

# DeKalb County Board of Registration and Elections

## Special Called Meeting Minutes

October 9, 2020

\*via zoom platform

Start Time: 11:00 a.m.

End Time: 12:45 p.m.

Board Attendees: Chair Samuel Tillman  
Vice-Chair Baoky Vu  
Dele Lowman Smith  
Anthony Lewis  
Susan Motter

Other Attendees: Erica Hamilton, Director  
Viviane Ernestes, County Attorney  
Terry Phillips, Deputy County Attorney  
Irene Vander Els, Assistant County Attorney  
Shelley Momo, Assistant County Attorney

### **APPROVE AGENDA**

Mr. Tillman called the meeting to order at 11:00 a.m. Mr. Tillman added Comments from Director Lumpkin and Ms. Smith added Board Comments to the agenda. Motion by Mr. Tillman to adopt the agenda as amended by a show of hands. Motion carries by unanimous vote.

### **PUBLIC COMMENTS**

Mr. Tillman read the rules for public comment.

Public comment may be submitted by sending an email of one page or less to [electionspubliccmnt@dekalbcountyga.gov](mailto:electionspubliccmnt@dekalbcountyga.gov) which must be received between 11:00 AM and 11:30 AM on the day of the meeting. The body of your email must include your first and last name, followed by your address. Abusive, profane, or derogatory language will not be permitted. By submitting an email for public comment, you agree to have your name, address and the email broadcast on the UStream and entered into the record and minutes. The DeKalb Board of Registration and Elections reserves the right, at the DeKalb Board of Registration and Elections' sole discretion, to (1) add your email to the record/minutes without reading any of it into the broadcast or (2) read all or a portion of your email into the record/minutes. The Public Comments received are attached and hereby incorporated into these minutes by reference. See attachment(s).

### **DISCUSSION**

A) November 3, 2020 General/Special Election Safety Plan

Director Lumpkin's Comments

- Virtual Incident Command System – a national system that will coordinate emergency support with the City and other initiatives, including the State, to provide any resources needed.
- All of the functions of the government (fire, medical, security, public health, law enforcement, etc.) can come together within the incident command system to allocate resources to VRE staff members in a timely and effective manner.

#### B) Certification of September 29, 2020 Special Election

Motion by Mr. Vu and seconded by Ms. Smith to certify the September 29, 2020 Special Election. Motion carried unanimously.

#### C) Emergency Polling Place Changes

Motion made by Ms. Smith and seconded by Mr. Vu to discuss. Motion carried by unanimous vote.

The board discussed the timing requirement for emergency polling locations and posting the changes for the public.

Motion made by Mr. Vu and seconded by Ms. Smith to table the approval of emergency polling locations until the end of the meeting. Substitute motion carried by unanimous vote.

#### **EXECUTIVE SESSION**

No executive session was held.

#### **BOARD COMMENTS**

Ms. Lewis asked for an update on adding 1-2 polling locations for the southern part of the county and spacing issues.

Mr. Vu asked Ms. Hamilton to provide the Board with a report on the equipment for early voting. Ms. Hamilton will provide what she has at the moment – as it is a living document.

#### **ADJOURNMENT**

Mr. Vu moved and Ms. Motter seconded to take the item related to emergency polling locations off the table and to defer to the next meeting to discuss. Motion carried by unanimous vote.

Ms. Smith moved and Ms. Motter seconded to adjourn. Meeting adjourned.

## **Public Comments (11)**

#### **Public Comment #1**

DeKalb Board of Elections Meeting October 9, 2020

Thank you for the opportunity to submit comment. My name is Gowri Ramachandran, Counsel in the Democracy program at the Brennan Center for Justice at NYU Law. The Brennan Center is a nonpartisan

public policy organization that works with elections administrators across the country to ensure safe and secure elections.

We appreciate many of the steps that you are taking to plan for a safe election in the midst of a pandemic, such as deploying additional secure dropboxes.

