

DeKalb County Board of Registration and Elections

Meeting Minutes

July 14, 2022

*via zoom platform

Start Time: 4:30 p.m.

End Time: 5:46 p.m.

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

Other Attendees: Keisha Smith, Executive Director
Mereda Davis Johnson, County Commissioner
Ted Terry, County Commissioner
Terry Phillips, Deputy County Attorney
Irene Vander Els, Assistant County Attorney

APPROVAL OF AGENDA

Chair Lowman Smith called the meeting to order at 4:30 p.m. Director Smith read the roll by calling each board member by name. Chair Lowman Smith, Vice-Chair Jester, Mr. Lewis, and Ms. Motter were in attendance. Ms. Swift joined later in the meeting.

Motion by Vice-Chair Jester, seconded by Mr. Lewis, to approve the agenda. The motion carried 4-0.

APPROVAL OF MINUTES

Motion by Ms. Motter, seconded by Mr. Lewis, to approve the minutes of the June 27 meeting. The motion carried 4-0.

Motion by Vice-Chair Jester, seconded by Mr. Lewis, to approve the minutes of the July 8 special called meeting. The motion carried 4-0.

PUBLIC COMMENTS

Ms. Austin 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 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.

Click here to view BRE meetings: [Video On Demand | DeKalb County, GA \(dekalbcountyga.gov\)](https://www.dekalbcountyga.gov)

The following citizens provided public comment:

- Sonya Collette Frix

ITEMS FOR DISCUSSION

A) Director's Report

Director Smith presented an update on the budget and announced an upcoming approximately four-million-dollar request for staffing, services, a learning management system, improved space, and other items.

Vice-Chair Jester encouraged the Director to present her requests to the Finance Committee of the Board of Commissioners if necessary.

In response to a question from Ms. Motter, the Director clarified that the majority of the four million dollars would fund new positions and temporary workers. It would also cover communication services such as provided by Erik Burton's team. Ms. Motter asked if any equipment was being requested. The Director responded that equipment was being considered to house the separate voting machine components together in one space.

Mr. Lewis asked when the county might decide on the request. The Director responded that requests were on hold countywide but that she would follow up with the administration.

Director Smith announced the completion of a mock risk-limiting audit of the June 21 primary runoff in partnership with state. The results showed no discrepancies with the machine count. She thanked the staff who performed the audit and community partners who chose to observe.

Vice-Chair Jester thanked the Director for performing the audit, though she regretted that the parties had not been notified earlier.

Mr. Lewis asked why the Director had described the procedure as a mock audit. The Director responded that this was the state's terminology. The mandatory audit conducted in November would be required to be completed before certification. However, the audit was conducted according to the official processes.

Mr. Lewis stated that he would have liked a larger-scale audit and asked if this was meant to be an actual audit or a test. The Director responded that the audit was performed as if it were an audit required for certification.

Chair Lowman Smith clarified that the Secretary of State's office had offered counties the opportunity to volunteer for a risk-limiting audit in either the primary or the runoff, which the department had accepted. The state had selected the batches to be sampled.

The Director introduced a report analyzing the May 24 Commission District 2 race for the public to better understand the numbers that were posted and the sources of error in the initial machine count. She reiterated that the security, integrity, and accuracy of elections are the department's top priorities, and that the processes implemented to address the challenges in that race had yielded an outcome that she could stand behind.

Chair Lowman Smith thanked the department for its thorough and deliberate approach. She hoped the public would share the report and understand that the staff was working diligently to prevent issues like this in the future.

Click here to view BRE meetings: [Video On Demand | DeKalb County, GA \(dekalbcountyga.gov\)](https://www.dekalbcountyga.gov)

Vice-Chair Jester encouraged the Director to publish the report as a press release, on the department's website, or on social media.

Director Smith notified the board of a potential bond referendum by the City of Dunwoody which could result in a special election in November.

B) Commissioner's Comments

Commissioner Ted Terry had no comments.

Commissioner Mereda Davis Johnson stated that the board and the Executive Director were doing an excellent job.

C) Expanding the Risk-Limiting Audit

Mr. Lewis asked Director Smith to clarify an email involving a second round to the risk-limiting audit. The Director responded that the audit software had initially called for a second round, but that VotingWorks had ultimately determined it to be an error on their end, and that the risk limit had been met in the audit's first round.

