with additional volunteers on a big enough reserve list to staff this county once more. In addition, Supervisor Compton stated that with the new guidelines surrounding additional audits, that 6 auditors supplied per party should be adequate for a fast and accurate hand tally.*

Board Comment:

*Vice Chair Hutchinson inquired whether we would know how many UOCAVA ballots would be pending return after Election Day, given that their return deadline is later than that of regular absentee ballots. Supervisor Compton responded that UOCAVA ballots have the same regular auditing and chain of custody as all other absentee ballots, so yes, we will have an exact number as to how many are pending return at all times.*

*Chairman Harris inquired whether ballots will be mailed back to our office, or the state or to each respective precinct. Supervisor Compton replied that all absentee ballot return envelopes are pre-addressed to be returned to our office. He also inquired about which presidential candidates were given final placement on the ballot, to which Supervisor Compton provided print proofs for review of the candidates on the ballot, with a statement that sample ballots will be available for distribution as soon as the Secretary of State's Office delivers the election project files which contain the sample ballot files.*

*Rep. Thurman asked who appoints the members of the Duplication, Adjudication and Absentee by Mail Processing panels. Supervisor Compton stated that it is board policy, per our bylaws, that the members of this board, as already formulated of one member appointed by each county party, and a chair who is appointed by the entirety of the county commission with an intention to remain independent while representing the board, already fits the requirements of those bodies and, unless an alternative is appointed by a county or state party and notice given to us beforehand, shall serve as those roles for each election.*

*Chairman Harris also asked if, since County Commission District 3 is a Civil Rights Act Designated Majority Minority Opportunity District, a non-minority candidate were to win the election for that district, would that constitute grounds for a legal challenge to that election? Supervisor Compton stated that he was a not a lawyer, but that he could not see any grounds for a legal challenge to the election based off of that premise. A discussion was also had pertaining to the process surrounding the last round of redistricting in 2022, of which the Board of Elections and Registrations has no power to influence the design nor creation of, but merely implements. Supervisor Compton stressed that, as evidenced by the current registered voter total for our jurisdiction amounting to nearly two-thirds that of the entire county's population from the 2020 census, that due to COVID, the census results were likely lower than anticipated and that it will be all the more important for as many people as possible to answer the 2030 census to ensure accurate population reporting and as such, accurate district sizes.*

Executive Session: Entered executive session @ \_\_\_\_\_ due to request by \_\_\_\_\_ to discuss:

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Exited executive session @ \_\_\_\_\_

Meeting Adjourned:

1. Next Meeting: Tuesday, October 8<sup>th</sup>, 2024 @ 4:00pm Vice Chair Hutchinson motions to adjourn, Rep. Thurman seconds, meeting adjourned 3-0 @ 5:13pm.