

DeKalb County Board of Registration and Elections

Special Called Meeting Minutes

December 22, 2020

*via zoom platform

Start Time: 1:00 p.m.

End Time: 2:12 p.m.

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

Other Attendees: Erica Hamilton, Director
Irene Vander Els, Assistant County Attorney
Shelley Momo, Assistant County Attorney

APPROVAL OF AGENDA

Mr. Tillman called the meeting to order at 1:05 p.m. Motion by Mr. Vu and seconded by Mr. Lewis to adopt the agenda. 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 which must be received between 1:00 PM and 1:30 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).

EXECUTIVE SESSION

Motion by Ms. Smith and seconded by Mr. Vu to recess for executive session for litigation purposes. Motion carried by unanimous vote.

Motion by Mr. Vu and seconded by Ms. Smith to resume special called meeting. No votes were taken during executive session.

VOTER CHALLENGES

Motion by Mr. Vu to review the challenges below and to hear the law department's recommendations.

Ms. Vander Els presented two reasons for why the above challenges are untimely: (1) consideration of the challenges at this point would constitute untimely list-maintenance activity within 90 days of an election; and (2) Georgia law requires challenges to be submitted prior to voters voting absentee or in-person voting. DeKalb's advance voting (which has already begun) is conducted by absentee or in-person voting. Therefore, the law department recommends that all three challenges be denied for lack of probable cause.

Ms. Ernestes read into the record public comments concerning these challenges.

A) J. Max Davis: 15,391 votes challenged

Motion by Mr. Vu and seconded by Ms. Smith to reject this challenge based on the County Attorney's recommendation. Motion carried by unanimous vote.

B) Marci McCarthy: 4,112 votes challenged

Motion by Mr. Vu and seconded by Ms. Smith to reject this challenge based on the County Attorney's recommendation. Motion carries 4 to 1 (Mr. Lewis voted nay).

C) Douglas Hartman: 31,346 votes challenged

Motion by Mr. Vu and seconded by Ms. Smith to reject this challenge based on the County Attorney's recommendation. Motion carried unanimously.

BOARD COMMENTS

ADJOURNMENT

Motion by Ms. Smith to adjourn this meeting. Meeting adjourned.

Public Comments (10)

Public Comment #1

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 ensuring that citizens have the desire, the right, the knowledge, and the confidence to participate in our democracy.

To that end, I strongly encourage this Board to dismiss the current challenges to DeKalb County voters' registrations. This challenge to over 50,000 DeKalb County voters is an obvious and unwarranted attempt to depress voter turnout in the critical January 5th runoff election and serves no real benefit to the citizens of DeKalb County or Georgia.

Pursuant to O.C.G.A. § 21-2-230(b), there is no probable cause for challenging these voters' registration and this mass challenge does not meet Georgia's requirement that challenges be individualized.

Again, I urge you to dismiss these claims and to confirm that DeKalb County has continued to maintain its voter rolls pursuant to Georgia law and that DeKalb County voters will not be intimidated in their exercise of their fundamental right to vote.

Additionally, I again 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. 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.

As a related matter, I believe that, given the Board's decision to not allow members of the public to comment during the meetings, public comments should 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. 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. However, 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

Public Comment #2

Hi!

Your meeting is not on Channel 23's live streaming page. Is it running late?

Sincerely,
Lacey LeCroy | Content Center Lead

WSB-TV | 1601 W. Peachtree Street NE Atlanta, GA 30309

Public Comment #3

Dekalb Board of Registration and Elections,
I am writing to express my outrage at the challenges of 50k registered Dekalb voters on your agenda today. There is no way that these three individuals has personal knowledge of tens of thousands of voters to make an informed challenge in keeping with the statute which states "The burden shall be

on the elector making the challenge to prove that the person being challenged is not qualified to remain on the list of electors.” Representative Bee Nguyen demonstrated in the recent House Government Affairs hearing how error riddled these types of lists are. I implore this Board do the right thing—as all the court challenges thus far have done—and find against these challenges. This is nothing more than voter suppression, and in this case driven by an out of state organization only concerned about holding power by suppressing votes versus appealing to voters based on the merits of their candidates.

