

# DeKalb County Board of Registration and Elections

## Meeting Minutes

December 11, 2020

\*via zoom platform

Start Time: 12:00 p.m.

End Time: 1:30 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

### **APPROVAL OF THE AGENDA**

Mr. Tillman called the meeting to order at 12:03 p.m. Ms. Motter added Comments from the commissioner to the agenda. Motion by Ms. Smith and seconded by Mr. Vu to approve the agenda as amended.

### **ADOPTION OF MINUTES FROM PAST MEETINGS**

- A) 10/7
- B) 10/9 - Special called
- C) 10/14 - Special called
- D) 10/21 - Special called
- E) 10/28 - Special called
- F) 11/12 - Special called
- G) 11/19
- H) 11/20
- I) 11/30
- J) 12/4 - Special called

Mr. Tillman recommended deferring the approval of past meeting's minutes until the next regularly scheduled board meeting. Ms. Motter asked that the minutes be more detailed. Ms. Smith echoed Ms. Motter's comment and additionally requested that documents and other materials referenced in the meetings be included for the public to see.

Motion by Mr. Vu and seconded by Ms. Smith to defer approval of past meeting's minutes until the next regularly scheduled board meeting. Motion carried 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 which must be received between 12:00 PM and 12:30 PM 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).

### **COMMISSIONER'S REPORT**

Commissioner Larry Johnson thanked the Board for recent progress made regarding absentee applications, early voting locations and an additional early voting date, and payment for poll workers.

Commissioner Mereda Johnson had these questions:

- Have all the advanced voting locations have been confirmed and how this information will be communicated to the public?
- What is the status of the additional funding from the Civic Life grant?
- When will all the drop boxes be available (unlocked) for the public?

Mr. Tillman advised that Commissioner Mereda Johnson's questions will be answered during the Director's report.

### **EXECUTIVE SESSION**

Motion by Ms. Smith and seconded by Mr. Vu to recess for executive session for personnel. Motion carried by unanimous vote. No votes were taken during executive session.

### **OLD BUSINESS**

#### A) Department Staffing Update

Ms. Smith has identified a candidate for Chief Operating Officer for the VRE on a temporary, contractual basis.

The board discussed concerns about the appropriate timing for bringing someone new into the department and what work could actually be accomplished on a short-term basis. Mr. Vu and Mr. Lewis were in favor of waiting until someone could be hired on a more permanent basis. Mr. Tillman was concerned there is only one candidate to consider.

Motion by Ms. Smith and seconded by Ms. Motter to approve a contract with Janice Jackson to serve as a temporary COO at \$200/hour or an amount not to exceed \$60,000 through January 2021 in a form that is acceptable to the County Attorney. Motion did not carry 3 to 2.

## **NEW BUSINESS**

### A) Polling Place Changes

Ms. Hamilton recommended making an emergency change to Briarwood location.

Ms. Vander Els advised that the Board may make a polling place change within 60 days before the election in the case of an emergency. The statute requires that the change be published for two consecutive weeks in the county's legal organ before the change is officially adopted. Ms. Vander Els suggested that the notice include how public comment can be provided before the change becomes legally effective.

The board discussed timing for providing notice to the public. Ms. Motter and Ms. Smith expressed concern for the last-minute nature of these changes.

Motion by Mr. Vu and seconded by Ms. Smith to remove Briarwood Recreation Center from the list of approved pooling places and to designate Linwood Recreation Center as an authorized polling place, and to direct the Board of Registration and Elections and/or the County Attorney to advertise that change in accordance with applicable law and to direct the BORE and/or the County Attorney to ensure that the notice of such change provides for adequate public comment via email, telephone or written correspondence to the BORE. I further move that those changes shall be adopted without the necessity of another meeting by the BORE, unless or until unfavorable public comments are received via email, telephone or written correspondence, at which time a specially called meeting of the BORE shall be convened to consider those public comments and the polling place change. Motion carried by unanimous vote.

### B) Certification of December 1, 2020 Runoff Elections

Motion by Mr. Vu and seconded by Ms. Smith to certify the December 1, 2020 Runoff Election. Motion carried by unanimous vote.

## **DIRECTOR'S REPORT**

Mr. Burton provided updates on the translation of voting materials and the DeKalb Votes website.

Ms. Twyla Hart provided updates on voter registration. Specifically, the number of new registration, transferred registrations, address changes, name and address changes, duplicates, and other changes.

Ms. Tiffani Gilbert reported on advanced voting starting December 14, election day precincts and staffing, equipment testing, the absentee ballot processing, and the process for early tabulation.

Ms. Hamilton reported that Christiana Clerk is working with Larry Jacobs to make sure payroll is up to date.

## **BOARD COMMENTS**

## **ADJOURNMENT**

Motion by Mr. Vu and seconded by Ms. Smith to adjourn this meeting. Meeting adjourned.

## Public Comments (8)

### Public Comment #1

Hi

I'm not sure the audio from this meeting is live streaming.

Thanks  
Allison

### Public Comment #2

Dear Board members:

You recently cited labor shortages to justify cutting back Early Voting hours, but you have not explored reducing labor demands by cutting out the lengthy testing, transportation, setup, and breakdown of Ballot Marking Devices. You should at least find out how many labor hours are spent on LAT, setup, and breakdown of these machines before you decide whether their use is justified. Factor in the difficulty of providing social distancing while maintaining privacy and electrical requirements.

