

**BEFORE THE STATE ELECTION BOARD
STATE OF GEORGIA**

In the matter of:	*	
	*	SEB Case Nos. 2017-073 and
	*	2020-157
SPALDING COUNTY BOARD OF	*	
ELECTIONS AND VOTER	*	
REGISTRATION,	*	
Respondent.	*	Spalding County
	*	

CONSENT ORDER

The State Election Board, by and through counsel, and the Spalding County Board of Elections and Voter Registration (“Respondent”) hereby enter into the following Consent Order for use in these matters before the State Election Board in lieu of an evidentiary hearing.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The findings of fact and conclusions of law set forth herein have been asserted against Respondent. Respondent denies any willful misconduct but desires that the above-captioned cases be resolved in their entirety as to itself, and against the following individuals in order to avoid further litigation: (1) for SEB Case 2017-073 – Former Elections Supervisor Terry Colling and Former Elections Supervisor Marcia Ridley;¹ and (2) for SEB Case No. 2020-157 – Poll Manager Bonnie Anne Arnette, Poll Manager Susan Autry, Poll Manager Quimby Melton, Poll Manager Susan Summerlin, Poll Manager Clay Davis, and Poll Manager Julia Howard. Former Elections Supervisor Marcia Ridley is specifically excluded from the terms of this Consent Order as it

¹ In SEB Case No. 2017-073, the State Election Board found evidence of potential violations by Former Election Supervisor Marcia Ridley and by Former Election Supervisor Terry Colling. Respondent accepts responsibility for the actions set forth in SEB Case No. 2017-073 as to Ms. Ridley and Ms. Colling.

pertains to SEB Case No. 2020-157.²

Respondent acknowledges that there is evidence of a *prima facie* case supporting the following assertions and enters into this negotiated Consent Order to resolve the issues that arose out of the administration of the November 7, 2017 Griffin General Municipal Election (SEB Case No. 2017-073), the May 22, 2018 General Primary Election (SEB Case No. 2017-073), and the November 3, 2020 General Election (SEB Case No. 2020-157) in Spalding County, Georgia.

SEB 2017-073

1.

During the November 7, 2017 Griffin General Municipal Election, three voters (Dora Lucier, Mary Jordan, and Oscar Jordan) presented themselves to vote in person. Each voter cast their ballot, but they also realized that one of the candidates they wished to vote for was not on their ballot. Following an investigation, it was determined that each voter was placed in the incorrect municipal district, and that each had received the wrong ballot style. Additionally, after Mr. and Mrs. Jordan had voted, they complained to Elections Supervisor Marcia Ridley. Ms. Ridley allowed Mr. and Mrs. Jordan to cast provisional ballots, which were later accepted and counted, despite the fact that Mr. and Mrs. Jordan had already voted.

² In SEB Case No. 2020-157, the State Election Board found evidence of potential violations by Former Election Supervisor Marcia Ridley, Poll Manager Bonnie Anne Arnette, Poll Manager Susan Autry, Poll Manager Quimby Melton, Poll Manager Susan Summerlin, Poll Manager Clay Davis, and Poll Manager Julia Howard. Respondent accepts responsibility for the actions set forth in SEB Case No. 2020-157 as to Ms. Arnette, Ms. Autry, Mr. Melton, Ms. Summerlin, Mr. Davis, and Ms. Howard, and Respondent consents to the imposition of the Order directed at it rather than these individuals, who are hereby dismissed from these matters. Respondent does not accept responsibility for Ms. Ridley in regards to SEB Case No. 2020-157. That case against Ms. Ridley will be addressed separately.

2.

Subsequently, Ms. Ridley called for an audit of the voter's list to determine if any other registered voters were placed in incorrect districts. The audit found that 38 voters were placed in the wrong districts in the City and that 369 voters in the County were placed in the wrong districts.

3.

Furthermore, during early voting for the General Primary Election on May 2, 2018, Leander Sledge, Susan Sledge, Amy Braswell, and Steven Braswell received and voted the incorrect ballot. Specifically, these voters were supposed to have received a County District 2 ballot but received a County District 3 ballot.

4.