Sincerely,

Janet Grant
239 Greenwood Circle
Decatur, GA 30030

Public Comment #4

Dear Board Members:

I am concerned about current voter challenges brought by True the Vote and the Republican Party. These challenges are partisan in nature and will disenfranchise many legitimate voters. TTV’s methods for identifying “challenged” voters are crude, such as targeting anyone who fills out a change of address with the Post Office. This is not legitimate because a voter can temporarily move out of state for work, school or other reasons while maintaining their primary residence and right to vote in Georgia. That was the case for UGA professor Josh Barkan, who told the Athens Clarke County board that he saw his name on the list created by TTV, and explained that he accepted a fellowship at Princeton but remains an Athens resident.

True the Vote is also known for is “caging” – in which people are taken off voter lists merely because they didn’t respond to a postcard. The RNC has been prosecuted for such practices.*

Even if challenged voters are allowed to vote provisional ballots, this will cause longer lines at polling places and needlessly burden ballot processing due to the lengthy Provisional process. Also, voters who have done nothing wrong should not be made to vote provisionally.

Last year DeKalb was sued for wrongly removing voters from the rolls. Please do not make another costly and embarrassing mistake. Reject True the Vote’s bogus voter challenges.

Sincerely

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

Public Comment #5

To the Board:

The notice for today's meeting does not meet the spirit of the open meetings law, and I question whether it even meets the legal requirement. I also question why the Board is even considering an untimely request like the items on the agenda, since they come within 90 days of an election.

Some notes on early voting: Decatur Rec Center totals for Monday should be under Agnes Scott, shouldn't they? Also, Lynwood location in Brookhaven was supposed to be open Monday, but no totals.

Main office voting lags, but other sites have 1000+ votes. Stonecrest and Tucker continue to perform especially strongly. After this year's elections, it's obvious that DeKalb shouldn't go back to the one-dimensional layout of years past. There's a strong case for more than a dozen sites. Future plans should include a Doraville site (as was originally planned for primaries), Stone Mountain proper, and Clarkston.

Respectfully,

Jonathan Grant
3531 Evans Ridge Drive
Atlanta, GA 30341

Public Comment #6

J. Max Davis
3356 Breton Court Brookhaven, Ga. 30319
404-386-5629

Please consider all of the information in my challenge letter and act to ensure that the Jan. 5th runoff election is fair and complies with all Georgia election law, particularly the regarding voter eligibility.

Thank you for your service,

J. Max Davis

Public Comment #7

Comment to the DeKalb County Board of Registration and Elections

David Moriarty
129 Ponce de Leon Court
Decatur, GA 30030

Due the importance of the January 5th election to all DeKalb County residents and the health implications of a high-turnout election during this pandemic, it is recommended that the **DeKalb County Board of Registration and Elections** 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 the same DeKalb County elections page now linked to by www.dekalbvotes.com.

Public Comment #8

J. Max Davis
3356 Breton Court Brookhaven, Ga. 30319
404-386-5629

These challenges are legitimate. The source data is from the SOS and the NCOA match was run in November. There is more than enough probable cause to flag these voters as challenged. It does not limit anybody's right to cast a ballot, but rather it asks for them to prove residency in GA before they cast a vote.

Public Comment #9

J. Max Davis
3356 Breton Court
Brookhaven, Ga. 30319

Staff stated that challenges made to voter after voting begins are not timely. Wouldn't that mean a challenge made to voters who have not yet voted then be timely? Based on staff's recommendation that all challenges be denied, if all challenges are denied, regardless of whether or not the voter has voted, is that fair and legal? Also, why does staff assume or propagate that most or all voters who have moved according to the USPS data, are doing so only temporarily or to care for a sick relative, rather than also recognizing the possibility that many of these voters have actually moved and are not eligible to vote in DeKalb County. Lastly, the late notice of the meeting is capricious and unfair.

Thank you,
J. Max

Public Comment #10

Good morning,

I am following on my questions as Ms. Austin's 12/21/2020 – 6:28 pm EST special meeting notification did not provide clarity and guidance. Nor has anyone responded to my email although AG Carr and Director Hamilton have transmitted open receipts.

1. Will I have an opportunity to speak at today's special meeting that is being convened at 1 pm EST?
2. If so, how much time do I have?
3. And if I am speaking today than when will I be sent the Zoom Login information?
4. If not than what is my role in this special meeting?
5. What is the agenda and format of this special meeting?

Thank you.

Sincerely,

Marci McCarthy