



Lincoln County Board of Elections & Voter Registration

160 May Avenue
Post Office Box 1419
Lincolnton, Georgia 30817
(706) 359 – 6126 phone (706) 359 – 7396 fax

Kelvin D Williams, Director

Howie Gunby, Chairman
Nancy Inglett, Secretary
Gregory Zellars

August 6, 2007

Chief, Voting Section
Civil Rights Division
Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

RE: Submission under Section 5, Voting Rights Act
City of Lincolnton / Board of Elections & Registrations of Lincoln County, Georgia

Dear Sir or Madam:

Serving as Elections Superintendent for the City and electors of Lincolnton, Georgia, I hereby submit, pursuant to the Voting Rights Act of 1965, this letter and attached exhibit(s):

SECTION 51.27

- (a) A copy of any ordinance, enactment, order, or regulation embodying a change affecting voting.**
 - a. A copy of the Contract for Election Services with City of Lincolnton attached as Exhibit "A"*

- (b) A copy of any ordinance, enactment, order, or regulation embodying the voting practice that is proposed to be repealed, amended, or otherwise changed**
 - a. A copy of the Contract for Election Services with City of Lincolnton attached as Exhibit "A"*

- (c) If the change affecting voting either is not readily apparent on the face of the documents provided under paragraphs (a) and (b) of this section or is not embodied in a document, a clear statement of the change explaining the difference between the submitted change and the prior law or practice, or explanatory materials adequate to disclose to the Attorney General the difference between prior and proposed situation with respect to voting**
 - a. Proposed change would entitle the City of Lincolnton use of Electronic Voting System for conduction of Municipal Elections. Electronic Voting equipment will consist of State of Georgia approved Diebold Election Systems Accuvote TouchScreen Voting Unit and Diebold ExpressPoll 4000 currently used in county conducted elections. Current provisions for City of Lincolnton elections allow for the use of a punch card type ballot along with a punch card reader, which the Board of Elections currently has no ownership, and paper elector's list. Proposed provision for City of Lincolnton elections will allow use of the new balloting system to create ballots, record ballots cast by electors, tabulate votes received electronically using the Diebold Accutove TouchScreen Unit, the proposed provision allows use of the Diebold ExpressPoll 4000 for the purpose of an electronic elector's list. This change would incorporate the use of Electronic Voting all aspects of the voting process including election day ballot casting, in-person absentee ballot casting, and advanced voting ballot casting. The form of mail out absentee and provisional voting used will be Optical Scan method.*

- (d) **The name, title, address, and telephone number of person making this submission.**
a. *Kelvin D. Williams, Director
Lincoln County Board of Elections & Voter Registration
160 May Avenue
PO Box 997
Lincolnton, GA 30817*
- (e) **The name of the submitting authority and the name of the jurisdiction responsible for the change, if different**
a. *Lincoln County, Georgia Board of Elections and Voter Registration*
- (f) **If the submission is not found from a state or county, the name of the county and state in which the submitting authority is located.**
a. *Lincoln County, Georgia*
- (g) **Identification of the person or body responsible for make the change and the mode of decision.**
a. *Lincoln County, Georgia Board of Elections and Voter Registrations, board approval.*
- (h) **A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedures the jurisdiction was required to follow in deciding to undertake the change.**
a. *Counties shall be authorized to contract with municipal government for the use of such voting equipment in municipal elections under terms and conditions specified by the Secretary of State to assure that the equipment is properly used and kept secure Georgia Election Code and Rules of the State Election Board 21-2-300*
- (i) **The date of adoption of the change affecting voting.**
a. *July 26, 2007*
- (j) **The date on which the change is to take effect.**
a. *The proposed change will take effect immediately, contingent upon preclearance.*
- (k) **A statement that the change has not yet been enforced or administered, or an explanation of why such a statement cannot be made.**
a. *The proposed changes have not been enforced or administered.*
- (l) **Where the change will affect less than the entire jurisdiction, an explanation of the scope of change.**
a. *The proposed changes will affect the jurisdiction in its entirety.*
- (m) **A statement of the reasons for the change.**
a. *Proposed change eliminates the need for electors of the county who also reside in the municipality to switch between voting systems, offers a streamline voting process that promotes accuracy, efficiency, and effectiveness. The change allows easy access and generation of election returns, results and reports needed for certification and other purposes.*
- (n) **A statement that the anticipated effect of the change on members of racial or language minority groups.**
a. *There will be no effect of members of racial or language minority groups.*
- (o) **A statement identifying any past of pending litigation concerning the change or related voting practices.**
a. *There is and has been no such litigation to my knowledge.*

- (p) **A statement that the prior practice has been precleared (with the date) or is not subject to the preclearance requirement and a statement that the procedure for the adoption of the change has been precleared (with the date) or is not subject to the preclearance requirement, or an explanation of why such statements cannot be made**
- a. *Not applicable.*

