

DeKalb County Board of Registration and Elections

Meeting Minutes

November 14, 2023
Start Time: 12:10 p.m.
End Time: 2:27 p.m.

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

Other Attendees: Keisha Smith, Executive Director
Terry Phillips, Deputy County Attorney
Bennett Bryan, Senior Assistant County Attorney
Tristen Waite, Assistant County Attorney

APPROVAL OF AGENDA

Chair Swift called the Board of Voter Registration and Elections meeting to order at 12:10 p.m. Ms. Austin read the roll by calling each board member by name. All the members were present. A quorum was met. Motion to approve agenda by Ms. Jester, seconded by Mr. Lewis. The motion carried 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 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. Abusive, profane, or derogatory language will not be permitted. 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.

The following citizens provided public comment:

- Liz Throop
- Veronica Sciacca
- Janet Grant
- Gail Lee
- Karen Davenport
- Bill Henderson

- Stephanie Ali
- Karen McCowen
- Online- Elizabeth Shakelford

APPROVAL OF MINUTES

Motion by Ms. Motter, seconded by Vice-Chair Abhiraman, to approve the minutes of the October 12 scheduled meeting and October 25 special called meeting. The motion carried unanimously.

ITEMS FOR DECISION

A) Certification of the November 7, 2023 General Municipal/Special Election

Director Smith began by thanking VRE staff, poll workers and watchers, and other stakeholders throughout the county for all their work ensuring that the department was able to facilitate a smooth and accurate election. She discussed L&A activities and outlined the post-election internal auditing and canvassing process. Director Smith went on to review the post-election report that was included in the board materials. She also reported that voter experience surveys were piloted at multiple precincts and the vast majority of elector responses stated that voting was easy or extremely easy. Director Smith reiterated all the protocols and procedures that were followed in accordance with the Secretary of State and the guidance that was provided and stated that she was confident that there was an accurate tally of the results for each contest.

Motion for approval of certification for purposes of discussion by Ms. Jester, seconded by Mr. Lewis.

Ms. Jester asked Director Smith about circulating questions regarding inconsistencies of ballots cast. Director Smith clarified that ballots cast refers to the number of pages each ballot has and most of the ballots had two pages. Ms. Jester also asked about discrepancies of voter credits and received clarification that there were some sync differences with the poll pads, but it was never the case that any elector voted twice. Ms. Jester inquired about L&A testing, specifically updates to equipment after it has been deployed, and how the public is or should be noticed.

Mr. Lewis asked Director Smith about a discrepancy in the total votes on the election summary. Director Smith advised that there was a typo on the election summary presentation and guided Mr. Lewis to the official summary report which showed the correct number.

Ms. Motter asked about the differential between the registered voters and the total number of votes. Mr. Catherwood informed the Board that the differential is caused exclusively by the two-card ballot issue where a voter turned in one card, but not both.

Vice-Chair Abhiraman asked for clarification on the cause of the two-page ballots. Director Smith replied that because of the positioning of the EHOST and SPLOST questions, most voters had two pages if they also had a municipal-level contest.

The motion to certify the November 7, 2023 General Municipal/Special Election passed 3-2 with Ms. Jester and Mr. Lewis voting nay.

Motion by Ms. Jester to recess to allow the Board to sign the certification paperwork for the election, seconded by Vice-Chair Abhiraman. The motion passed unanimously.

Motion to reconvene by Mr. Lewis, seconded by Vice-Chair Abhiraman. The motion passed unanimously.

B) Challenges Brought by Alice Wright

Ms. Wright presented her case for the four (4) voter challenges she presented submitted on October 12, 2023.

Director Smith stated that the VRE office mailed challenge letters to all addresses the registrants had on file. She mentioned that three (3) of the challenged voters requested absentee ballots on December 10, 2020, through the UOCAVA application to vote in the January 5, 2021, runoff election, however, no ballots were returned to receive credit. VRE staff reported that one (1) of the challenged voters had been canceled from the voter roll on March 2, 2017, but instructions from the Secretary of State's office were received on September 30, 2019, to put her back on the voter roll.

