

**Lamar County Board of Commissioners
Special Called Meeting
Administration Building
December 12th, 2022
2:00 p.m.**

Vice-Chairman Heiney called the Special Called Meeting to order at approximately 2:00 p.m. Present for the meeting were Commissioner Horton, Commissioner Thrash, and County Administrator Townsend. County Clerk Davidson was present for the meeting via Zoom. Chairman Glass was absent from the meeting but joined the meeting via Zoom.

Board of Election Discussion

Vice-Chairman Heiney opened the discussion regarding the Dominion voting machines. He stated that this discussion was not about the integrity of the Board of Elections (B.O.E.) or the Democratic or Republican parties. The Board of Elections does a great job, and they have a lot of integrity. This meeting is about something other than the deficiencies of the Board of Elections but the deficiencies within the Dominion voting machines, which lead people not to vote because people see the machines as being rigged. Vice-Chairman Heiney stated that they were also going to discuss the issues with the re-districting that was brought to his attention by District 3 Commissioner-Elect Ashley Gilles.

Commissioner Thrash said a recent poll showed that more than a third of Americans had lost confidence in the election system. People vote because of their civic duty and want to have their voices heard. Commissioner Thrash acknowledged that the voter could clearly see on the voting machine their candidates, the voter selection can be clearly verified on the printer form, and yes, the voter's hand delivers their printed selection to the scanner. Yes, the voter places their printout into the scanner, but then at this point, the voter loses control of whether or not their vote is accurately counted. Commissioner Thrash said she would like to eliminate the Q.R. codes. In a letter that she wrote to the B.O.E., a Federal Agency said 18,000 votes can be manipulated in a minute, but she did not know this for sure. Commissioner Thrash noted that when they use a jump drives to transfer data, data can be transposed. She asked the Chairman of the B.O.E. Christopher how they knew if the results of the Election were accurate.

Chairman Christopher stated that they performed a risk-mandated audit required by law immediately after the November election. They gave the information from the machine and reported them to the State. The data uploaded from the machine was exactly what was on the printout. They had a random number of ballots to check, which included hand-marked ballots and machine-marked ballots. They did a visual inspection of every ballot and did not look at Q.R. codes. They looked at actual names on ballots and they were 100 percent accurate. There was a 1.03 percent inaccuracy across the entire State. A visual hand count can be 2 to 3 percent inaccurate, and everyone in the State felt comfortable that the machines had done what they were supposed to do. No jump drives move once the Election is loaded into the Ballot Marking Device (BMD). He said that he decides how the machines will be voted, and people go through and test them out based on how he tells them to vote, which is called a Logic and Accuracy Test ballot. All the ballots are run through a scanner,

which matches exactly what he tells them to vote. If a machine marks a ballot incorrectly or has other issues, they take that machine out. The technicians only know the results once they have finished running the ballots and if the machine matches how he told them to vote, they sign off on it. Then that batch of machines goes to a particular precinct. Once they load the information into the BMD, there is no other information that comes from the BMD. Once they load the cards into the scanners, they only come out to report information. They are sealed with a number, and the technicians and poll workers ensure they are intact. There are two memory cards in the scanners, and he compares the information by looking at the images of the ballots and compares the two cards. He does this same process on multiple cards.

Commissioner Thrash asked who had access to the memory cards in the scanners. B.O.E. Chairman Christopher said that the only people with access to the memory cards are himself and the two technicians (Kimbra Dean and Amelia Dutton). The poll manager will have access to it once the polls close. The poll manager and assistant poll manager take the first memory card out of the machine, ring it to him, and the technicians then download the information. The second memory card is still sealed in the machine when they get the machine back. When the machine is returned, B.O.E. Chairman Christopher removes the second memory card and checks the seal to ensure it is still intact and then puts that card into the machine, downloads its images, and compares the images of both cards. Commissioner Thrash asked if this was the procedure from the Secretary of State's office. B.O.E. Chairman Christopher said that the only difference in the process he performs is that he looks at both card images and performs his own test ballots. B.O.E. Chairman Christopher uses a different pattern than the State recommends. The State's pattern is the first-person vote, second, third, etc. B.O.E. Chairman Christopher uses swapped voting between machines and parties or between questions and answers. He said that a pattern emerges so that the technicians do not have to go through everything.