SECTION 51.28

- (a) **Demographic Information**
- 1) **Total and voting age population of the affected area before and after the change, by race and language group. If such information is contained in publications of the U.S. Bureau of the Census, reference to the appropriate volume and table is sufficient.**

i. *Not applicable*
 - 2) **The number of registered voter for the affected area by voting precinct before and after the change, by race and language group.**

i. *Not applicable*
 - 3) **Any estimates of population, by race and language group, made in connection with the adoption of the change.**

i. *Not applicable*
 - 4) **Demographic data provided on magnetic media shall be based upon the Bureau of the Census Public Law 94 – 171 file unique block identity code of state, county, tract, and block.**

i. *Not applicable.*
 - 5) **Demographic data on magnetic media that are provided in conjunction with a redistricting shall be contained in a table of equivalencies giving the census block to district assignments in the following format.**

i. *Not applicable.*
- (b) **Maps.**
Where any change is made that revises the constituency that elects any office or affects the boundaries of any geographic unit or units defined or employed for voting purposes or that changes voting precinct boundaries, polling place locations, or voter registration sites, maps in duplicate of the area to be affected, containing the following information
- 1) *Not applicable.*
- (c) **Annexations.**
For annexations, in addition to that information specified elsewhere, the following information.
- 1) *Not applicable.*
- (d) **Election returns.**
Where a change may affect the electoral influence of a racial or language minority group, return of primary and general elections conducted by or in the jurisdiction, containing the following information:
- 1) *Not applicable.*
- (e) **Language usage**
- 1) *Not applicable*

(f) **Publicity and participation.**

For submissions involving controversial or potentially controversial changes, evidence of public notice, or the opportunity for the public to be heard, and of the opportunity for interested parties to participate in the decision to adopt the proposed change and an account of the extent to which such participation, especially by minority group members, in fact took place.

1) *None; Not applicable*

(g) **Availability of the submission.**

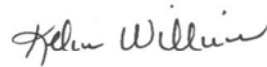
1) *A copy of this submission will be available for public inspection at the Board of Elections & Voter Registration office of Lincoln County, Georgia, as well as the Board of Elections & Voter Registration website in the Public Notice section.*

(h) **Minority group contacts.**

1) *Not applicable*

There is no further information that is known to be relevant to consideration of these changes. On the basis of the foregoing, approval of the changes is respectfully requested. If you have any questions or desire additional information, please feel free to contact me.

Sincerely,



Kelvin D Williams
Director
Board of Elections & Voter Registration
Lincoln County, Georgia

Enclosure

Cc: Honorable Karen Handel, Secretary of State
City of Lincoln
Lincoln County Board of Commissioners

Exhibit "A"

CONTRACT FOR ELECTION SERVICES
WITH CITY OF LINCOLNTON

STATE OF GEORGIA
COUNTY OF LINCOLN

This agreement, made and entered into this 13th day of May, 1999, between the Board of Elections and Registration of Lincoln County, Georgia, hereinafter referred to as "the Board", Lincoln County, Georgia, hereinafter referred to as "the County", and the City of Lincolnton, hereinafter referred to as "the City",

WITNESSETH:

Whereas, the City has, pursuant to Section 21-3-10, Official Code of Georgia Annotated, requested that the County, acting by and through the Board, provide certain services in regard to conducting City elections and maintaining voter registration records for the City; and

Whereas, the Board is authorized to provide such services pursuant to Laws of the General Assembly of Georgia, approved by the Governor in 1996,

Now therefore, for and in consideration of mutual covenants and agreements between the parties contained, it is agreed as follows:

1. The Board shall provide the following services to the City in connection with each election to be held by the City during the term of this agreement:
 - a. Order all ballots
 - b. Print ballot labels
 - c. Provide all equipment and supplies needed to conduct elections, including votomatics.
 - d. Provide voters lists of registered voter residing within the City and entitled to vote at the election.
 - e. Issue absentee ballots at the office of the board
 - f. Tabulate absentee ballots
 - g. Tabulate regular ballots
 - h. Certify election results to Secretary of State's Office.
 - i. Appoint and train poll officers and have them present to conduct the election
 - j. Supervise the conducting of the election.
 - k. Ethics filing with State of Georgia, County of Lincoln, and City of Lincolnton
 - l. Approval by Justice Department for the election, if not pre-approved, under Title 5, Voting Rights Legislation.
2. The City will perform all other duties related to calling and hold the election including, without limitation, adopting the necessary resolutions to call the election, placing notices of the call of the election in the newspaper and qualifying the candidates for the election. The City shall notify the Board of any upcoming election in ample time to permit the Board to carry out its obligations hereunder.,
3. The City shall pay the County all cost incurred by the County in having the Board perform the functions called for by this Agreement, which expenses shall include, but not limited to, costs of preparing and printing the ballots, the salaries of the poll officers, the salaries of the poll officers, the salaries (including any overtime) of Board employees for work related to performing the services required of the Board hereunder, the cost of all supplies provided and the reasonable rental value of all equipment used in conducting an election for the City. Such amounts shall be paid by the City to the County within ten (10) days after receipt by the City of a statement therefore. The Board and the County shall work together to submit the statement reasonable promptly after the services are rendered.
4. The City shall indemnify and hold the County and the Board harmless against any claim or contest to which the Board or County may be made a party arising directly or indirectly out of the services rendered by the Board pursuant to this Agreement. Such indemnification shall cover not only the amount of any judgment or award rendered against the Board of the County, but also all costs of investigation, defense, reasonable attorney's fees and court costs. If there is no conflict of interest, the City shall employ separate counsel satisfactory to the County and the Board to represent their interests in such contest or litigation.

August 6, 2007

5. Any party may terminate this Agreement at any time, with or without cause, by the giving of not less than sixty (60) day prior written notice to the other two parties of such termination. This Agreement shall continue in effect until it is terminated by one of the parties hereto.

In witness whereof, there undersigned have caused there present to be executed by their proper officers and seals affixed, this 13th day of May, 1999

City of Lincolnton
By Dwaine Biggerstaff, Mayor;
Kay F. Remsen, Clerk;

Lincoln County Board of
Elections and Registration
Donald Cartledge
Virginia T. Williams, Secretary
Lincoln County,
Board of Commissioners
Tommy Drew, Chairman
Ruth Dittmer, Clerk