Another audit was conducted in 2019, and it was discovered that 131 voters were placed in the incorrect voting precincts and that 77 voters were placed in the incorrect House Districts.

5.

Respondent's actions during the November 7, 2017 General Municipal Election and the May 22, 2018 General Primary Election were in violation of O.C.G.A. § 21-2-226(b); Ga. Comp. R. & Regs. 183-1-12-.02(4)(b) (2017); Ga. Comp. R. & Regs. 183-1-12-.06(11)(a) (2017); and Ga. Comp. R. & Regs. 183-1-12-.02(4)(b) (2018).

SEB 2020-157

6.

The Secretary of State's Office investigated numerous complaints it received concerning issues with the administration of the November 3, 2020 General Election in Spalding County, Georgia.

7.

The Secretary of State investigated allegations that ballots were found in a dumpster near the Spalding County Elections Office. An investigator from the Secretary of State's Investigation Division worked with local law enforcement to look into this issue, and the Secretary of State investigation determined that there was no evidence of any ballots located in the dumpster. However, the investigation did reveal that Respondent's employees failed to shred confidential voter information and instead disposed of such documents in an open dumpster that was accessible by the public. These documents included a large amount of spreadsheets and ElectionNet printouts that contained names, birthdays, addresses, phone numbers, and voter registration numbers. Such failure to properly dispose of confidential voter information is a violation of O.C.G.A. § 21-2-225(b) of the Georgia Elections Code, which requires that such information remain confidential.

8.

An unsecured plastic container was utilized to hold voted provisional ballots after the provisional bag was full in violation of Ga. Comp. R. & Reg. 183-1-12-.18(3), which requires that the election superintendent provide a secure container in which the voted provisional ballots shall be placed.

9.

Donald Crider did not sign his name before voting on November 3, 2020 in violation of O.C.G.A. § 21-2-431(a), which requires that each elector who desires to vote to first execute a voter's certificate.

10.

Tiyana and Richard Stelpstra made several attempts but were unable to obtain a mail-in ballot from Respondent, resulting in Mr. and Mrs. Stelpstra being unable to vote. Such failure to

provide a mail-in ballot is in violation of O.C.G.A. § 21-2-384(a)(2), which required the board of registrars or absentee ballot clerk to mail or issue official absentee ballots to all eligible applicants within the required time period prior to the election.

11.

Abigail Locke voted a provisional ballot at the UGA Griffin campus polling location and was not provided the inner or outer envelope in violation of Ga. Comp. R. & Reg. 183-1-12-.18(3), which requires that the election superintendent provide each polling place with an adequate supply of provisional ballots in each ballot style (district combination) for the precinct and an inner ballot envelope and an outer ballot envelope.

12.

Jim Dunaway was not issued the correct ballot for the District 2 Spalding County Commissioner race but was instead issued a ballot for District 1.

13.

Glenda Brumley did not sign her name on a poll pad or voter certificate before voting in violation of O.C.G.A. § 21-2-431(a), which requires that each elector who desires to vote to first execute a voter's certificate.

14.

Respondent failed to enter credit for Glenda Brumley for voting in the November 3, 2020 election in violation of O.C.G.A. § 21-2-215(i), which requires the board of registrars to enter into the state-wide voter registration system credit for voting by qualified electors to the Secretary of State within 60 days of a primary or election for the purpose of maintaining the list of electors and voter history.

15.

Board members of Respondent took possession of voted provisional ballots and transported them without a second election official being sworn or having transfer documentation in violation of O.C.G.A. § 21-2-413(h), which provides that, from the time a polling place is opened until the ballots are delivered to the superintendent, the ballots shall be in the custody of at least two poll officers at all times.

16.

The eighteen polling places in Spalding County were not supplied with emergency ballots in violation of Ga. Comp. R. & Reg. 183-1-12-.11(2)(c), which requires that the election superintendent cause each polling place to have a sufficient amount of emergency paper ballots so that voting may continue uninterrupted if emergency circumstances render the electronic ballot markers or printers unusable, and that for any primary or general election for which a state or federal candidate is on the ballot, a sufficient amount of emergency paper ballots shall be at least 10% of the number of registered voters to a polling place.

