

# DeKalb County Board of Registration and Elections

## Meeting Minutes

August 11, 2022

\*via zoom platform

Start Time: 4:30 p.m.

End Time: 6:44 p.m.

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

Other Attendees: Keisha Smith, Executive Director  
Mereda Davis Johnson, County Commissioner  
Terry Phillips, Deputy County Attorney  
Irene Vander Els, 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 Ms. Motter, seconded by Vice-Chair Jester, to approve the agenda. The motion carried unanimously.

### **APPROVAL OF MINUTES**

Motion by Ms. Motter, seconded by Vice-Chair Jester, to approve the minutes of the July 14 meeting subject to the correction of a typo. The motion carried unanimously.

### **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:

- Elizabeth Burns
- Catherine Williams

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- Haqiqa Bolling
- Gail Lee
- Naomi Bock
- Jane Mezzoff
- Jaclyn Schoknecht
- Alex Passe
- Joan Schork
- Chana Harris
- Judy Sophianopoulos
- Victoria Webb
- Bethany Turner

### **ITEMS FOR DISCUSSION**

#### A) Director's Report

Director Smith presented a calendar of events for the department. She discussed the potential effect of a court ruling regarding the Public Service Commission.

Ms. Motter commented that the calendar would help the public understand all of the work done by the department between elections and also noted that there were many other things that were not included on the calendar.

Ms. Swift asked if the potential changes would affect the election. The Director responded that there would be adequate time to conduct Logic and Accuracy testing.

Chair Lowman Smith added that this issue affected every county in the state.

Director Smith presented a slide outlining her request to the Ops Committee for four million dollars. The largest portion covered seasonal workers such as poll officers. Twelve full time employees were also covered, as well as contracted services such as public relations and translation. The last category covered operating expenses such as an election management software package. The Director announced that the Ops Committee had approved the request and that it would next be voted on by the Board of Commissioners.

Ms. Motter asked when the vote would be held. The Director responded that according to her understanding, it would be next week. Ms. Motter noted that this funding could pay for items that many in the public had requested such as early voting locations.

Director Smith presented a document outlining the department's internal canvass and audit procedures, covering an internal review of each election's paperwork and public procedures such as the risk-limiting audit.

#### B) Commissioner's Comments

Commissioner Mereda Davis Johnson thanked the Director for her budget request and thanked the Board of Commissioners for passing it.

### **ITEMS FOR DECISION**

#### A) Facility Use Agreement for Polling Precincts

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Director Smith presented a draft agreement for use with polling places and asked the board to authorize her to sign the agreements.

Ms. Motter asked if language needed to be added relating to the installation of absentee ballot drop boxes.

Motion by Ms. Swift to approve Director Smith's ability to sign such agreements in a form approved by the County Attorney in an amount not to exceed \$80,000 subject to the modifications recommended by Ms. Motter. The motion was seconded by Ms. Motter.

Mr. Lewis asked if the contract could be modified to guarantee the manager's ability to return to the polling place on election night if necessary. Ms. Vander Els and Director Smith responded that the contract allowed the department to return to the facility, but the language could be made more specific if necessary.

The motion carried unanimously.

## B) Polling Place Changes

Director Smith presented a list of fourteen changes to election day polling locations. In response to public comments about the location of the Chamblee/Chamblee 2 location, she noted that it was merely returning to its permanent location following a temporary change for the general primary.

Ms. Swift agreed with public comments that elections should not be held in a police station or a courthouse. She asked how long Chamblee/Chamblee 2 had been located at the Public Safety building and if it could be moved elsewhere. The Director responded that it had been moved in 2021 and that other locations such as Core 4 had been considered, but so far had not responded.

Ms. Motter echoed Ms. Swift's comments. She also mentioned the existence of an article which had cited the names of the affected precincts inaccurately and asked the Director to consider including the precinct IDs of precincts along with their names when citing them in notices. She also asked the press to be careful with precinct names and consider relying on the information provided by the Director at meetings.

Chair Lowman Smith asked why voting had been moved from the Chamblee Civic Center. The Director responded that there had been renovations.

The Chair stated that a consensus appeared to be growing to change the Chamblee location. She asked if that would affect the election timeline. Ms. Vander Els responded that there would be time to approve a new location before the next standing meeting.

Vice-Chair Jester commented that she preferred to describe the board's opinion as a "majority" rather than a "consensus" and that she had no objection to Chamblee's location.

Motion by Vice-Chair Jester, seconded by Mr. Lewis, to approve the list of polling place changes.

Mr. Lewis stated that he had no objection to the Chamblee location. He preferred to approve the list as given and consider any possible changes later.

