

Board of Election Issue Spotter Guide

Overview

The ACLU of Georgia Local Election Advocates and Defenders (LEAD) Program is tasked with tracking decisions made by Boards of Elections (BOE) that affect access to the ballot and the ability of voters to participate in free and fair elections.

Objective

To aid the LEAD Program in monitoring and strengthening the quality of county election administration and to document Board of Election meetings and flag ballot access issues.

About Boards of Elections in Georgia

The Board of Elections is the superintendent of elections and conducts primaries and elections in accordance with state law, performing the many different functions necessary to support the election process.

The Board establishes boundaries for voting precincts; secures facilities to serve as polling locations for these precincts; and recruits, selects, hires, trains, and assigns personnel to serve as poll officials. The Board also conducts qualification for candidates, develops ballots for elections, selects and equips polling places, disseminates information to the public, and maintains elections records (including registering voters, maintaining voter roll, and certifying elections). The board handles voter roll maintenance, which entails verifying applicants, coordinating voter registration cancellations, and transferring registrations between jurisdictions

The Board supervises and instructs Board employees, develops and monitors the annual budget, and assists the public through voter education and outreach as well as providing election related information, procedures, deadlines, etc.

The number of members on a Board, the way they are appointed, and their terms of office are set out in local legislation—there is no universal boilerplate legislation though often the Board's establishing legislation is based on state recommendation or neighboring counties. Boards will operate according to their own by-laws in the absence of explicit legislation. A handful of counties, in fact, have a hybrid Board of Elections and Board of Registrars, meaning that one body is responsible for election day administration and the other absentee and early vote.

A standard Board, however, is comprised of 3-5 members with some appointed members holding positions of Chair, Vice Chair, and Secretary. The Board as a whole must operate in a nonpartisan fashion. The Board Chair presides at Board meetings (i.e., opening, entertaining motions and discussions on agenda, regulating meetings), ensures

that the Board operates according to its purpose to protect the public, and serves as primary spokesperson for the Board. The Vice Chair performs the same duties in the absence of the Chair, and the Board Secretary is responsible for keeping meeting minutes.

Methods of appointing Board members vary by county. Commonly, 1-2 members are appointed by the Democratic Party and another 1-2 are appointed by the Republican party such that each party is equally represented. A third or fifth member is then appointed by another body such as the Board of Commissioners, a court judge, a grand jury, state delegates, or the board itself. Other boards may appoint members using a combination of these methods. Board member terms end with resignation or expiration after a predetermined number of years (1-4) , at which point members may reapply or be reappointed. Ultimately, board members carry out many essential duties, and appointments have a major influence on good governance and quality of county election administration.

The Board also sets the agenda, date, time, and location for regular monthly meetings as well as for special meetings (i.e., election certification, qualifying hearings, voter challenges). These meetings are open to the public and provide an opportunity for the Board to hear public comment. Public transparency and accessibility of the Board is a critical component in ensuring that election administration is serving the public's best interest.

What to Expect

Robert's Rules or Order is the parliamentary procedure used during meetings. This also ensures that Everyone has the right to participate in discussion and everyone has the right to know what's going on. Meetings usually entail Sign-in, sign up for public comment, sign up early to comment (the exact time depends on the county) public comment can be any time during the meeting - dependent on county, pledge or prayer depending on county, and then the agenda.

The Basics of Robert's Rules include these motions, while they may not all occur or use the same exact wording, this is how the format of a formal meeting generally looks.

1. Motion: To introduce a new piece of business or propose a decision or action, a motion must be made by a group member ("I move that.....") to the chairperson. A second motion must then also be made (raise your hand and say, "I second it.") After limited discussion the group then votes on the motion. A majority vote is required for the motion to pass (or quorum as specified in your bylaws.) Each motion must be disposed of (passed, defeated, tabled, referred to committee, or postponed indefinitely).
2. Postpone Indefinitely: Used to kill a motion. When passed, the motion cannot be reintroduced at that meeting. It may be brought up again at a later date. This is made as a motion ("I move to postpone indefinitely..."). A second is required. A a

majority vote is required to postpone the motion under consideration. This may be used as a tactic to delay an issue

3. Amend: This is the process used to change a motion under consideration.: "I move to amend the motion on the floor." This also requires a second. After the motion to amend is seconded, a majority vote is needed to decide whether the amendment is accepted. Then a vote is taken on the amended motion. In some organizations, a "friendly amendment" is made. If the person who made the original motion agrees with the suggested changes, the amended motion may be voted on without a separate vote to approve the amendment.
4. Commit: This is used to place a motion in committee. It requires a second. A majority vote must rule to carry it. At the next meeting the committee is required to prepare a report on the motion committed. If an appropriate committee exists, the motion goes to that committee. If not, a new committee is established.
5. Question: To end a debate immediately, the question is called (say "I call the question") and needs a second. A vote is held immediately (no further discussion is allowed). A two-thirds vote is required for passage. If it is passed, the motion on the floor is voted on immediately.
6. Table: To table a discussion is to lay aside the business at hand in such a manner that it will be considered later in the meeting or at another time ("I make a motion to table this discussion until the next meeting. In the meantime, we will get more information so we can better discuss the issue.") A second is needed and a majority vote required to table the item being discussed.
7. Adjourn: A motion is made to end the meeting. A second motion is required. A majority vote is then required for the meeting to be adjourned (ended).