Chair Swift asked Ms. Wright if she had personal knowledge of any of the voters and if she lived at any of the addresses on record for them. Ms. Wright replied that she did not to both questions. Chair Swift asked Ms. Wright if she had any knowledge that the voters are not UOCAVA voters or voters that are able to vote as US citizens living abroad. Ms. Wright replied that she did not know about their UOCAVA eligibility but that she had a message from one of the challenged voters that they did not register to vote. Chair Swift then inquired about Ms. Wright's concern of Ms. Sciacca receiving mail at her address for the challenged voters and stated that it was a process issue that could be corrected.

Vice-Chair Abhiraman asked Ms. Wright if she was familiar with the limitations on notarizing documents as a qualified notary, as she notarized the affidavits from Ms. Sciacca for this challenge to which she is a party of the transaction. He also asked about her familiarity with UOCAVA eligibility and asked Ms. Wright if she has evidence that the voters are not eligible to vote under UOCAVA. Ms. Wright replied that she did not. Vice-Chair Abhiraman read from the US Election Assistance Commission fact sheet that overseas citizens may use the address they lived at immediately prior to leaving the United States and that they may remain valid even if; they no longer own property or have any other ties to that state, their intent to return to that state is uncertain, or if their previous address is no longer recognized as a residential address. He asked Director Smith if there was a process in place if the VRE office received contact from an elector stating that they did not want to be on the voter rolls, in which Director Smith replied that there was.

Ms. Jester stated that while she understood and is sensitive to UOCAVA voters, it was clear that Ms. Sciacca's home was continually occupied by her since 1985 and in 2012 and 2020 these electors somehow appeared on the voter rolls. She said that she hopes that the rolls can be cleaned up and thanked Ms. Wright for bringing her challenge to the Board.

Mr. Lewis asked Ms. Wright if she was able to look at any of the voter records for the challenged voters. Ms. Wright confirmed that they had never voted but had an active status. He asked Ms. Wright if she knew when Ms. Sciacca contacted the VRE office regarding receiving mail for the voters and Ms. Wright replied that she did not know exactly but it had been over the years. Mr. Lewis asked Director Smith how a challenged voter's address in Israel was obtained and Director Smith replied, from their voter registration and absentee ballot request, the federal post card application. He further confirmed with Director Smith their current mailing address was in Israel.

Ms. Motter asked Ms. Wright if she knew that UOCAVA does not have a provision as to how far back in time an address can be used, and Ms. Wright replied that she was aware of that. She asked Ms. Wright if she was aware that the challenged voters registered under federal election years 2012 and 2020 which appears more realistic for UOCAVA voters. Ms. Wright replied that she was aware but stated that they should not be receiving mail at Ms. Sciacca's address. Ms. Motter then corrected the record by referencing a residency voter challenge the Board received on July 18, 2022, submitted by Mr. Robert Smith that included all four (4) challenged voters as well as a Lauren Sciacca, all with the same residential address. The challenge was not sustained at that time. Ms. Motter thanked Ms. Wright for presenting her challenge and stated that it does point to process issues regarding mailing voters abroad.

Motion to sustain the voter challenge by Ms. Jester and seconded by Mr. Lewis. The motion failed 2-3 with Chair Swift, Vice-Chair Abhiraman, and Ms. Motter voting nay.

C) Advance Voting Times and Location | December Runoff

Director Smith stated that 4 municipalities had runoffs and proposed an Advance Voting schedule beginning Sunday, November 26, 2023, and culminating on Friday, December 1, 2023.

Ms. Motter asked Director Smith to identify which municipalities had runoffs. Director Smith stated that those municipalities were the City of Atlanta, the City of Brookhaven, the City of Doraville, and the City of Stonecrest. Ms. Motter asked about the Advance Voting site for the City of Doraville. Director Smith stated that each municipality was asked for options in their cities and Doraville responded that they did not have one.

Motion to approve the Advance Voting schedule for the runoff by Vice-Chair Abhiraman and seconded by Ms. Jester. The motion passed unanimously.

D) Poll Worker Application

Chair Swift stated that the Board had been made aware that at some point a question appeared to have been added to the Dekalb County poll worker application asking the applicant for their political party affiliation. Chair Swift stated that this is inconsistent with poll worker applications across the metro counties and requested to have the question removed from the application.

Ms. Jester noted that the question was added to the poll worker application prior to each member joining the board with the possible exception of Mr. Lewis.

Mr. Lewis stated that he was not sure if it was prior to his service.

