

# DeKalb County Board of Registration and Elections

## Meeting Minutes

July 8, 2021

\*via zoom platform

Start Time: 4:30 p.m.

End Time: 7:10 p.m.

Board Attendees: Chair Dele Lowman Smith  
Vice-Chair Nancy Jester  
Anthony Lewis  
Susan Motter  
Karli Swift

Other Attendees: Erica Hamilton, Director  
Terry Phillips, Deputy County Attorney  
Irene Vander Els, Senior Assistant County Attorney  
Shelley Momo, Senior Assistant County Attorney

### **APPROVAL OF AGENDA**

Director Erica Hamilton called the meeting to order.

### **ELECTION OF OFFICERS**

#### A) Election of Chair

Motion by Mr. Lewis to nominate Nancy Jester for Chair. No second.

Motion by Ms. Motter and seconded by Ms. Swift to nominate Dele Lowman Smith for Chair. Ms. Smith accepted the nomination. Ms. Motter discussed reasons for nominating Ms. Smith.

Substitute motion by Mr. Lewis and seconded by Ms. Jester to nominate Nancy Jester for Chair. Ms. Jester accepted the nomination. Mr. Lewis discussed reasons for nominating Ms. Jester.

Ms. Swift, Ms. Smith and Ms. Motter vote nay. Mr. Lewis and Ms. Jester vote aye. The substitute motion does not carry 3-2.

Ms. Swift, Ms. Motter and Ms. Smith vote aye. Mr. Lewis and Ms. Jester vote nay. The original motion carries 3-2 and Ms. Smith is elected Chair of this Board.

#### B) Election of Vice-Chair

Motion by Ms. Swift and seconded by Ms. Motter to nominate Nancy Jester as Vice-Chair. Substitute motion by Ms. Jester and seconded by Mr. Lewis to nominate Mr. Lewis as Vice-Chair.

Mr. Lewis accepted the nomination. Ms. Jester discussed reasons for nominating Mr. Lewis. Ms. Motter, Ms. Swift and Ms. Smith vote nay. Ms. Jester and Mr. Lewis vote aye. Motion does not carry 3-2.

Ms. Jester accepted the nomination. Board members discussed reasons for nominating Ms. Jester. Motion carries by unanimous vote and Ms. Jester is elected Vice-Chair of this Board.

## **APPROVAL OF MINUTES**

A) June 10, 2021 Meeting

B) June 29, 2021 Special Called Meeting

Motion by Ms. Motter and seconded by Mr. Lewis to approve the minutes from June 10 and June 29. Ms. Motter, Mr. Lewis and Ms. Smith vote aye. Ms. Jester and Ms. Swift abstain. Motion carries.

C) July 7, 2021 Special Called Meeting

Motion by Ms. Jester and seconded by Ms. Motter to approve the minutes from July 7. 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.

The following citizens provided comment:

- Mary Hinkel
- Joy Wasson
- Liz Throop
- Marcy McCarthy

## **EXECUTIVE SESSION**

Motion by Ms. Jester and seconded by Ms. Motter to exit for executive session to discuss litigation. Motion carries by unanimous vote. Motion by Ms. Swift and seconded by Ms. Jester to resume this regularly scheduled meeting. Motion carries by unanimous vote. No votes were taken during executive session.

## **NEW BUSINESS**

A) Discussion of Working Group Goals

Commissioner Terry presented the approved resolution for the ad hoc committee of the Board of Commissioners to study voter registration and elections policies and procedures. The Board discussed the selection process outlined in the resolution.

Mr. Lewis suggested that the areas of interest mentioned in the resolution specifically include funding for the department so that the goals of this ad hoc committee can be achieved.

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Ms. Jester suggested this Board create a separate resolution that would include staff participation. Ms. Motter supports this idea and suggested the Board address governance procedure in the separate resolution.

Motion by Mr. Lewis and seconded by Ms. Motter to appoint Ms. Swift and Ms. Jester to serve on the DeKalb Community Elections ad hoc committee. Motion carries by unanimous vote.

#### B) Timeline for Resumption of In-Person Meetings

Ms. Hamilton reported that the county is still closed for business purposes and therefore, the Board cannot hold in-person meetings with the public in attendance.

