

DeKalb County Board of Registration and Elections

Special Called Meeting Minutes

June 29, 2021

*via zoom platform

Start Time: 3:30 p.m.

End Time: 4:15 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, Senior Assistant County Attorney
Shelley Momo, Senior Assistant County Attorney

APPROVAL OF AGENDA

Mr. Tillman called the meeting to order. Motion by Ms. Smith and seconded by Mr. Lewis to approve the agenda. Motion carries by unanimous vote.

PUBLIC COMMENTS

Ms. Baker 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 and address 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.

No comments from the public.

EXECUTIVE SESSION

Motion by Mr. Vu and seconded by Ms. Smith to enter executive session to discuss litigation. Motion carries by unanimous vote. Motion by Mr. Lewis and seconded by Ms. Smith to resume this specially called meeting. Motion carries by unanimous vote. No votes were taken during executive session.

Motion by Ms. Motter and seconded by Ms. Smith that the Board of Registration and Elections approve settlement of the lawsuit filed by the Georgia State Conference of the National Association for the

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Advancement of Colored People and Georgia Coalition for the People's Agenda, Inc. against the DeKalb County Board of Registration and Elections, its individual board members in their official capacities, and Department of Voter Registration and Elections Director Erica Hamilton in her official capacity, Civil Action File No. 20-CV-00879-ELR in the United States District Court, Northern District of Georgia.

To resolve this lawsuit, Plaintiffs and their counsel will be paid the total sum of \$82,500, subject to approval of that payment by the DeKalb County Governing Authority, and the Board of Registration and Elections will continue to utilize the written procedures for voter challenges previously adopted for at least two years after the effective date of the settlement agreement, and will not amend said procedures during that two-year period except to the extent that amendment is necessary to comply with changes in applicable laws or regulations. In return, Plaintiffs will dismiss their lawsuit with prejudice and execute a settlement agreement with waiver and release of claims satisfactory to the County Attorney. The County Attorney or her designee is authorized to execute the settlement agreement.

Mr. Lewis commented that he is concerned about settling this matter outside of court. Additionally, Mr. Lewis would like an opinion from State Court and the legislative branch on this issue and is not in favor of committing public funds to pay attorney's fees.

Motion carries 3 to 1 to 1. Mr. Lewis voted nay and Mr. Vu abstained.

ADJOURNMENT

Motion by Ms. Smith and seconded by Mr. Tillman to adjourn. This meeting is adjourned.