We still have concerns, however, that voters could face long lines and disenfranchisement if polling places aren't adequately stocked with sufficient supplies to convert to paper ballot voting if emergencies or issues with machines come up.

As you are surely aware, a last-minute software update to the ballot marking devices was deployed last week by the State, delaying when counties were able to perform required logic and accuracy testing, and adding just one more thing to the list of challenges facing counties in this November election. The last-minute nature of that update also increases the risk of machine issues. If those issues occur, it is voters who will pay the price.

In addition, the Secretary of State has stated that in this election, only poll managers will be permitted to cancel the absentee ballots of voters who change their mind about mailing in their vote, or who never received an absentee ballot. If the absentee ballot can't be cancelled, a provisional ballot will have to be issued.

I therefore urge you to adopt recommendations that we sent to you and the Elections Director a few weeks ago.

We strongly urge you to supply polling places with enough emergency and provisional ballot supplies for 40% of the total number of registered voters assigned to a polling place. Taking this step is critical to minimizing lines and disenfranchisement on election day.

A supply for 40% of registered voters will cover 2-3 hours of peak Election Day voting if machines or PollPads are not functioning properly, buying time for machines to be fixed, and allowing voters to continue being processed in the meantime. It should also cover the more usual provisional balloting needs, such as voters finding themselves at the wrong precinct, court-order late closures of polling places, or Poll Managers stretched thin and unable to cancel a voter's absentee ballot.

While state regulations mention emergency ballots for 10% of registered voters as a bare minimum, this would potentially lead to shortages, in the case the backup ballots are needed for about 3 hours of peak voting. In fact, we noted at a recent Board of Elections meeting in nearby Fulton County that Director Barron agrees 10% is not enough and plans to stocking polling places with more than that required amount. He also stated, at a meeting earlier this week, that he plans to stock polling places with enough provisional envelopes for 40% of registered voters.

We urge you to also boost your emergency and provisional supplies in light of the upcoming high turnout election.

Best,

Gowri Ramachandran  
Counsel, Election Security  
Brennan Center for Justice at NYU School of Law  
gowri.ramachandran@nyu.edu

Public Comment #2

Good Morning Board Members

My name is Ed Williams I am the chair of Concerned Citizens for Effective Government. I was disappointed at the way the elections were managed and held on June 9, 2020, I am very much hoping that the experience in November will be much better.

The election is less than a month away. I hope that election staff has posted and done everything possible to inform voters of the polling locations and that you have enough voting machines and poll workers. If you do not then the election board should make a public request for volunteers before November.

I asked that you let the community, news media, and the county commission know when you suspect that there will be election issues.

I hope that the election staff has tested and re-tested the machines and perform several walkthroughs.

The election board should post all its information on its website and keep it updated so that it can be a go-to resource throughout the election process.

Please vote early from October 12, 2020, through October 30, 2020.

Thank You  
Ed Williams. Ed.D.  
Chair Concerned Citizens For Effective Government  
P.O. Box 361626 Decatur, Georgia 30036

Public Comment #3

Dear Board Members:  
Late on Friday Oct 9, the EAC certified the new Dominion Voting software for Georgia's BMDs – just two days after it being submitted. This means the letter I sent yesterday is moot.

The attached from Free Speech for the People arrived too late at the EAC to be considered, but you may find it of interest.

Sincerely

Liz Throop  
612 Clifton Rd., NE  
Atlanta, GA 30307

Public Comment #4

Chairman Tillman, Vice-Chairman Vu, and Board Members Lewis, Smith, and Motter:

Thank you for the opportunity to share my thoughts. I am Susannah Scott, the president of the League of Women Voters of Georgia, and a life-long resident of DeKalb County. I am committed to the League's mission of empowering voters and defending democracy.

I would first like to thank the Board for hiring a communications director and to specifically thank Mr. Burton for the work he and his team have done to update the website to make it more accessible for voters. I especially appreciate the creation of a FAQ page, but would like to point out that as of 10:30 this morning, the link was broken.