Ms. Swift was concerned that if the Chamblee location were approved, it would prevent the department from looking for alternative locations. Ms. Vander Els responded that there would be no legal prohibition against making another change under those circumstances. Director Smith responded that the department was willing to investigate alternative locations.

Ms. Swift offered a substitute motion to approve all of the polling place changes except for the location of Chamblee/Chamblee 2. The motion was seconded by Ms. Motter. The motion carried by a vote of 3-2. Chair Lowman Smith, Ms. Motter, and Ms. Swift voted aye. Vice-Chair Jester and Mr. Lewis voted nay.

#### C) Advance Voting

Director Smith presented a map of the confirmed advance voting locations. She noted that additional locations in Stonecrest and at the Wade Walker YMCA were being considered.

Ms. Swift moved to approve the proposed advance voting times and locations. The motion was seconded by Ms. Motter.

Ms. Swift asked the Director to confirm that at least two more locations had been budgeted for. She suggested several other sites that might be available and asked how much it would cost to add additional sites. The Director responded that 15 sites had been budgeted for and that additional sites would cost an average of \$12,000 per site per week.

Ms. Swift asked if there was a site in the City of Clarkston. Director Smith responded that there was not. Ms. Swift asked if the department was forbidden from holding longer voting hours on weekends. The Director responded that it was not.

Ms. Swift asked if it would be better to wait until the list was finalized before voting.

Responding to a public comment, Ms. Motter asked Director Smith to explain how drop boxes are allocated. The Director responded that each county was allowed one drop box and an additional drop box per 100,000 registered voters.

Chair Lowman Smith asked if Director Smith had any suggestions about distribution and capacity for additional advance voting sites. The Director responded that she would have to move quickly with planning for any additional sites.

The Chair suggested that supplementary sites might be worth considering if they were close to public transportation even if they were not ideal in other ways.

Motion by Mr. Lewis, seconded by Vice-Chair Jester, to approve the advance voting locations presented. The motion carried 4-1, with Ms. Swift voting nay.

Motion by Mr. Lewis, seconded by Vice-Chair Jester, to approve the advance voting hours presented. The motion carried unanimously.

#### D) Voter Challenges Brought by Robert Smith: Determination of Probable Cause

Chair Lowman Smith announced that the board had received a list challenging the eligibility of 1,113 registrants to vote under O.C.G.A. §21-2-230. Under the advice of the County Attorney, the board's first step would be to determine if there was probable cause to proceed with a hearing.

Motion by Ms. Motter to reject the voter challenges due to the lack of probable cause. The motion was seconded by Ms. Swift.

Ms. Motter described the challenges as similar in some respects to others that had come before the board and asked the county attorneys to describe the process. Ms. Vander Els noted that the current challenge was made under O.C.G.A. §21-2-230 against the voters' eligibility to vote in the upcoming election, whereas the most recent challenges had been made against voters' registration under O.C.G.A.

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§21-2-229. The procedure for these challenges would begin with a determination of probable cause for a hearing, which recent case law had concluded to mean more than reasonable suspicion, but not necessarily convincing proof. If the board found probable cause based on Mr. Smith's letter and spreadsheet, it would schedule hearings.

Ms. Motter commented that she had read the case mentioned by Ms. Vander Els and found it similar to the challenges before the board. Mr. Smith had provided a list but had not claimed any personal knowledge of the challenged voters; and that federal law likely superseded state law in this situation.

Mr. Lewis noted that in his letter, Mr. Smith had stated that the list had been created by canvassing a neighborhood and that in each case the current occupant had stated that the listed voter no longer lived there.

Ms. Swift responded that in her opinion this evidence did not rise to the level of probable cause without an affidavit from the occupant.

Ms. Motter described the evidence from the occupants by Mr. Smith as hearsay and reiterated that it did not satisfy the requirements of federal law.

The motion carried by a vote of 3-2. Chair Lowman Smith, Ms. Motter, and Ms. Swift voted aye. Vice-Chair Jester and Mr. Lewis voted nay.

### **BOARD COMMENTS**

In response to a public comment, Mr. Lewis asked Director Smith to explain what happens if a voter on the inactive list applies for an absentee ballot. Director Smith responded that they will become active again.

Mr. Lewis thanked the staff for their hard work.

Ms. Motter echoed Mr. Lewis's thanks and also thanked the Ops Committee for approving the Director's four-million-dollar request.

Chair Lowman Smith agreed and stated that it would not be possible for the department to do its work in this new era without the support it had received.

### **ADJOURNMENT**

Motion by Vice-Chair Jester, seconded by Mr. Lewis, to adjourn the meeting. The motion carried by a unanimous vote. The meeting was adjourned at 6:44 p.m.