Mr. Lewis asked why the department had chosen to audit the runoff instead of the primary. The Director responded that when information came in about the primary audit, the department had been unable to divert resources from certification.

Mr. Lewis requested auditing more races in November, and up to 20% of the ballots.

Ms. Swift asked if the audit had been conducted along the state's guidelines and whether there was any guidance regarding an appropriate sample size. She recommended against departing from what would be considered a standard audit. The Director responded that the procedures used were standard. VotingWorks had offered the choice of a 5% or 10% risk limit, and that the number of ballots sampled had been determined by that choice.

Ms. Motter noted that there were rules from the State Election Board concerning how the audit was performed. She asked if there was guidance on how to select additional races to audit if the board chose. The Director responded that the mandatory audit would be of a statewide race of the state's choosing. She deferred to the Law Department regarding any additional races. Ms. Vander Els stated that she did not know of any such guidance but would do additional research.

Ms. Motter noted that in her experience as a former Certified Public Accountant, audit parameters are typically set by experienced professionals and recommended deferring to the state's guidance, if any, on sample size and number of races.

Vice-Chair Jester noted that there was no prohibition against DeKalb doing its own audits in addition to those mandated by the state. She recommended discussing the formulation of a policy at an upcoming board retreat. She agreed with Ms. Motter that expert advice would be welcome. She suggested that although no Republican races had been on the ballot in this election, the policy should consider races from both parties when available, as well as every type of ballot.

Mr. Lewis commented that if the board could formulate its objectives for the audit, the state could potentially offer guidance on how to achieve those goals.

Chair Lowman Smith clarified that the staff already has certain types of audits built into its procedures prior to certification. She asked the department to provide more insight into that process. However, she

noted that the parameters of the mandatory risk-limiting audit would be set by the state. She also reminded listeners that the issue of party-specific races would not occur in November's general election.

D) Making Ballot Images Public

Mr. Lewis noted that the department frequently received open records requests for ballot images and wondered whether the images could be published on the department's website. The Director responded she was interested in doing this and would work with the IT department.

Chair Lowman Smith noted that SB 202 required the Secretary of State's office to provide a means for the public to access ballot images and regretted that the counties were having to take on that responsibility.

Vice-Chair Jester asked if the state was working on that module. The Director responded that she did not know the state's progress.

Vice-Chair Jester asked what the ballot images looked like. The Director responded that the file consisted of an image of the ballot itself together with a receipt. The Vice-Chair asked if the images contained any identifying information. The Director responded that they did not.

Ms. Motter stated for the record that publishing ballot images is a good idea as long it can be done without compromising the voter's privacy.

Ms. Swift noted for the public that the upload involved is significant because each file consists of multiple pages of images for each ballot cast in the election. She commented that publishing the images is a great idea which could reduce some of the requests to the department, but that it is unfortunate that the county is having to expend resources on it.

Ms. Motter raised the concern that the ballot images might be misused and recommended considering watermarks or other security features according to the guidance available.

ITEMS FOR DECISION

A) City of Atlanta Special Election

Director Smith announced a request from the City of Atlanta to hold a special election in November and requested authorization from the board to enter into agreements of this kind.

Motion by Ms. Motter that for the duration of the 2022 election cycle, the board authorize the Executive Director to approve requests received from a municipality to conduct a special election where the request is received pursuant to the board's contract with the municipality, and the county is already conducting an election on the date requested by the municipality. The motion was seconded by Vice-Chair Jester. The motion carried unanimously.

BOARD COMMENTS

Vice-Chair Jester thanked the Director for a great report and asked her to keep the board informed about the budget.

Mr. Lewis thanked the staff and the Director for getting through the runoff and echoed his appreciation for the report.

Ms. Motter and Chair Lowman Smith thanked the Law Department and VRE staff for their work on the minutes.

Ms. Motter thanked the staff and the Director, especially for volunteering for the RLA.

ADJOURNMENT

Motion by Vice Chair Jester, seconded by Ms. Motter, to adjourn the meeting. The motion carried by a unanimous vote. The meeting was adjourned at 5:46 p.m.

DRAFT