

# DeKalb County Board of Registration and Elections

## Meeting Minutes

September 12, 2024  
Start Time: 4:46 p.m.  
End Time: 7:07 p.m.

Board Attendees: Karli Swift, Chair  
Vasu Abhiraman, Vice-Chair  
Anthony Lewis  
Susan Motter

Other Attendees: Keisha Smith, Executive Director  
Viviane Ernstes, County Attorney  
Shelley Momo, Supervising Attorney

### APPROVAL OF AGENDA

Chair Swift called the Board of Registration and Elections meeting to order at 4:46 p.m. Ms. Austin read the roll by calling each board member by name. A quorum was met.

Motion by Vice-Chair Abhiraman, seconded by Ms. Motter, to approve the agenda with an amendment to add under item 6B, a decision on a date for scheduling probable cause hearings for the voter challenges that have been sent to the office since the last meeting. The motion carried unanimously.

### APPROVAL OF MINUTES

Motion by Mr. Lewis, seconded by Ms. Motter, to approve the minutes of the August 8 scheduled meeting. The motion passed unanimously.

### PUBLIC COMMENTS

Ms. Austin read the rules for public comment:

Public comments may be made in person or submitted by sending an email of one printed page or less at a minimum font of 12 to [electionspubliccmnt@dekalbcountyga.gov](mailto:electionspubliccmnt@dekalbcountyga.gov) which must be received between 35 and 5 minutes before the scheduled start of the meeting. The body of your email must include your first and last name. By submitting an email for public comment, you agree to have your name 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. All public comments will be limited to 2 minutes. Abusive, profane, or derogatory language, holding up signs, clapping, yelling, standing or laying in the aisles to show support for or opposition to a speaker will not be permitted, but a show of hands or quietly standing in place will be permitted to show support for or opposition to a speaker's position.

The following citizens provided public comment:

- Konrad Hayashi
- Gail Lee
- Bill Henderson
- Victor Tripp
- Kendra Biegalski
- Carmen Tripp
- Toi Elizabeth Hines
- Bonnie Chappell
- William Freeman
- India Sims
- Elizabeth Shackelford
- Pam Woodley
- Nancy Arnold
- Catherine Howland
- Patrick Henry
- Jane Darnell
- Beth Levine
- Liz Throop
- Jim Duffie
- Cheryl Dudley
- Anita Harris

**ITEMS FOR DISCUSSION**

A) Director’s Report

Director Smith reported on registration and election activities including registration processing, absentee domestic and UOCAVA application processing, poll worker recruitment, poll pad printers, and ballot proofing. She also provided updates on L&A testing, personnel, budget, and communications activities. She went through key dates and stated that October 7 is the first day absentee ballots can be mailed and reminded everyone to make a plan to vote. Additionally, she reminded everyone that advance voting will begin on Tuesday, October 15 due to the observation of a State holiday on the preceding Monday. She said that the I Voted Sticker Challenge deadline had been extended until September 16 and encouraged all DeKalb high school juniors and seniors to participate.

Ms. Motter thanked Director Smith for her well-organized presentation and updates that were made to the Key Dates flyer. She asked Director Smith about the status of adding FAQs to the website. Director Smith confirmed that staff was working on completing the FAQs for the website. She also asked Director Smith if poll workers would be working in shifts for the upcoming election. Director Smith replied that Advance Voting sites would continue operating in teams but it would not be implemented for Election Day until an off cycle election year, potentially next year. Ms. Motter reiterated the expansion of AIP sites compared to previous election years and recapped the statistics of the busiest locations.

Mr. Lewis thanked Director Smith and the staff for their work preparing for the election. He asked Director Smith about line items on the budget. Director Smith proceeded to present through the budget in detail. He confirmed with Director Smith that the department was only 2 positions away

from being fully staffed. He requested an update on the I Voted Sticker Challenge. Director Smith replied that 7 submissions had been received so far. Mr. Lewis asked Director Smith for more details on the plan to inform voters of wait times at Advance Voting sites. Director Smith stated that the Department is pushing out a marketing campaign around the tracking system with GIS, Advance Voting managers will enter their wait times which will then be viewable on the website, and there will be additional signage placed at each Advance Voting location listing all AIP sites.

Vice-Chair Abhiraman requested detail around the registration numbers provided in the Director's Report. Director Smith emphasized that inactive does not mean ineligible and stated how voters can update their registration status to active. He also stated that he hoped it would be expressed to the Secretary of State's office that the MVP page clearly say, inactive still eligible to vote and can show up to vote.