Your board has the power to determine that it is impracticable to use a labor-intensive, space-intensive system given DeKalb's difficulty in securing and staffing polling places

At the last meeting, Ms. Lowman Smith's mention of a switch to hand marked paper ballots was met with the Director's quick dismissal, based on a misunderstanding of law. Please consult with your attorneys.

- § 21-2-281 states that, in any primary or election in which the use of voting equipment is impossible or impracticable, the election may be conducted by paper ballot. It does not say emergency ballots are only used "if all the equipment breaks," as Director Hamilton has previously stated.
- § 21-2-334 says that if a method of election is prescribed by law, in which the use of voting machines is not possible or practicable, or if, **for any other reason**, in an election the use of voting machines is not practicable, the superintendent may arrange to have the voting conducted by paper ballots.
- Election Rule 1-183-1-12(c) and (d) states this is determined by the election superintendent, which in this case is the DeKalb Board of Elections

Public Comment #3

Hand marked paper ballots can use existing check-in equipment and scanners, while removing the need to deploy ballot access cards, access card encoders, BMDs, and their battery backups. Notably, emergency paper ballots can be scanned without any additional equipment other than pens, and don't need any further programming of the scanners. This means poll worker training can be simplified and new procedures will be minimal.

Everyone will vote on the same races in the January 5 election, meaning there is no need to print and sort multiple ballot styles.

You have a responsibility to run an accessible, trustworthy election. Free up workers to keep lines short and minimize Covid exposure. Drastically shorten LAT time. Leave DeKalb's 2,000+ touchscreens in the warehouse and let voters hand mark their ballots.

Sincerely

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

Public Comment #4

We can't hear a thing! You are NOT broadcasting sound at this meeting. IT department fix this now

Paula Bosworth Doraville

Public Comment #5

Board Members -

1. Ditch the voting machines

I never saw this moment coming, but hundreds of Republicans are calling for using paper ballots, and not the Dominion ballot marking devices (BMD's) for the January 5 run off. What a performe moment in time to leave the BMD's in the warehouse, and use capper ballots exclusively! All eyes are going to be on Georgia, and after the expensive multiple recounts, canvass, and audits conducted following the general election in November, can we really afford to repeat that thankless process for the run off because the BMD's only tally the votes using a bar code? In-person paper ballot voting only requires black ink pens and paper ballots, which, in this election, are all styled the same across the state. Importantly, improperly marked ballots with X's or check marks will immediately be rejected by the scanner and can be corrected by the voter, then and there. In addition, paper ballots are auditable. Even if the Secretary of State does not implement paper ballots statewide, counties have the authority to implement paper ballots\*, and I strongly urge DeKalb County to do so, starting with early voting.

\*Governing Georgia Laws

1. O.C.G.A. § 21-2-281 states:

In any primary or election in which the use of voting equipment is impossible or impracticable, for the reasons set out in Code Section 21-2-334, the primary or election may be conducted by paper ballot in the manner provided in Code Section 21-2-334.

2. O.C.G.A. § 21-2-334 states:

If a method of nomination or election for any candidate or office, or of voting on any question is prescribed by law, in which the use of voting machines is not possible or practicable, or in case, at any primary or election, the number of candidates seeking nomination or nominated for any office renders the use of voting machines for such office at such primary or election impracticable, or if, for any other reason, at any primary or election the use of voting machines wholly or in part is not practicable, the superintendent may arrange to have the voting for such candidates or offices or for such questions conducted by paper ballots.

(Emphasis added

2. Absentee Ballots

The BRE needs to ensure that the BRE maintains a strict security for chain of custody of absentee ballots. Please report on the problems alluded to by Erica Hamilton at the last meeting, so that the public. Can understand what happened.

3. Public Meetings

The public needs frequent meetings between now and 1/5 to make sure preparations are on track. Are there sufficient poll workers? get out the vote efforts by the county in multiple languages? Have all Polling places been set? What is the Voter Registration and elections office doing about staffing closed polling places and directing voters to the correct place to vote?

Sincerely,

On behalf of Indivisible Marching Buddies of Atlanta,

Paula Bosworth

2845 Whitby Dr.

Doraville 30340

Public Comment #7

Board members, you are working hard to have elections the public can trust. In this politicized climate it's even harder. But many cybersecurity experts and citizens from all political persuasions agree that hand marked paper ballots are the most secure method of voting. This year's elections with the new Dominion system have clearly indicated we need to reduce complexity & increase transparency. The Ballot Marking Devices (BMDs) are not being deployed per statute, guaranteeing a secret ballot. They are resource hogs and insecure. There are numerous reasons that make their use impracticable. Please consult your legal department and give them the information that has been provided to you by Coalition for Good Governance (in consultation with attorney Bruce Brown). You do have the authority. Please exercise it to give us a defensible run-off election.

Thank you,  
Joy Wasson  
612 Clifton Rd NE  
Atlanta, GA 30307

Public Comment#8

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 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. While there has been an improvement over the last two weeks of posting notices and agendas, the ongoing failure of this Board to ensure adequate and timely publication of minutes is very concerning to the public, as well as being a violation of the Open Meetings Act. Additionally, it is imperative that the minutes include sufficient information to allow the public to have a clear understanding of what occurs during these important meetings. The ongoing failure of this Board to ensure adequate notice of meetings and timely publication of minutes is very concerning to the public, as well as being a violation of the Open Meetings Act.

I am also requesting, once again, 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. Additionally, given the increased threat of doxxing to employees, volunteers, and others participating in the work of elections throughout the state, I strongly encourage that if public comments are posted along with minutes, that personal addresses of those submitting public comment be retracted for the safety of DeKalb's citizens.

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