

DeKalb County Board of Registration and Elections

Meeting Minutes

September 14, 2023
Start Time: 4:47 p.m.
End Time: 7:41 p.m.

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

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

APPROVAL OF AGENDA

Chair Swift called the Board of Voter Registration & Elections meeting to order at 4:47 p.m. Ms. Austin read the roll by calling each board member by name. All the members were present. A quorum was met.

Motion by Ms. Swift, seconded by Mr. Lewis, to approve the agenda. The motion carried unanimously.

APPROVAL OF MINUTES

Motion by Vice-Chair Abhiraman, seconded by Ms. Motter, to approve the minutes of the August 10 meeting. 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:

- Robin Shahar
- Karen Davenport

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- Liz Throop
- Steve Hagan
- Beth Levine
- Veronica Scialla
- Gail Lee
- Carmen Tripp
- Victor Tripp
- Bill Henderson
- Judy Sophianopoulos

ITEMS FOR DISCUSSION

A) Director's Report

Director Smith reported on current registration totals, elections activities, personnel changes, budget activities, key stakeholder meetings, and general communications. She also welcomed new VRE personnel and stated that she was excited to have the new staff on board to assist in the preparation of the 2023 and 2024 election cycles.

Ms. Motter asked if the maintenance service contracts that were to be discussed later in the agenda were built into the budget that was presented. Director Smith replied that they were.

Mr. Lewis requested the Secretary of State mailings breakdown via email as did Ms. Jester.

Mr. Lewis stated that the budget did not look sufficient for the remainder of the year and asked if we expected a budget increase. Director Smith reassured the board that VRE has the support of the board and the administration in advocating for the funding needed to operate efficiently and anticipated asking for additional funding to sustain.

Ms. Jester asked for the total aggregate of DeKalb County voters affected by the Secretary of State's voter roll maintenance activities. She also noted that a lot of improvements have been made to the budget with the collaboration of the Board, Administration, and Board of Commissioners.

Vice-Chair Abhiraman asked about staffing needs and requested an update on the uninterrupted power supply replacement that the state is working with the counties on. Director Smith stated that the old power supplies would be used and reminded the board that the newly procured vote center hubs alleviate the heavy lifting since they are self-contained units.

Chair Swift also commented on the collaborative efforts for the budget and highlighted Ms. Jester's efforts in improving the board's budgeting processes.

ITEMS FOR DECISION

Chair Swift asked Director Smith to provide an overview of VRE's and SOS's voter maintenance processes. Director Smith stated that list maintenance is performed throughout the year. Examples include DDS Applications, Deceased Files, Undeliverable Mail, Returned Mail, Voter Contacts, NCOA, No Contact and NGE Mailings, etc.

A) Challenges Brought by Gail A. Lee

Ms. Lee challenged 150 voters listed on the voter roll with dates of birth in the years 1800, 1900, and 1901 stating that either the registration information was incorrect, or they should all be deceased. She

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went on to state that 52 of the voters challenged were resolved prior to this meeting, leaving 98 voters to be challenged. Ms. Lee requested the voters in question be removed from the voter roll. She asked, “of the 150 inactive with birth years of 1900 and 1901, how many were resolved because their date of birth was on the original registration card?”

Chair Swift asked Mr. Bryan for legal guidance regarding providing registration information to the public. Mr. Bryan advised that there may be issues of voter privacy in answering this question. Discussion relating to privacy laws ensued. Ms. Jester requested a legal brief regarding laws on disclosable information from Mr. Bryan.

Ms. Lee began to pose another question to Director Smith. Mr. Bryan reminded Ms. Lee that the meeting was a hearing in which Ms. Lee was to present her testimony and present her evidence. He further stated that there was a procedure in place that needed to be followed. Chair Swift agreed and requested that Ms. Lee submit her questions in writing.

Ms. Lee asked if the challenged voters were either deceased or ineligible because there was no date of birth that they be removed from the voter roll.

Motion to open discussion by Ms. Jester, seconded by Mr. Lewis. The motion carried unanimously.

Mr. Lewis motioned to table this discussion to allow more time for the staff to resolve the challenged voters. The motion was seconded by Ms. Jester. Chair Swift asked Director Smith if any of the work was still ongoing to which Director Smith advised that this is normal list maintenance which will continue until the process is finished. Mr. Bryan added that while discussion can be deferred, it would have to take place no later than October 2nd which is prior to the next meeting. Mr. Lewis withdrew his motion to table the discussion.

Vice-Chair Abhiraman asked the lawyers about the burden of proof Ms. Lee was to carry and what she needed for them to establish that she had sustained her burden of proof. Mr. Bryan replied that Ms. Lee would have to prove that the voter is either under 18 years old and therefore not old enough to vote, or that they are deceased. Mr. Abhiraman expressed that he did not feel that the voter challenge process was the correct conduit to flag this issue.

Ms. Motter stated that whether it was decided to sustain or deny this challenge, the department will continue to work to assess the voters on the voter roll. Ms. Motter said that it can be difficult in the voter challenge process to explain the burden of proof and as this was a hearing, the burden of proof needed to be met.

Chair Swift expressed her concern about the allegations of voter fraud and stated that there is no evidence that the voters presented incorrect information themselves. She went on to give the qualifications for being eligible to vote. She further stated that there are procedures in place to remove ineligible voters from the voter roll.