17.

The investigation found evidence that there was a failure to determine what ballot style of provisional ballot to issue to individual voters at the AMBUCS Park precinct, in violation of Ga. Comp. R. & Reg. 183-1-12-.18(4)(c), which provides that when there are multiple ballot styles (district combinations) in use in the precinct, the registrars shall also advise the poll officers which ballot style (district combination) should be issued to the person.

18.

Twenty electors voted at the Eagles Landing polling precinct on the November 3, 2020 election without signing their name on a polling pad or voter certificate before voting in violation

of O.C.G.A. § 21-2-431(a), which requires that each elector who desires to vote to first execute a voter's certificate.

19.

Poll Manager Julia Howard stated that she was advised by Respondent's employees to create a numbered list of voters instead of having them sign their name on the poll pad at the Union Baptist Church polling precinct. Not requiring the electors to provide a poll pad signature or voter certificate signature is a violation of O.C.G.A. § 21-2-431(a), which requires that each elector who desires to vote to first execute a voter's certificate.

20.

The investigation found evidence that Respondent, by and through former Elections Supervisor Marcia Ridley, failed to properly train the eighteen poll managers about emergency ballots for the November 3, 2020 election. Such failure resulted in violations of Ga. Comp. R. & Reg. 183-1-12-.11(2)(c) and (d), regarding an emergency situation and the issuance of emergency paper ballots.

ORDER

1.

This Consent Order addresses and resolves all matters regarding Respondent in connection with SEB Case Nos. 2017-073 and 2020-157. This Consent Order does not resolve matters regarding former Elections Supervisor Marcia Ridley in regards to SEB Case No. 2020-157.

2.

The State Election Board, having considered the particular facts and circumstances of this case, inclusive of the within and foregoing Findings of Fact and Conclusions of Law, hereby **ORDERS** that Respondent cease and desist from further violations of the Election Code, and

hereby publicly reprimands Respondent.

3.

The State Election Board further ORDERS Respondent to pay a civil penalty of thirteen thousand dollars (\$13,000.00).

4.

The State Election Board further ORDERS Respondent to pay the investigative costs incurred by the Secretary of State's office in the amount of six thousand, three hundred and twenty-one dollars, and thirty-six cents (\$6,321.36).

5.

Respondent will provide training for its Board members, poll managers, and poll workers, as applicable, regarding: the use of emergency ballots and provisional ballots; proper handling and disposing of documents containing confidential voter information; and requirements regarding the custody of ballots.

6.

Respondent acknowledges that the current members of the Spalding County Board of Elections and Voter Registration have read this Consent Order and have expressed understanding of its contents and that the members understand that they have a right to a hearing in this matter. Respondent knowingly and voluntarily waives such right to a hearing, as well as any other rights under the Georgia Administrative Procedure Act pertaining to notice and hearing for contested cases, by entering into this Consent Order.

7.

This Consent Order is entered in settlement of disputed matters, and the Consent Order entered herein is not to be construed as an admission of guilt or liability on the part of Respondent

but is entered herein to resolve this State Election Board case. The current members of the Spalding County Board of Elections and Voter Registration understand that this Consent Order is a civil settlement and has no criminal ramifications.

8.

This Consent Order, inclusive of its Stipulations and Order, shall not become effective unless and until approved by the State Election Board. If not approved by and executed on behalf of the State Election Board, neither the stipulations nor any other part of this agreement shall have any binding legal effect whatsoever and shall not constitute an admission against interest or prejudice the ability of either the State Election Board or Respondent to adjudicate this matter.

This _____ day of _____, 2022.

Consented to:

SPALDING COUNTY BOARD OF ELECTIONS AND
VOTER REGISTRATION

BY: _____

BEN JOHNSON
CHAIRMAN

Sworn to and subscribed
before me this ____ day
of _____, 2022.

NOTARY PUBLIC

My commission expires:

[SIGNATURES CONTINUE ON NEXT PAGE]

Approved by the State Election Board this _____ day of _____, 2022.

STATE ELECTION BOARD

BY: _____