

# DeKalb County Board of Registration and Elections

## Special Called Meeting Minutes

May 31, 2022

\*via zoom platform

Start Time: 4:30 p.m.

End Time: 5:47 p.m.

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

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 4:30 p.m. Ms. Austin read the roll by calling each board member by name. All members were in attendance.

Motion by Vice-Chair Jester and seconded by Mr. Lewis to approve the agenda. The Motion carried by a unanimous vote.

### **ITEMS FOR DECISION**

#### A) Certification of the May 24, 2022 General Primary and Nonpartisan General Election

Motion for the purpose of discussion by Mr. Lewis and seconded by Vice-Chair Jester to certify the election.

Chair Lowman Smith commented that the last several weeks had been strenuous for the staff. The election had been successful until election night, when a series of issues had derailed the process. The staff was working hard to deal with a series of unanticipated issues, but because of the way things unfolded, it had unfairly impugned their integrity and competence, as well as that of the Board. She reiterated that everyone involved believed in the democratic process. She hoped that as they continued the process, they could regain the credibility and trust they had worked for, and that they would share as much information as they could.

She thanked the Director, the staff, Erik Burton and Profile PR, the volunteers, attorneys, and the public.

Director Smith thanked everyone for the outpouring of support. She reported that despite long hours, the tabulation of the election was not complete. She thanked the Board for its support, but she was not confident that the tabulation available to date was what she wanted to present to the Board for certification.

Vice-Chair Jester thanked the Director for her candor. She said that the Director's honesty would give the public more confidence in the result when it was eventually certified.

Ms. Swift called for a discussion of options in moving forward. She requested a special called meeting with the Secretary of State's office and the Center for Election Services to understand what happened.

Ms. Motter stated her inclination to vote against certification and echoed Ms. Swift's call for an interface with the State and CES for a robust discussion of the past and future of election procedures. She called for improved documentation. She echoed Ms. Swift's questions about the options in moving forward.

Mr. Lewis agreed. He called for answers to the questions that the Board had raised at the previous meeting before certification and called for a meeting with the State. He also suggested a third-party audit by a specialist organization.

Mr. Phillips offered two fundamental options: The Board could certify the election, or it could delay certification until tomorrow because of the issues with District 2.

The Chair asked the Director if the situation would be any different tomorrow. The Director requested certification to be moved to Friday, June 3.

Ms. Swift offered more options beyond those given by Mr. Phillips. She asked if there was any interest in hand-counting further races, and if that was logistically possible given the upcoming runoff, and especially the need to mail absentee ballots. She asked if it would be possible for a court to move the date of the runoff.

Chair Lowman Smith asked if any data existed showing that other races could be prioritized for a hand count.

Vice-Chair Jester agreed with calls for a public meeting with the State. She suggested spot checks of individual precincts to verify the election results.

Director Smith responded that the Department already conducts internal audits of every election and having time to complete that audit would increase her confidence in the results.

Chair Lowman Smith said that she was not confident that enough information existed to construct a complete timeline of the events leading up to the election. She recommended focusing on the future in any meeting with State so the public could have confidence that the situation would not be repeated.

Mr. Lewis acknowledged the size of the audit he was proposing. He asked Director Smith what she could accomplish by Friday. The Director responded that the Department's internal audit consisted of reviewing the consistency of the election night paperwork. She would also have time to personally review some of the information which she had not yet been able to see.

Mr. Phillips recommended scheduling certification as soon as possible.

Ms. Swift asked if certain uncontroversial races could be certified earlier than the rest. Mr. Phillips recommended addressing that question tomorrow.

Vice-Chair Jester supported delaying certification to Friday. Despite her awareness of the legal deadline, she did not believe that there would be significant enough information by tomorrow to justify certification, citing the Director's recommendation.

Ms. Motter and Mr. Lewis agreed. Mr. Lewis asked what it would mean if the Board refused to certify the election. Mr. Phillips offered to research the question.

Motion by Ms. Swift to delay certification until a special called meeting at 5:00 p.m. on Friday. The Motion was seconded by Mr. Lewis. Vice-Chair Jester offered an amendment to allow the Director to reschedule the meeting earlier if it became possible. The Motion carried by a unanimous vote.

## **PUBLIC COMMENTS**

Ms. Austin 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 public comment:

- Dan Whisenhunt
- Marci McCarthy
- Stephen Binney
- Hannah Harris
- Victoria Webb
- Jeanne Dufort
- Marilyn Marks
- Marshall Orson

## **BOARD COMMENTS**

Vice-Chair Jester appreciated all the input. She hoped that the last two meetings improved the public's confidence in the Board's commitment to understand the issues involved and deliver an accurate result. She looked forward to a robust dialog with the State. She thanked her colleagues.

Ms. Motter emphasized her appreciation to the Director, the staff, and the volunteers. She looked forward to receiving the counts.

Mr. Lewis looked forward to what the Board could learn on Friday.

Ms. Swift commented that the Board recognized the importance of every vote. She emphasized the volunteer nature of the Board, and that it was unfair to impugn the character of any Board member who was unable to attend an event in person.

She clarified that Director Smith was not stating that the hand count was flawed, but merely that it was not ready for certification due to audit requirements. She acknowledged the fairness of many public comments but stated the necessity of a delay in order to provide the best possible results.

Chair Lowman Smith stated her pride in serving alongside the Board and the staff.

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## **ADJOURNMENT**

Motion by Vice Chair Jester and seconded by Mr. Lewis to adjourn the meeting. The motion carried by a unanimous vote. The meeting was adjourned at 5:47 p.m.