

DeKalb County Board of Registration and Elections

Special Called Meeting Minutes

May 27, 2022

*via zoom platform

Start Time: 5:00 p.m.

End Time: 5:34 p.m.

Board Attendees: Chair Dele Lowman Smith
Vice-Chair Nancy Jester
Anthony Lewis
Susan Motter

Other Attendees: Keisha Smith, Executive Director
Terry Phillips, Deputy County Attorney
Shelley Momo, Senior Assistant County Attorney
Irene Vander Els, Assistant County Attorney
Tristen Waite, Assistant County Attorney

APPROVAL OF AGENDA

Chair Lowman Smith called the meeting to order at 5:00 p.m. Mr. Phillips read the roll by calling each board member by name. Ms. Swift was not in attendance. Vice-Chair Jester joined later in the meeting.

ITEMS FOR DECISION

A) Recount of the Commission District 2 Primary

Mr. Phillips explained that the DeKalb County Democratic Party had requested a recount of the Commission District 2 Democratic Primary.

Motion by Vice-Chair Jester and seconded by Ms. Motter to approve a recount to be held as early as 9 a.m. the following morning. The Motion carried 4-0.

PUBLIC COMMENTS

Ms. Vander Els read the rules for public comment:

Public comments of two minutes or less may be made live via the teleconference. For those joining the meeting by telephone, please be aware that your phone number may be displayed to the public viewing or participating in the online meeting. Citizens who attend the meeting via the Zoom link above may join the public comment queue by raising their hand in the Zoom application, while citizens who attend the meeting via telephone may join the comment queue by pressing # followed by 2. There will be no comment cards, so when you are called upon, please state your name for the record. Also, please be conscious of speaking time so that everyone has an opportunity to provide input in the allotted time. Abusive, profane, or derogatory language will not be permitted.

The following citizens provided comments:

- Janel Green

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ITEMS FOR DISCUSSION

Motion by Vice-Chair Jester seconded by Mr. Lewis to add an item to the agenda discussing a hand count of the District 2 Primary. The motion carried 4-0.

Mr. Phillips advised the Board to qualify its discussion to allow the staff to ensure that they comply with the law.

Motion by the Vice-Chair and seconded by Ms. Motter to reflect the desire of the Board to simultaneously rescan the ballots and count them by hand.

Mr. Phillips recommended proceeding first with a rescan, and then, if the circumstances warranted, a hand count afterwards.

Vice-Chair Jester stated that the proposal of a simultaneous machine and hand count was based on a comment made to her by a member of the State Elections Board.

Chair Lowman Smith asked under what circumstances a hand count could be warranted. Ms. Vander Els responded that the SEB regulations contemplate a machine recount, and that a hand recount would only be performed under circumstances related to the performance of the scanners or litigation.

Mr. Lewis asked if the SEB rules prohibit the Board from deciding on a hand recount on its own. Ms. Vander Els responded that they do.

Vice-Chair Jester asked to clarify what circumstances permit a hand count. Ms. Vander Els responded that the circumstances listed in the rules were technical. Mr. Phillips offered to respond in writing.

Vice-Chair Jester asked if the Board could request a court order for a hand recount. Mr. Phillips offered to research the matter.

Ms. Motter stated for the record her understanding that the Board's hands were tied by SEB rules in its ability to order a hand recount.

Vice-Chair Jester asked for a briefing on the legal issues involved.

The Vice-Chair amended her Motion to request that the machine recount be supplemented by a hand audit if circumstances did not warrant a hand recount. The motion was seconded by Ms. Motter. The motion carried 4-0.

ADJOURNMENT

Motion by Vice-Chair Jester and seconded by Ms. Motter to adjourn the meeting. The motion carried 4-0. The meeting was adjourned at 5:34 p.m.