Chair Swift asked Director Smith if there were any additional details she wanted to provide regarding the registration activities. Director Smith stated that there was a significant increase in the inactive voters because of list maintenance activities. She further detailed that those activities were inclusive of cross state mailings, NCOAs, and returned mail and expounded on the process for returned mail. She reiterated that inactive does not mean ineligible. Chair Swift asked Director Smith to remind the public what documentation is required to vote. Director Smith replied that the full list of acceptable documentation is on the website and includes government-issued photo IDs.

## **ITEMS FOR DECISION**

### **A) Advance Voting Drop Box Locations**

Director Smith stated that due to active registration numbers being below the 500,000 threshold, only 5 drop boxes would be available during this election. She also stated that Neighborhood Church confirmed their availability to be added to the complement of Advance Voting sites as the Board requested at the last meeting. She proposed drop box locations at the following sites: Briarwood Recreation Center, Dunwoody Library, New Life Community Alliance, Stonecrest-Former Sam's Club, and Tucker-Reid H. Cofer Library.

Motion by Ms. Motter, seconded by Vice-Chair Abhiraman to approve the drop box locations and the addition of Neighborhood Church as an additional Advance Voting location.

Ms. Motter confirmed with Director Smith, that although there will not be a drop box at the Memorial Drive polling location, voters can still come to the office to drop off their ballot. Director Smith further stated that a staff member will be stationed in the Memorial Drive polling location to accept the ballots. Ms. Motter asked for this information to be included in the FAQs for the website and Director Smith replied that it would.

Mr. Lewis asked for further details on the process for voters to drop off their ballots at Memorial Drive. Director Smith explained that a staff member will accept, and time stamp the ballot and then place it in a locked box. She assured Mr. Lewis that all procedures are compliant with the SEB rules and regulations and that the Department is prepared to add additional steps if necessary.

Chair Swift asked if the five drop boxes that were proposed for approval were the same drop boxes that were used in the previous election. Director Smith replied yes with the exception of moving the drop box from Lynwood to Briarwood. Briarwood had not been used earlier in the year as they

were unavailable due to renovations. Chair Swift confirmed with Director Smith that the requirement for all drop boxes to have video surveillance would be met.

The motion passed unanimously.

#### B) Voter Challenges Scheduling Resolution

Chair Swift asked Ms. Ernestes for an overview of this item. Ms. Ernestes replied that the resolution is designed to schedule O.C.G.A. 12-2-229 and O.C.G.A. 12-2-230 challenges consistent with the National Voter Registration Act. She further stated that the NVRA creates a 90-day quiet period before each Federal election when systematic voter challenges to the eligibility of voters to vote in an election or to remain on a list of electors must be deferred and heard after the election. She said that the resolution provides a framework on how these challenges are treated during the 90-day quiet period, defines a systematic challenge, provides the four characteristics of a systemic challenge based on Federal law and guidance provided by the Federal courts. Ms. Ernestes read the following four characteristics of a systemic challenge: it does not rely upon individualized information or investigation to determine the validity of individual challenges; uses a mass computerized data matching process to compare the voter rolls with other state and federal databases; lacks unique identifiers, indicia of reliability, or evidence of authenticity; or lacks reliable firsthand evidence specific to individual voters. She then detailed the process of handling the voter challenges as provided in the resolution.

Motion by Ms. Motter, seconded by Vice-Chair Abhiraman, to approve the resolution of the DeKalb County Board of Registration and Elections relating to the scheduling of voter challenges received less than 90 days prior to the date of a primary or general election.

Mr. Lewis asked Ms. Ernestes for further details surrounding the court case that said that the NVRA would apply to O.C.G.A. 21-2-230 challenges. Ms. Ernestes stated that United States District Court, Middle Georgia, heard the Majority Forward versus Ben Hill County Board of Elections case involving systemic voter challenges within the 90-day quiet period based on change of addresses and the court specifically held that the NVRA applied to a systematic voter challenge under O.C.G.A. 21-2-230 and this NVRA provision preempts certain provisions in certain timing of state laws. She further stated that the Department of Justice also issued guidance confirming that the NVRA applies. Mr. Lewis asked Ms. Ernestes to define the terms “individualized” and “reliable”. Ms. Ernestes proceeded by providing an example and additional clarification and stated the reason for the 90-day quiet period is that the 90 days before an election is when the risk of disenfranchising eligible voters is the greatest. Mr. Lewis stated that language around systematic removal needs clarity.

Vice-Chair Abhiraman asked Ms. Ernestes for clarification around Mr. Lewis’s question and confirmed with her that in a scenario where an individualized challenge is presented 46 days prior to the election, it would be heard by the Board and the final determination would be made prior to the State’s certification. He elaborated on the distinction between a State agency and the DeKalb County Board of Registration Elections and further confirmed with Ms. Ernestes that the Board makes policies just for how the Department runs and that their authority does not exist outside of DeKalb County.