Additionally, I appreciate the work the Board and the Department have put in to obtaining a large number of absentee drop boxes around DeKalb. This is vitally important for voters, especially those outside the perimeter who have less mobility.

I have had several voters reach out to me about the fact that their absentee ballots have been sent to their permanent address rather than the temporary address that they requested the ballot be sent to. I understand that there is an incredibly large number of absentee ballot requests coming in, but ask that the Department look into refining their procedures for processing these requests to ensure that the ballots are sent to the requested address. As we get closer to Election Day, there will be less time to rectify these errors quickly enough to allow DeKalb voters to cast their votes.

I would also like to request that public comments be read into the record during meetings. Given the failure of this Board to publish minutes in a timely fashion (the last minutes posted on the website are from the June 29, 2020 Special Called Meeting), it is important that the public is aware of the concerns and issues their fellow citizens are raising during the public comment section. I also strongly encourage the Board to ensure that they are adhering to the Open Meetings Act (§50-14-1) by ensuring meeting agendas and minutes are posted in a timely fashion. Given the importance of the upcoming November 3 election, it is imperative that this information be made available to the citizens of DeKalb.

Thank you for your time and attention to these issues. The League of Women Voters stands ready to assist DeKalb to ensure all DeKalb voters have full and equal access to the ballot box in the upcoming election.

Sincerely,  
Susannah E. Scott  
2557 Hawthorne Drive NE  
Atlanta, Georgia 30345

Public Comment #5

I am resending my public comment from the prior meeting because public comment was not included in the agenda.

Please see below:

To DeKalb County Board of Registration and Election

Public Comment By  
Representative Viola Davis  
909 Rays Road  
Stone Mountain, Georgia 30083

I am Representative Viola Davis and I serve Georgia House District 87. I am writing this public comment to voice my concerns about the absentee ballot process. I have a long history of fighting for transparency,

ethics, and accountability. I commend the employees at the Board of Registration and Election for their hard work, especially during the COVID-19 pandemic. They are essential workers that help with securing the vote.

With the Coronavirus pandemic, the absentee ballot process has proven to be an especially important process for voting in America, especially for people who want to protect themselves from COVID-19. In May, I mailed my absentee ballot on the same day as my parents who live in Gwinnett. My parents received notice that their ballots were received quickly by checking online. However, I waited over two weeks before I noticed that my ballot was received. How can we mail our ballots on the same day and I had to wait an additional two weeks for a notice that my ballot was received?

I received multiple complaints from constituents, family members, and friends about the absentee ballot process. I made several calls to the Secretary of State office and our local Board of Elections. We need to hire more people to ensure the process moves smoothly and without confusion and/or complaints. We need a quick turnaround time.

I hope and pray that we work together to improve the process to ensure everyone can vote and know that their vote was counted.

#### Public Comment #6

Dear Board Members:

I appreciate your discussing the security of the new BMD software on Wednesday. Please be clear that the new software from Dominion is not merely a new “database,” as the director described it in that meeting. The state originally said that a new database change might fix the problem, but quickly decided, instead, to update the operating system of the BMDs from Democracy Suite Version 5.5.10.30 to Version 5.5.10.32. This radical change was done extremely quickly and did not undergo the thorough testing and EAC certification required by Georgia law.

While the Director said about this change “... that's a state issue that we need to take up with the Secretary of State's office,” she is misinformed. As board members, it is your responsibility – not the director's and not solely the state's – to ensure that the machines are in compliance. It's also your responsibility to make sure you understand the issues to form your opinions, and not just rely on the Secretary of State's self-serving assertions (even Judge Totenberg is calling their response to information on this a "cat and mouse response"), or on vendors, or on consultants.