Mr. Lewis commented on the past general practice of using placeholder dates and that he understands how this information can be confusing to the public. Director Smith stated that it was her understanding that there were several possibilities for why the placeholders exist.

Ms. Jester noted that whether the information was input by the voter or the administration, it's false data. She went on to state that the voter challenge process is the conduit that Ms. Lee is given.

Vice-Chair Abhiraman stated policy related to burden of proof and reiterated that Ms. Lee must prove that the voter is unqualified.

Chair Swift stated that there was a motion that was properly seconded on the floor to sustain the challenge. The board voted on the challenge, and it failed 3-2.

B) Polling Place Changes

Motion to approve the polling place changes by Ms. Motter, seconded by Mr. Lewis. The motion carried unanimously.

C) Advance Voting Times and Locations

Ms. Motter inquired about the plans for senior voters at 4380 Memorial Drive. Director Smith stated that advance voting would be facilitated in the newly renovated space facing Memorial Drive.

Vice-Chair Abhiraman commented how solid the distribution of advance polling locations was and the level of work that went into achieving it.

Chair Swift said she appreciated the advance voting on Saturdays and Sundays.

Motion to approve the advance voting times and locations by Vice-Chair Abhiraman, seconded by Mr. Lewis. The motion carried unanimously.

D) Calls for Election

Motion by Ms. Motter, seconded by Mr. Lewis, that the Board call elections to be held in all precincts in the County, on the 7th of November 2023, for submitting to the voters of DeKalb County the two questions set forth in the Notice of Election relating to whether an equalized homestead option sales and use tax (“EHOST”) shall continue to be levied and whether a one percent (1%) County special purpose local option sales and use tax (“SPLOST”) shall be reimposed, and to direct the Department staff to publish the Notice in the Champion once a week for four weeks immediately preceding the election, or as directed by the County Attorney.

Chair Swift opened the floor for discussion.

Ms. Jester asked the attorneys about the election calls. Mr. Phillips advised about working with the staff to ensure that everything is done in compliance. Ms. Jester asked Director Smith to be advised when the notices are published.

Ms. Motter thanked Director Smith for the level of detail about the calls provided to them.

The motion carried unanimously.

Motion by Ms. Motter, seconded by Ms. Jester, that the Board call elections to be held in all precincts in the County, on the 7th of November 2023, for submitting to the voters of DeKalb County the questions set out in HB 591, HB 593, and HB 594, and to direct the Department staff to publish the notices as required and set forth in the legislation, or as directed by the County Attorney.

The motion carried unanimously.

E) Agreements

1. OPEX

Ms. Jester asked for additional details about the equipment, the reasoning for using them, the frequency of service, and the estimated cost savings. Director Smith stated that the OPEX equipment was utilized in 2020 and that the equipment is being incorporated into operations to

improve efficiency in operations and lower maintenance costs. She further stated that the cost was \$2825 for each of the three (3) units for a total of \$8475.

Ms. Motter confirmed that this cost is accounted for in the provided budget. Motion by Ms. Motter, seconded by Ms. Jester, to authorize the Department of Voter Registration and Elections to enter into the Master Maintenance agreement with OPEX Corporation and to execute all necessary documents in a form approved by the County Attorney.

The motion carried unanimously.

2. Georgia Time Recorder Co.

Motion by Ms. Motter to authorize the Department of Voter Registration and Elections to enter into the Preventative Maintenance agreement with Georgia Time Recorder Company and to execute all necessary documents in a form approved by the County Attorney. The motion was seconded by Ms. Jester and carried unanimously.

EXECUTIVE SESSION

Motion by Vice-Chair Abhiraman and seconded by Ms. Motter to recess for an executive session to discuss litigation. The Motion carried by unanimous vote. The Board exited executive session and resumed the regular meeting.

No action was taken during the executive session.

BOARD COMMENTS

Vice-Chair Abhiraman thanked those who were still present at the meeting. He went on to tell a story about a voter who previously contacted him to inform him of her personal voter challenge experience. He further stated that he wanted the public to understand the nuances and implications of the process.

Ms. Jester commented on the voter challenge being the conduit that is available for everyone to play by the same rules. She also noted that she foresees that the votes will always be split as they were during that meeting, because of the different views of the board members. She concluded by expressing her continued pleasure in serving on the board.

Mr. Lewis thanked the staff for everything they do and commented how the County has benefitted. He also stated that he is passionate about the staff levels and staff pay, proper funding, and the challenge procedures. He thanked the public for their comments and said that he is always available after the meetings to answer questions about his opinions and stances.

Ms. Motter said that she is still holding out hope that the State Election Board or the legislature will provide guidance on voter challenges, specifically around the burden of proof for DeKalb and other counties facing the same issues. She also posed a question on what could be the acceptable margin of error for voter registrations where there is an incorrect field or other various reasons. She concluded by thanking Director Smith and the staff for their work.

Chair Swift thanked the staff for the work done fielding the challenges and her colleagues for helping the department continue to move forward. She also reiterated the law related to the burden of proof and stated the basis of her vote. She further stated that there is still work to be done at the state and county level to push for more accurate data but that the voter challenge process is not the way to do it. She

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went on to state that the board may continue to disagree on mass voter challenges. But she looks forward to opportunities to come together because she doesn't believe that any of the members vote in a belief that individuals who are not qualified to vote should be on the rolls.

ADJOURNMENT

Motion to adjourn by Chair Swift, seconded by Mr. Lewis. The motion carried unanimously. The meeting was adjourned at 7:41 p.m.