Chair Swift commented that in the 4<sup>th</sup> listed characteristic of a systemic challenge, the operative word was “firsthand.” She stated that that was an important characteristic that would define the

difference between a systematic and an individualized challenge, which would be heard, and that it is consistent with her position since she joined the Board.

Ms. Motter re-read the previously stated and properly seconded motion, to approve the resolution of the DeKalb County Board of Registration and Elections relating to the scheduling of voter challenges received less than 90 days prior to the date of a primary or general election. The motion carried 3-1 with Mr. Lewis voting nay.

Motion by Mr. Lewis, seconded by Vice-Chair Abhiraman, to set meeting dates for challenges that are filed within 90 and 45 days to be heard at the next meeting and challenges covered by the resolution just adopted by the Board to be set at the first meeting in January.

Mr. Lewis stated that his main reason for making his motion was that in the past, a lot of challenges were submitted and some never got heard and the Board is fortunate to not have been sued. He said he just wanted to be sure that the Board moves forward and continues to do what they are responsible for doing in these situations.

Chair Swift clarified for the public that the motion on the floor is for the Board to hold 2 meetings; one would be at the next BRE meeting for submitted challenges that are individualized challenges and the second meeting is for challenges that are determined to be systematic challenges as outlined in the adopted resolution and will be heard in the first BRE meeting in January.

The motion passed unanimously.

#### C) Voter Challenge Procedures

Chair Swift stated that the next item was the decision on adopting the updated voter challenge procedures that were discussed at the previous meeting. She reminded everyone that O.C.G.A. 21-2-229 procedures had previously been adopted by the Board but not O.C.G.A. 21-2-230 procedures.

##### 1.) O.C.G.A. 21-2-229

Motion by Ms. Motter, seconded by Vice-Chair Abhiraman, to approve the DeKalb County Board of Registrations and Elections updated procedures for responding to voter challenges submitted pursuant to O.C.G.A. 21-2-229

Mr. Lewis asked for clarification in paragraph 2 on when State law conflicts with Federal law. Ms. Ernstes replied that it really was a notification to the public to understand what rule governs. Mr. Lewis stated that he did have some concern about wording carrying over from the resolution to the Board's practices, but that's just where he stands.

The motion carried 3-1 with Mr. Lewis voting nay.

##### 2.) O.C.G.A. 21-2-230

Motion by Ms. Motter, seconded by Vice-Chair Abhiraman, to approve the DeKalb County Board of Registration and Elections procedures for responding to voter challenges submitted pursuant to O.C.G.A. Section 21-2-230.

Chair Swift stated for the public that these procedures were presented and discussed at the last meeting and were updated based on the discussion and requests by the Board and the final version was in the packet.

The motion passed unanimously.

## **BOARD COMMENTS**

Vice-Chair Abhiraman thanked everyone for their hard work, especially in recent times. He acknowledged that it is difficult with the new SEB rules and that this meeting, in particular, took a lot of work. He said he was glad to have Ms. Ernstes present. He commented on why systematic challenges are barred by the NVRA within the 90-day quiet period.

Mr. Lewis expressed his appreciation to everyone for coming out and speaking before the Board and giving their thoughts. He thanked the staff, the Law Department, and DCTV for their attendance. He also commented that there is a difference between the Department systemically removing names from the voter rolls without people's awareness and a voter bringing a challenge, providing evidence, and bearing the burden of proof. He further stated that he appreciated everyone for attempting to make their government, whatever that agency might be, work and what they believe is the best possible way for their County and their community.

Ms. Motter thanked the County attorneys for all of the work they have been doing. She also thanked DCTV for coming early to set up and staying late for the conclusion of the meeting. She expressed her appreciation to the public who have showed up to make comments to observe the proceedings. Lastly, she thanked all of the community members who applied to be poll workers, and stated that elections cannot be pulled off without them participating in the process.

Chair Swift echoed the sentiments of her colleagues and said that the goal of the Board is always to make our elections as efficient as possible. She stated that while the Board may not all agree on how that gets done, that is always the intent. She further shared that she hopes that as we continue throughout the rest of the year, we give each other grace and remember that we may disagree, but we're not disagreeable. She thanked everyone who spoke at the meeting.

## **ADJOURNMENT**

Motion by Mr. Lewis, seconded by Vice-Chair Abhiraman, to adjourn. The motion carried unanimously. The meeting was adjourned at 7:07 p.m.