Commissioner Thrash asked if they would have a way of knowing if a vote went on the memory card, such as if someone came in and voted at 1:00 p.m. and later, when they reviewed the memory card, the vote did not show up. B.O.E. Chairman Christopher replied that he has a time-stamped number list that comes from the poll pad when you check in to vote. He said that you would receive your voter access card, go to a BMD and vote, and then scan your vote, so within a 5-minute window, it would show there was a ballot scanned within that 5-minute window. He also has a count on the poll pads that tells him exactly how many people have been checked in and a count on the BMDs that he can add up that tells him exactly how many ballots have been printed. He also has a count on the scanner that tells him how many ballots have been scanned. He said he could go in and find the ballot but not the specific one.

Vice-Chairman Heiney asked why he does not follow the pattern the State recommends. B.O.E. Chairman Christopher said that it is because of potential faking of patterns. Vice-Chairman Heiney noted that he feels like the B.O.E. has high integrity.

Election Integrity for Counties

Garland Favorito presented a slide show regarding Election Integrity for Counties. He agreed with B.O.E. Chairman Christopher regarding using his own pattern to verify the ballots. Mr. Favorito went through issues that he has experienced with other counties.

Redistricting Problems

- Candidates missing on ballots
- Incorrect candidates on ballots
- Voters are directed to the wrong precincts
- Clerical errors attributed to statewide redistricting
- Correctable for future elections

2022 Voting System Count Failure

- Candidate Michelle Long Spears who came in third, had **no votes** in the precinct where she and her husband lived
- Mrs. Spears reported the problem and the DeKalb elections division **tried to run a machine recount but it failed.**
- They decided to postpone certification and do a **hand count audit** of the District 2 Commission race.

Hand Count Audit Reverses Machine Results

DeKalb District 2 Commission results reported on May 24th

- The system shorted Mrs. Spears's 3049 votes and added 1456 unearned votes to Mr. Orson

Georgia Voting System Accuracy Law

- DeKalb's Results show voting system does not conform to the law.
- 21-2-368. Review of manufacturer's systems by Secretary of State;
(b) the system so examined can be safely and accurately used by electors
- (c) the system so reexamined can no longer be safely or accurately used by electors at primaries
- 21-2-379.2. Review of manufacturer's recording electronic voting system by Secretary of State;
- (b) the system is examined so it can be safely and accurately used by electors

- (c) the system so reexamined can no longer be safely or accurately used by electors.
- 21-2-379.24. Examination of electronic ballot markers;
- (b) the kind of device so examined can be safely and accurately used by electors.
- c) a previously approved device appears to be no longer safe or accurate for use by electors.

Georgia's New Voting System

- Georgia's voting system accumulates in-person votes hidden in Q.R. codes.
- Q.R. Code is unverifiable to the elector.
- Q.R. Code is encoded so Q.R. code reader cannot show votes to voters.
- Q.R. Code is not encrypted to deter hacking.

Voting System Violates Georgia Law

Georgia's voting system must:

- Print an elector verifiable paper ballot.
O.C.G.A. § 21-2-2(7.1);
- Produce paper ballots that are marked with the elector's choices in a format readable by the elector.

U.S. District Court finding:

- Plaintiffs and other voters who wish to vote in person are required to vote on a system that does none of those things.

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In response to the Secretary of State's office claims that the Center for Election System servers were not intentionally wiped to prevent discovery of the hacking.

County Election Board Authority - O.C.G.A. 21-2-334

If a method of nomination or Election for any candidate or office, or voting on any question is prescribed by law, in which the use of voting machines is not possible or practicable, or in case, at any primary or Election, the number of candidates seeking nomination or nominated for any office renders the use of voting machines for such office at such primary or Election impracticable, or if, for any other reason, at any primary or Election the use of voting machines wholly or in part is not practicable, the superintendent may arrange to have the voting for such candidates or offices or such questions conducted by paper ballots. In such cases, paper ballots shall be printed for such candidates, offices, or inquiries, and the primary or Election shall be conducted by the poll officers, and the ballots shall be counted and return thereof made in the manner required by law for such nominations, offices, or questions, insofar as paper ballots are used.