As you discussed Wednesday, ballot processing is being delayed until L + A testing is completed. L + A demands complex coordination of space and personnel, and there's tremendous pressure to just get on with it. But such pressure is exactly what bad actors would count on to introduce malware into the system, whether to change ballots (the original problem was an intermittent disappearance of major candidates from a Senate race); shut down elections until a ransom were paid; or to flip votes from one candidate to another. Even if you were lucky and nothing seemed

to go wrong, candidates might seek to invalidate the election if it were run on unauthorized software.

The good news is that BMDs do not have to be loaded with untested, uncertified software. They don't have to undergo lengthy L + A. You have the power to switch to Emergency Ballots – hand marked paper ballots – which can be printed locally or even on your own BOD printers. Emergency Ballots can be scanned and tabulated with existing equipment. Running an election using Emergency Ballots should already be part of poll worker training, and the process is far simpler than all the complex testing, security measures, electrical issues, sanitizing, etc., required of BMD elections.

The state determines the methods of voting but the counties implement them. It is your duty to implement the only appropriate and legal method, Emergency Ballots. O.C.G.A 21-2-281 and SEB Rule 183-1-12-.11(2)(c)-(d) empower you to do so.

Sincerely

Liz Throop  
612 Clifton Rd., NE  
Atlanta, GA 30307

Public Comment #7

To the DeKalb Board of Elections:

I suggest that @DeKalbVotes tweet out meeting notices and also publicizes them on other social media, especially for called meetings on short notice. I don't think this request requires explanation, but email me if you need one.

Jonathan Grant  
3531 Evans Ridge Drive  
Atlanta, GA 30341

Public Comment #8

Dear Election Board Officials,

I was horrified to learn that the state is installing new software in the ballot marking devices that has not been tested or certified as per Georgia law. This action puts Georgia in jeopardy of having its results invalidated during an election season where any excuse is being used to prove "vote fraud."

Clearly, the ballot marking devices cannot be made ready for the November 3 election.

Please start now to implement the **legal** option of **hand marking paper ballots** for all voters on November 3. Georgia deserves an election that is not only legal, but also one that is secure and trustworthy.

Thank you,

Susan McWethy  
2852 Delcourt Drive  
Decatur, GA 30033

Public Comment #9

**Comment to the DeKalb County Board of Registration and Elections**

Due the importance of the November 3<sup>rd</sup> election to all DeKalb County residents and the health implications of a high-turnout fall election during this pandemic, it is recommended that the Board request the County to revise and improve its website access to voter information—specifically by adding a prominent clickable box to the top portion of the home page of <https://www.dekalbcountyga.gov/> with a link to a new, **separate Current November 3, 2020 Election and Information** page that has all the relevant links in one place to the upcoming November 3<sup>rd</sup> Election and potential Runoffs, but *without* the distractions of information on the other 2020 primary, runoff and special elections currently on the County page linked to by [www.dekalbvotes.com](http://www.dekalbvotes.com).

I would be happy to help with additional specifics, if asked.

David Moriarty, 129 Ponce de Leon Court, Decatur, GA 30030

Public Comment #10

Will the Board of Registrations and Elections vote on the NVAHI proposal for additional off-site space for absentee ballot processing? The deadline for this decision was today. As a DeKalb voter I urge the BRE to adopt this recommendation.

Sincerely,

Karen McCown

Public Comment #11

Hello Board Members and Mayor Ernst, I'm extremely concerned about the change in voting location for Briarwood Precinct which typically votes at Briarwood Rec Center. It is being proposed that the precinct location be moved for election day (Nov 3rd) from Briarwood Rec Center to Lynwood Rec Center, which is over 3.3 miles away with no mass transit option. Many of the voters impacted are located in the apartments on Buford Hwy who need access to mass transit, and this change could prevent many people from having their voices heard.



Ideally, the precinct would stay in its normal location of Briarwood Recreation Center. If this is not possible, a better location would be to move it to John Lewis Elementary (combine with Skyland Precinct), which is closer to the precinct voters.

Thank you for listening and ensuring that Briarwood precinct residents will be able to exercise their right to vote.

Audrey Looker  
1595 Fearn Circle NE  
Brookhaven, GA 30319