Issues of Interest to Flag

Important note: make sure to share any numbers or figures provided during Board meetings.

Not all topics will come up regularly in Board meetings. Some items fall under Board responsibilities while other responsibilities are delegated to Election Director/Supervisor and Department of Elections and Registrations.

Voter Registration

The Board is responsible for maintaining and entering information into Georgia's registered voter information systems. The Board processes and validates all registrations from various sources, such as the Secretary of State's portal, physical registration forms, and DDS driver's license renewals.

First time voters who fail to provide the necessary documentation must perfect their voter registration before they are eligible to vote. Voters may be removed from the



registration rolls (after verification and proper notice) due to NCOA (National Change of Address), voter confirmed move out of county or state, no contact, felony conviction, or death. Voter registrations may also be moved to 'inactive' status if a voter hasn't participated in an election or engaged with the state's election system in the past five years.

The Board is responsible for evaluating challenges to voter's qualifications to appear on the rolls (Board must set a date to evaluate the validity of the challenge within 10 days of receiving challenge and documentation) and/or voter's ability to cast a ballot in an election (typically done on election day).

- 1) Creating, printing, or processing of documents mailed to voters
- 2) Eligibility and list maintenance activities
 - a) Removing or purging a large number of voters from the list
 - b) Changing voters' registration status or notifying voters of a change in status
 - c) Challenges to voter registration list or voter's eligibility to cast a ballot in an election
 - d) Following SB202 Requirements regarding timing of polls and ballot processing at the appropriate times
- 3) Changes to or updates on registered voter information systems
- 4) Location Updates
 - a) Notifying voters of district, precinct, and polling place changes

Vote-By Mail (VBM)/Absentee Voting)

- 1) Processing absentee ballot requests
- 2) Mailing out ballots
- 3) Receiving and tallying mail ballots
 - a) Verifying signatures on mail ballots
 - b) Ballot review panel

Advance/Early Voting

- 1) Setting Early Voting Locations
 - i) Ensure that number, placement, dates, and hours of early voting locations sufficiently serve all county voters.
 - (1) Pay particular attention to whether historically disadvantaged communities have access and whether there are convenient public transportation connections

- (2) **Gwinnett's golden 7-7-7 model** from 2020: 7 early voting locations serving population centers across the county, open from 7am to 7pm and available to voters 7 days a week, Monday through Sunday.
- (3) Ensure locations meet criteria for ADA compliance
 - ii) Dropbox placement criteria
 - iii) Testing voting equipment and programs prior to election

Election Day

- 1) Polling locations
 - a) Poll closures/Time updates
 - b) Location changes
 - c) Poll consolidations
 - d) Changes to ballot drop-boxes (i.e., dates, deadlines, locations)
- 2) Equipment provisioning
 - a) Election scheduling for delivery, use and pickup
 - b) Contract maintenance and record keeping
 - c) Delivering, setting up, and retrieving voting equipment for each polling location
 - d) Designing, printing and proofing ballots
 - e) Publishing required notices and documents and posting required notices in all polling places
 - f) Providing registration books, supplies, and signage to each polling location
- 3) Accessibility and security
 - a) Bilingual language materials
 - b) ADA accessibility
- 1) Poll workers and election office staffing
 - a) Staffing and funding challenges
 - i) Calls for applications for poll workers and other poll officials
 - b) Changing poll watcher procedures
 - c) Scheduling training for poll watchers
 - d) Absentee ballots are being process in time

Post Election Day and Certification

- 1) Notifying voters of issues with their ballots
- 2) Tabulation, accumulation, and reporting of election results
- 3) Certifying election returns
 - a) Ballot review panels
- 4) Publishing election results and other records

- 5) Updating voter records with voting history and changes
- 6) Conducting machine and manual recounts, when required

General Elections Administration

- 1) Effective and conservative financial stewardship
 - a) Sufficient funding/materials
- 2) Conducting non-regularly scheduled Special Elections as needed
- 3) Candidate qualifying and assistance
 - a) General information to prospective candidates
 - b) Research and preparation of qualifying packets
 - c) Pre-filing, qualifying, and certifying county, district, and special district candidates

Board Administration

- 1) Canceling, rescheduling, or moving the BOE meeting without notice
- 2) Changes to BOE composition
 - a) New legislation restructuring the Board
 - b) Board members leaving position (i.e., resigning, terms ending, dying)
- 3) Poor communication between members
- 4) Silencing public comment