County Options

- Conduct elections on Hand Marked Paper Ballots
- Hand count all races to ensure the accuracy and legality of results
- Selectively audit races before certification and transmission of ballots to the Court Clerk
- Any combination of 1 and 2, or 1 and 3

Board of Election Discussion

Commissioner Thrash asked about the responsibility of sending out the new voter registration cards based on the re-districting. B.O.E. Chairman Christopher said they send them out, but the State prints them. But if the State sends them to the B.O.E. and they need to be corrected, they try not to send them out. B.O.E. Chairman Christopher said that the first batch received was wrong, and they did not realize they were wrong and sent them out, so they had to go through hundreds of cards to get them corrected. Commissioner Thrash asked if there was a possibility that people voted in the wrong district because they went to the wrong precinct. B.O.E. Chairman Christopher said that the standard procedure before SB 202 was that if a person voted in the wrong precinct, they could vote a

provisional ballot, and they would take it and duplicate that provisional ballot on the proper ballot so that anything that was on the ballot that they should not have voted on does not show up in the election tally. Commissioner Thrash said that a candidate could have lost the vote. B.O.E. Chairman Christopher said they could have lost the vote if it was not on the provisional ballot. B.O.E. Chairman Christopher noted that the State changed the law where you cannot vote out of precinct until 5:00 p.m. on the day of the Election with a provisional ballot. He stated that re-districting should not take place within 180 days before an election. B.O.E. Chairman Christopher said that at the B.O.E. conference, Elections Supervisor Reid was sitting at the table at the conference working on re-districting, and it was March, and they had an election. They also had board members in the Elections Office moving sections of streets into new districts, and they worked long hours into the end of March and early April. B.O.E. Chairman Christopher said that the Commissioners must talk to the Legislators about the re-districting issues. B.O.E. board member Monica Walters said that the COVID pandemic affected the CENSUS being put off, which involved the re-districting. Commissioner Thrash said that they were relying on Three Rivers to help them with the re-districting, and the man that handled it went out of the Country. At the last minute, they had to go to the Legislators to get the re-districting done. B.O.E. Chairman Christopher said that this type of issue with re-districting does not need to happen again. Their board is a working board, and most of them can do about anything, but most boards in other counties only make policy. He said to have the B.O.E. do the re-districting or registration is ridiculous. B.O.E. Chairman Christopher said he would train the new hires in February on the election system and then go through the maps and every margin of the districts to ensure that everyone is appropriately assigned.

Commissioner Thrash asked if there was an issue with doing away with the Q.R. codes and the scanners and going to a hand count on their elections. B.O.E. Chairman Christopher said that there are two problems. The law states that a hand count can be done only during an audit. During the 2020 Presidential race audit, Lamar County had a 2 percent error with the hand count audit. He said that machines typically do not make these types of mistakes, and the machines in Lamar County counted everything correctly, but the hand count did not. B.O.E. Chairman Christopher said he is opposed to hand counting because humans count in sequences of 10, and after that, people make mistakes. The French do hand counts for their elections, but after 100 ballots are counted, they go to an accounting group, and every one of their precincts has about 1000 voters. Vice-Chairman Heiney said that his computer is faster and more accurate at calculations than if he did it by hand but noted that incorrect data could be input into a computer. When people see these types of mistakes being made in Elections, they tend to stop voting and need some level of trust in the system. By having a hand count, you might have a higher turnout. He asked what was hard about utilizing the voting machines, recording the vote, printing out a ballot, and then putting it into a lock box that is hand counted. B.O.E. Chairman Christopher said it is the number of people and the time to do it. Vice-Chairman Heiney asked what the Board of Commissioners could do to help with this issue. B.O.E. Chairman Christopher said that the Bartow County B.O.E. Chairman does a risk-limited audit on a race of his choice and counts every ballot. Lamar County could do this type of audit on any random race they choose and then publish this. B.O.E. Chairman Christopher went on to say that if they took the Q.R. codes off the ballot, it would make the scanning slower. There are other systems

that could mark the ballot similar to a hand-marked ballot. He said that Dominion has a hand-marked ballot that they also test. B.O.E. Chairman Christopher noted that an audit could not change the results of an election; only a recount can be done, and it has to be done by machines.

