

# DeKalb County Board of Registration and Elections

## Special Called Meeting Minutes

October 21, 2022

\*via zoom platform

Start Time: 9:30 a.m.

End Time: 9:57 a.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  
Irene Vander Els, Assistant County Attorney

### **APPROVAL OF AGENDA**

Chair Lowman Smith called the meeting to order at 9:30 a.m. Director Smith read the roll by calling each board member by name. All members were in attendance.

Motion by Mr. Lewis, seconded by Ms. Motter, to approve the agenda. The motion carried unanimously.

### **APPROVAL OF MINUTES**

### **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:

- Gail Lee

### **ITEMS FOR DECISION**

A) Probable cause determination on voter challenges under O.C.G.A. § 21-2-230

Ms. Vander Els informed the board of voter challenges brought by Stacy Altiery under O.C.G.A. § 21-2-230, similar in some ways to the Section 229 challenges heard previously. However, these

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challenges involved the right of the listed voters to participate in a specific election. She explained that the board's first task would be to determine whether probable cause had been met to schedule hearings for the challenged voters.

Motion by Ms. Swift, seconded by Mr. Lewis, to open discussion on the challenges.

Mr. Lewis asked if there had been PDF documents sent with the challenge. Ms. Vander Els responded that the links sent had included both spreadsheets and PDFs.

Mr. Lewis stated that the PDFs appeared to show registration in another state. He stated that in his opinion, this information provided probable cause to move forward with a hearing.

Ms. Swift asked Ms. Vander Els where the cited spreadsheet had come from. Ms. Vander Els responded that neither the spreadsheet nor the challenger's email cited a source.

Chair Lowman Smith asked how the recent list maintenance could interact with this challenge. Ms. Vander Els responded that the state's list maintenance procedure was the established way of comparing change of address information to voter registrations, with protections built in to Federal law.

Mr. Lewis asked when a hearing would need to be scheduled if it proved necessary. Ms. Vander Els responded that it would need to be as soon as possible ahead of election day, with at least three business days' notice to the challenger and challenged.

Motion by Ms. Swift, seconded by Ms. Motter, that the challenges failed due to lack of probable cause.

Mr. Lewis commented that the spreadsheet alone did not contain enough information, but that the PDFs appeared to indicate that the voters may have registered and voted in another state, which he believed provided probable cause to move forward with the hearing.

Ms. Motter explained to the public that the challenge contained information from a website called voteref.com, which she described as owned by a partisan political advocacy group. She noted that it had been alleged that the methods employed by the website were flawed and some cases illegal. She stated that under the circumstances she did not believe probable cause had been met.

Mr. Lewis stated that it would be necessary to hold a hearing to determine if the information provided was accurate.

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**

Chair Lowman Smith acknowledged the work done by the team in handling the high turnout of the election.

## **ADJOURNMENT**

Motion by Ms. Motter, seconded by Mr. Lewis, to adjourn. The motion carried unanimously. The meeting was adjourned at 9:57 a.m.