Ms. Jester confirmed that Chair Swift's request is to remove the question from the application.

Motion to strike the question from the application for the purposes of discussion by Ms. Jester and seconded by Vice-Chair Abhiraman.

Ms. Jester requested the data relating to poll worker party affiliation from the time the question was added on the application to date.

Director Smith stated that the VRE staff was in the process of collecting that data, however, there were so many different ways that applications were submitted in the past. She stated that she had a

snapshot of the information but due to the election, the staff had not yet been able to research this information in its entirety.

Ms. Jester noted for the public that even though the question is asked on the application, information on voting records is disclosable and public information anyway. Ms. Jester asked the Board if they wanted to recalibrate the entire poll worker application given some of the information that is on applications for other metro counties.

Chair Swift replied that her intention of bringing this to the Board was not to take away Director Smith's administrative control over the application process but to specifically address this question.

Ms. Motter requested that when Director Smith does provide the data around poll worker party affiliation, that it is presented blind and with no personally identifiable information of poll workers.

Ms. Jester said that she did not want the information blind as it is disclosable.

Ms. Motter expressed that her concern is the effect that publishing the information will have on poll worker retention and recruitment efforts.

Ms. Jester said that she would like, to the fullest extent under the open records act, all the granularity that she can receive.

The motion passed unanimously.

E) 2024 Meeting Calendar

Director Smith presented the proposed 2024 BRE meeting schedule, noting that the dates adhere to the regular Thursday schedule except for months with elections or the possibility of runoffs.

Motion to approve the 2024 BRE meeting schedule by Mr. Lewis and seconded by Ms. Motter. The motion passed unanimously.

ITEMS FOR DISCUSSION

A) Director's Report

Chair Swift asked Director Smith if there was a need to go over the Director's Report as most of it had been covered in the Items for Decision. Director Smith replied that there was not, but that she did want to mention that the office received a request from a Stonecrest candidate for a recount, but they did not meet the threshold for the margin, so it was not granted. Director Smith stated that everything else could be discussed at the next meeting.

B) December Meeting Schedule

Director Smith stated that the GAVREO conference had been planned during the certification of the runoff election. As attendance is required, Director Smith asked the Board if they wanted to move the meeting time up to allow attendees to travel to the conference.

Motion to reschedule the December meeting time to 9am by Mr. Lewis and seconded by Ms. Motter. The motion passed unanimously.

ELECTED OFFICIAL COMMENTS

Representative Saira Draper expressed her concerns that two Board members did not vote to certify the election. She stated that what she heard was the good work the DeKalb elections office did and that they were transparent and open about what went right and what went wrong. Ms. Draper further stated that the result of voting not to certify the election meant that those Board members did not have trust in this election, and it is something they are telling members of the County.

BOARD COMMENTS

Ms. Motter thanked the staff, Director Smith, and the poll workers for their work in the election and expressed appreciation to the staff who prepared the information for the voter challenge.

Mr. Lewis said that one reason there is a Board and a panel of five (5) people is to achieve some level of balance and make sure that everyone in the county is represented. He said expecting that everyone in the county will think along the same lines is incorrect. Mr. Lewis stated that every member of the Board, including himself, works to do the best they can for the County. He said that he believes residents of the County have the right to act within their government and to speak to their officials when they feel that something is wrong. Mr. Lewis thanked the department for all the work they do.

Ms. Jester thanked Representative Draper for being present and said that she wanted to address her concerns. She mentioned the issues with a Commission District 2 race and the measures that took place to mitigate the circumstances surrounding that race. Ms. Jester said that the process of L&A testing while an election is ongoing and the lack of notice to the public is a concern for her. She further stated that the difference and lack of correctly flowing information between the poll pads, epulse, and GARVIS was also an integrity issue for her. She thanked the public for their attendance, her fellow Board members, the staff, and Executive Director Smith.

Vice-Chair Abhiraman thanked the department for all their hard work and each poll worker who worked the election and those that would be working the runoff. He also thanked the DeKalb County voters, especially those that turned out for this election.

Chair Swift thanked the Board for their work and respect for everyone, the staff, and the community for their attendance.

ADJOURNMENT

Motion to adjourn by Vice-Chair Abhiraman and seconded by Ms. Jester. The motion carried unanimously. The meeting was adjourned at 2:27 p.m.