Commissioner Horton said that you learn from mistakes and appreciates the plans that B.O.E. Chairman Christopher has for the upcoming year. Constituents told him that he was a victim of re-districting issues that led to his loss of the Election, but he explained to them that a small percentage of voters voted in District 1. Commissioner Horton said that he hopes that in the next Election, they realize the mistakes and fix them so that all constituents feel comfortable voting.

Commissioner Elect Ashley Gilles made an open records request for the ballots for the primary, and they did an audit where they were only off by a few votes, probably due to her slow computer. She asked what the difference was between looking at the ballot images versus having the paper in front of you and doing a recount this way. B.O.E. Chairman Christopher said that his personal opinion is that having the physical ballot is different from looking at multiple images. He only compares about 8 to 10 images because any more than that you will make mistakes.

B.O.E. Chairman Christopher said that because of the extremely narrow window of the run-off and a new election in March, the staff had accumulated a large amount of comp time and vacation in this last quarter. They would like the Board of Commissioners to make an exception and have County Administrator Townsend issue a letter stating that they can carry over and utilize their comp or vacation time during the first quarter of the new year.

Recess for 5 Minute Break

The Board of Commissioners took a 5-minute break.

Annexation from the City of Barnesville

The proposed annexation of property is owned by Timothy W. Avera and Williams E. Duncan, located on the south side of the intersection at Johnstonville and Roberts Road.

Vice-Chairman Heiney explained that the City of Barnesville would like to put 170 houses on 46 acres. Planning and Community Development Director Buice said that the owner is asking to re-zone the acreage into the City of Barnesville so that they have a higher density than what is allowed by the County. The County received notification, and the City of Barnesville had a Public Hearing last week, but no votes were taken. The Planning Commission did not recommend that this high density be allowed on the property.

Vice-Chairman Heiney said that 300 new houses are going in across from True Value on Hwy 41, then another 170 houses on the other side of Barnesville and another 400

apartments possibly being built down the road. There are probably 90 homes being built in Abbott Woods. His concern is that the current infrastructure cannot handle this growth.

Traffic Study on Roberts Road

County Administrator Townsend said that two cars per household was 340 per day and if you have 340 vehicles twice a day which is 680 cars on Roberts Road coming out to Johnstonville. This is a 700 percent increase in traffic. Vice-Chairman Heiney said this would be detrimental to the people who already live here. When you add this to the other growth in the County, this level of development will strip the ability to manage it. There will be a need for additional government resources; fire, law enforcement, and more schools. Vice-Chairman Heiney said that people would see higher taxes, raising everyone's cost of living.

Commissioner Thrash made a motion to approve Resolution 2022-27 objecting to the City of Barnesville's proposed annexation requested by Timothy W. Avera and William E. Duncan. Commissioner Horton seconded the motion. The motion passed unanimously.

Round Table

Commissioner Thrash said that the Barnesville-Lamar County parade was great despite the weather.

Vice-Chairman Heiney shouted out to Public Works Director Rigdon for the work on the Commissioner's Float.

County Administrator Townsend thanked the City of Barnesville for their work on the parade.

Planning and Community Development Director Buice said that with the Annexation decision, everything is true because of all the hard work that was put into re-doing the Development Ordinance this past year.

County Clerk Davidson said that the Barnesville-Lamar County parade was awesome and thanked the Public Works Department for their job with the barbeque lunch, including Administration Assistant/Accounting Technician Martha Windle for all of her hard work. She also thanked County Administrator Townsend and Vice-Chairman Heiney's assistance with the lights on her Float. County Clerk Davidson thanked the Administration Staff and the City of Barnesville for their cohesiveness over the last year because things seem to have improved.

County Administrator Townsend said that he also enjoyed the parade and the community helping each other.

Commissioner Thrash announced that there would be a meet and greet reception for the outgoing Commissioners at the Barnesville-Lamar County Library from 4:00 to 6:00 p.m. on September 20th, 2022.

Adjournment

Commissioner Horton made a motion to adjourn the Special Called Meeting at 3:30 p.m. Commissioner Thrash seconded the motion. The motion passed unanimously.

THE LAMAR COUNTY BOARD OF COMMISSIONERS

_____Absent_____

Charles Glass, Chairman

Robert Heiney, Vice-Chairman

Bennie Horton, Commissioner

Nancy Thrash, Commissioner

Attest: _____ Carlette Davidson, County Clerk