

DeKalb County Board of Registration and Elections

Meeting Minutes

January 16, 2025

Start Time: 10:19 a.m.

End Time: 12:18 p.m.

Board Attendees: Karli Swift, Chair
Nancy Jester
Anthony Lewis
Susan Motter

Other Attendees: Keisha Smith, Executive Director
Terry Phillips, Deputy County Attorney
Michael Petty, Assistant County Attorney

APPROVAL OF AGENDA

Chair Swift called the Board of Registration and Elections meeting to order at 10:19 a.m. Ms. Austin read the roll by calling each board member by name. A quorum was met.

Motion by Ms. Jester, to approve the agenda. 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. 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
- Liz Throop
- Pam Woodley
- Robert Berry
- Gail Lee
- Michael Beach

- Cheryl Dudley
- Janet Grant
- Susan McWethy
- Victor Tripp
- Carole Johnston
- Kendra Biegalski
- Catherine Carter
- Online Comment- Bethann Frillman
- Online Comment- Betsy Schwalbach

ITEMS FOR DECISION

A) Probable Cause Determination for Voter Challenges Pursuant to O.C.G.A. § 21-2-230

Chair Swift began by stating that since the August 2024 Board meeting, 5 challenges based on O.C.G.A. § 21-2-230 were received from 2 individuals: Bill Henderson, and Gail Lee. She said that Mr. Henderson challenged 166 electors on August 19th on the basis that their residential address was a post office, UPS store, or mail center. The second was on August 26th challenging 485 electors on the basis that a permanent address change was found in the NCOA system and alleged that the elector voted in another state. The third challenge by Mr. Henderson was on August 28th challenging 4,861 electors on the basis that the elector had no contact with the election system for 10 or more years. Chair Swift stated that the remaining challenges were made by Gail Lee and that the first was submitted on September 3rd challenging 79 electors on the basis that the residential address was missing. The last challenge by Ms. Lee was on September 19th challenging 173 electors with the allegation that they were deceased.

Motion by Mr. Lewis, seconded by Ms. Jester to open the probable cause hearing. The motion passed unanimously.

1. Bill Henderson

- (1) Bill Henderson offered testimony and evidence related to the 166 challenges he submitted on August 19th. During his testimony, he requested to change the challenge to an O.C.G.A. § 21-2-229 challenge.

Mr. Petty advised that the challenge was filed as a O.C.G.A. § 21-2-230 challenge and that was what the hearing was for. Mr. Henderson decided to withdraw this challenge and advised that he would resubmit it as a 229 challenge.

After Mr. Henderson presented, the Board deliberated on the evidence and Chair Swift called for a motion.

Motion by Ms. Jester, seconded by Mr. Lewis to find probable cause. The motion resulted in a 2-2 tie. Chair Swift asked the law department to explain what happens in the event of a tie. Mr. Petty replied that 3 votes were needed to find probable cause. The motion failed 2-2.

- (2) Bill Henderson offered testimony and evidence related to the 185 challenges he submitted on August 26th. During his testimony, he requested to withdraw his O.C.G.A. § 21-2-230 challenge.

Chair Swift asked the county attorneys if anything needed to be done with respect to the 185 challenged voters. Mr. Petty replied that a vote on probable cause had to be taken on this pending 230 challenge.

Mr. Lewis asked the legal team if Mr. Henderson would be able to re-submit his challenges as 229 challenges. The legal team replied affirmatively.

Motion by Ms. Jester, seconded by Mr. Lewis to find probable cause. The motion failed 2-2.

- (3) Bill Henderson offered testimony and evidence related to the 4,861 challenges he submitted on August 28th. During his testimony, he requested to withdraw his O.C.G.A. § 21-2-230 challenge.

Motion by Ms. Jester, seconded by Mr. Lewis to find probable cause. The motion failed 2-2.

Chair Swift asked for a motion to recess. Motion by Ms. Jester, seconded by Mr. Lewis to recess for 5 minutes. The motion passed unanimously.

Motion by Ms. Jester, seconded by Mr. Lewis to adjourn recess and reconvene the meeting. The motion passed unanimously.

2. Gail Lee

Chair Swift asked Ms. Lee if she wanted to withdraw either or both challenges. Ms. Lee replied that she wanted to withdraw both challenges. Chair Swift instructed Ms. Lee to proceed with presenting the basis of her challenges.

- (1) Gail Lee offered testimony and evidence related to the 79 challenges she submitted on September 3rd.

After Ms. Lee presented, Chair Swift asked for a motion.

Motion by Ms. Jester, seconded by Mr. Lewis to find probable cause. The motion failed 2-2.

- (2) Gail Lee offered testimony and evidence related to the 173 challenges she submitted on September 19th. During her testimony, she requested to withdraw her O.C.G.A. § 21-2-230 challenge and advised that she would re-submit them as O.C.G.A. § 21-2-229 challenges.

After Ms. Lee presented, Chair Swift asked for a motion.

Motion by Ms. Jester, seconded by Mr. Lewis to find probable cause. The motion failed 2-2.

BOARD COMMENTS

Ms. Motter thanked the county staff, Executive Director Smith, and Jessica Hill for the work conducted to prepare for the meeting. She also thanked the public for their attendance, the challengers for preparing the material the Board reviewed, and the county attorneys for their sage advice.

Mr. Lewis thanked the public for coming to the meeting and making comments. He said that he viewed the challenge process as a right and that the Georgia code stated that we had a duty to maintain accurate voter rolls and the people who presented challenges were addressing their grievances that the roll was not being properly maintained. He said that all citizens had the right to speak out to their government when they see a problem and acknowledged that it is difficult to challenge a government body, so he is appreciative of those that do. Mr. Lewis said that he hopes people feel comfortable speaking to this Board and that they would be heard.

Ms. Jester thanked the public that spoke and the challengers. She said that the votes have gone the same way every time and expressed her disappointment that PO boxes and commercial addresses continued to be allowed. She said that she hoped people endeavored to find a friendlier forum for what she thinks are real substantial issues with the data and suggested to take it to the State. Ms. Jester said she appreciated the time and effort the challengers had spent and that she appreciated the process as well as her colleagues.

Chair Swift thanked everyone who presented and made public comment. She said that just because a person believes something is true does not make it true and that the state and county had procedures in place to remove people and maintain the voter rolls. She expounded that there is not a perfect database and that the voter rolls were continually reviewed and maintained. She acknowledged that in the current environment there was a strong feeling of the potential of fraud but there had been zero evidence of fraud occurring in DeKalb County. Chair Swift said that her position remained unchanged from 2020 and that she believed individualized challenges were important. She reminded the public of the challenge where the challenged voter was present and provided evidence that he was a real person, a veteran of this country, and that he would have been disenfranchised by being removed from the voter roll. She said the process should not be taken advantage of by presenting mass challenges of voters that could be disenfranchised by the actions the Board was requested to take.

ADJOURNMENT

Motion by Ms. Jester, seconded by Mr. Lewis, to adjourn. The motion carried unanimously. The meeting was adjourned at 12:18 p.m.