Ms. Swift requested that counsel research whether the Open Meetings Act will permit board members to meet in-person and the public to attend virtually.

#### C) Scheduling 229 Challenge Hearings

Ms. Vander Els explained the circumstances of the 141 challenges. Staff is prepared to send notice to challenged voters as required by state and federal law. The next step is for the Board to schedule challenge hearings and the Board discussed the procedure for virtual hearings.

#### D) Rescheduling November Meeting

Ms. Hamilton informed the Board that the certification of the November election will need to be rescheduled for November 8, 2021 at 12:00 p.m.

### **COMMUNICATIONS UPDATE**

Mr. Burton provided an update.

Ms. Smith requested that all the Board members provide bios to be available on the website.

### **DIRECTOR'S REPORT**

Ms. Hamilton shared a presentation and introduced senior staff members. See attachment(s).

Ms. Motter followed up with Ms. Hamilton about the conference for election officials on August 29. Ms. Hamilton will complete the registration and book hotel accommodations once Board members confirm their interest in attending.

Ms. Motter requested access to Firefly for all the Board members.

Ms. Smith followed-up with Ms. Hamilton on her request for a list of upcoming municipal elections. Ms. Hamilton confirmed that information is included in the packets being provided to all Board members.

### **BOARD COMMENTS**

Each board member introduced themselves.

Mr. Lewis informed the Board and the public that he chose not to sign the pledge that each member of the Board was asked to sign by Judge Jackson. See the letter from Mr. Lewis attached.

### **ADJOURNMENT**

Motion by Ms. Jester and seconded by Ms. Swift to adjourn. This meeting is adjourned.

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July 8, 2021

Dear Judge Jackson,

After much thoughtful consideration, I am declining to add my signature to the "DeKalb Board of Registrations and Elections Pledge 2021-2023 Term."

I understand why some may feel such a pledge will provide DeKalb residents with confidence in the integrity of board members. Residents need assurance that their board will not be a tool for political agendas and gamesmanship. I trust that my five years of honorable service on the DeKalb Board of Voter Registration and Elections will serve as a testament to my commitment to this position and my deep understanding of its importance.

The politicization of the DeKalb Board of Voter Registration and Elections is a significant concern of mine. I've addressed it often during my two and a half terms on the board.

You may be aware of a letter sent to Governor Kemp from four 2019-2021 board members related to the recent Election Reform Legislation. I chose not to join my colleagues in signing that letter. Here is an excerpt from the email I sent them explaining my decision. It encapsulates the underlying principles to which I adhere in making board decisions and how I conduct myself as a board member.

"As an appointed public servant, the DeKalb County voters did not vest me with authority to speak on their behalf. I feel it is improper for me to use my position on this board to sway their elected officials to act according to my opinion on proposed and passed legislation."

While I agree that it is improper for board members to endorse political candidates or solicit, accept, or receive contributions for a political party, candidate, or organization, I'm concerned about the wording of the pledge and its possible interpretation.

I was nominated to serve on the DeKalb BVRE by a major political party in our county. As their representative, I interact with its members and their many organizations. They may call on me to participate in public political events and forums (large, small, and via social media) where they use my official title. They certainly have the right to hear from me in my official capacity as their representative. Some may interpret my signing of this pledge as voluntarily limiting my interactions with the individuals who trusted me to serve on this board.

For the same reasons, signing the pledge may severely limit my ability to interact with any political organization (partisan and non-partisan) and numerous other civic organizations within DeKalb County. I believe DeKalb residents within such organizations have a right to interact with members of this board. The majority of such interactions are benign and would not compromise a board member's integrity. However, it's possible to interpret the pledge as prohibiting these activities.

Were I to sign this pledge, I would want to speak directly with those who drafted it (as the DeKalb BVRE did not prepare it). We could provide full disclosure from both sides and ensure complete agreement on what I felt I was pledging and what they believed I was promising.

It is disheartening that the political climate is creating distrust in the motives of the board members and that a pledge like this seems necessary. To my knowledge, it is a first in the history of this board. I sincerely hope this will not set a precedent. In the long run, a distrust that necessitates pledge signing will be very harmful to DeKalb's citizens.

Yours truly,

Anthony Lewis