

DeKalb County Board of Registration and Elections

Special Called Meeting Minutes

December 30, 2020

*via zoom platform

Start Time: 4:30 p.m.

End Time: 5:06 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 4:30 p.m. Ms. Smith added an update on absentee ballots to the agenda. Motion by Ms. Smith and seconded by Mr. Vu to adopt the agenda as amended. 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 4:30 PM and 5:00 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 Ms. Smith and seconded by Ms. Motter to resume the special called meeting. No votes were taken during executive session.

VOTER CHALLENGES

Ms. Baker read the public comments that were submitted timely.

Ms. Vander Els announced that the Board will consider voter challenges pursuant to O.C.G.A. 21-2-230. The Board must determine whether there is probable cause to sustain these challenges. The basis for these challenges is as follows:

(i) 111 newly registered voters are ineligible to vote in DeKalb County because they have moved here temporarily

(ii) There are 30 newly-registered voters who are ineligible to vote because they appear to have voted in a U.S. Senate election, in another state on November 3, 2020, and would therefore be double-voting in violation of 50 U.S.C. Section 10307.

It is the law department's opinion that these challenges are untimely for two reasons: (1) consideration of the challenges at this point would constitute untimely list maintenance activities, and (2) Georgia law requires that challenges be submitted before absentee/in-person voting occurs and Dekalb advanced voting (both absentee and in-person) has begun. Also, with respect to the substance of the challenges, the documentation presented is not competent evidence to support a finding of probable cause.

A) J. Max Davis: 111 votes challenged

Motion by Mr. Vu and seconded by Ms. Smith to reject this challenge based on lack of probable cause. Motion carries 4 to 1. Mr. Lewis voted nay.

B) J. Max Davis: 30 votes challenged

Motion by Mr. Vu and seconded by Ms. Smith to reject this challenge based on lack of probable cause. Motion carries unanimously.

DIRECTOR'S REPORT

A) Absentee Ballot Update

Ms. Hamilton reported that the department has scanned about 46,000 out of 77,000 ballots received. There were some issues with ballots, Ms. Hamilton is still looking into it and will send a memo to the Board.

Ms. Smith asked if there is an unmet need for additional staff regarding a misprint on the ballots. Ms. Hamilton confirmed there is enough staff available and processing of the ballots will not be delayed.

BOARD COMMENTS

Mr. Lewis suggested that the Board include live public comments during meetings moving forward.

Ms. Motter expressed concern for publishing addresses and phone numbers with public comments in the minutes and requested that the County Attorney advise as to how much information about a public commenter is required to be in the minutes.

Ms. Smith commented on COVID-19 Protocol at early-voting locations and what the notification protocol is for informing people that they may have been exposed when someone tests positive.

ADJOURNMENT

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

Public Comments

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.

To begin, thank you for dismissing the challenges to over 50,000 DeKalb County voters eligibility last week. This was the right decision for DeKalb voters. I strongly encourage you to also dismiss the current challenges to 141 DeKalb County voters. As with last weeks' challenge, today's challenge 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.

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. It is also 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. 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

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Susannah E. Scott, President (*she/her*)
League of Women Voters of Georgia, Inc.

Public Comment #2

DeKalb Board of Registration and Elections,

I am writing to express my concern with the challenges of registered Dekalb voters on your agenda again today. As you voted last week, I urge you to again find against these challenges. County legal counsel laid out well reasoned arguments against those challenges including that this is within 90 days of an election and they lack the substance needed for probable cause. I sincerely doubt the petitioner has the personal knowledge necessary about these 141 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." I implore this Board do the right thing—as all the court challenges and the majority of county election boards have done thus far—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 #3

Dear Board Members:

Voter challenges to 141 voters is on the agenda for today's Special Called Meeting. I continue to be concerned about voter challenges that are motivated by politics or race, rather than based on fact. Such challenges may include focusing on voters who have filled out a change of address with the US Post Office, or voters who were taken off the rolls because they failed to respond to a postcard. At least one major political party has already been prosecuted for such antics.

Allowing challenged voters to vote by provisional ballot is not a cure, because it takes great time and effort to vote provisionally. The ballots take longer to count, and voters who have done nothing wrong should not be required to vote provisionally.

Please do not allow scare tactics, such as wrongfully motivated voter challenges, to go forward. Please do not facilitate any tactics that will serve to promote fear or distrust of an otherwise legitimate election process.

Thank you,

On behalf of Indivisible Marching Buddies of Atlanta,
Paula Bosworth
2845 Whitby Dr
Doraville 30340