

DeKalb County Board of Registration and Elections

Meeting Minutes

August 8, 2024
Start Time: 4:48 p.m.
End Time: 8:33 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
Shelley Momo, Supervising Attorney
Tristen Waite, Assistant County Attorney

APPROVAL OF AGENDA

Chair Swift called the Board of Registration and Elections meeting to order at 4:48 p.m. Ms. Austin read the roll by calling each board member by name. A quorum was met.

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

APPROVAL OF MINUTES

Motion by Mr. Lewis, seconded by Ms. Jester, to approve the minutes of the July 11 scheduled meeting. The motion passed 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:

- Betsy Shackelford
- Lisa Wright
- Stephen Cook
- Janet Grant
- Karen McCown
- Cheryl Dudley
- Naomi Bock
- Toi Elizabeth Hines
- Gail Lee
- Joan Webb
- Lynn Hesse
- Kathleen Hamill
- Bethann Frillman
- Catherine Carter
- Doug Cumming
- Nancy Arnold
- Jim Leimbach
- Abbie Lane
- Amy Swygert

ITEMS FOR DISCUSSION

A) Voter Challenge Procedures

1.) O.C.G.A. 21-2-229

Chair Swift began by asking the Law Department for an overview of this discussion item. Ms. Momo stated that the Board had adopted the last O.C.G.A. 21-2-229 procedures in 2021 and that only a few changes were being recommended to remain consistent with Georgia law and to make the procedures read easier.

Motion by Ms. Jester and seconded by Mr. Lewis to approve the changes to O.C.G.A. 21-2-229 as presented for discussion purposes only. Further discussion ensued.

Motion by Ms. Jester and seconded by Mr. Lewis to amend her motion to include O.C.G.A. 21-2-230 in the previously stated motion.

2.) O.C.G.A. 21-2-230

Chair Swift stated that the Board did not previously have procedures for challenges based on O.C.G.A. 21-2-230 and asked for an overview from the Law Department.

Ms. Momo stated that O.C.G.A. 21-2-230 challenges are to a voter's eligibility to vote in an election and that these procedures would control the probable cause hearings and any

subsequent hearings. She further stated that these procedures would track the required procedures to make sure that the legal requirements are followed and that the statute in these procedures would set forth what needs to happen if probable cause is found. Further discussion ensued.

Ms. Jester withdrew the previously stated motions as the challenge procedures were a discussion item and no decision was required.

B) Director's Report

Director Smith reported on registration, elections, warehouse, budget, personnel, facilities, training, and communications activities. She reported that there was a significant change in registration numbers due to regular list maintenance, returned mail, NCOA and cross-state activities. Registration numbers as of August 8, 2024, were reported as; Active: 452,816; Inactive: 122,119; Total Registered: 574,935. She stated that to ensure VRE connects with as many impacted individuals as possible, she would work with the PR consultant to implement a multi-level approach to engage with inactive voters. The effort will include marketing and press releases, social media campaigns, direct mail, community ads in the legal organ and local newspapers and engagement with stakeholders via email and telephone. Director Smith mentioned the team's activities around the nomination petitions received from the SOS for the three (3) independent presidential candidates. She also stated that effective this fall, there will be an increase in the pay rates for all poll workers to re-align with the pay rates of other large counties for equity in pay. She reported on the budget and noted that requested budget adjustments were delayed as there was a system migration. Lastly, she reported the ongoing outreach activities.

Mr. Lewis thanked Director Smith for the enhancements that were made to the Director's Report to include the registration numbers. He also asked Director Smith if she anticipated needing additional funding. Director Smith replied that due to the effort of controlling expenses and overall budget management, an increase may not be needed. She added that the largest expense is generally in the budget for poll worker payroll. Mr. Lewis asked if the increase in poll worker salaries would be covered with the funds available in the budget. Director Smith replied affirmatively.

Ms. Jester thanked Director Smith for the detailed Director's Report. She asked for the approximate percentage for the salary increases. Director Smith replied that the increase would be at least 20% and stated that things were still being finalized. Ms. Jester asked additional questions about list maintenance activities and the correlation of active voters to drop box locations. Director Smith replied that the code dictates that counties can establish one (1) drop box plus an additional drop box per every 100,000 active voters. Further discussion ensued around the state's new voter registration cancellation request portal and other operations.

ITEMS FOR DECISION

A) Advance Voting

Director Smith proposed the locations, dates, and times for advance in person voting. She further mentioned that the Memorial Drive drop box would be removed if the 500,000 active voter threshold is not reached. She also advised that the Stonecrest location was still being finalized.

Ms. Motter asked how many advance voting locations were utilized in 2016 and 2020 and how that compares to the number of locations being proposed for 2024. She also asked which five (5) locations are typically the busiest and which days of advance voting are typically the busiest as

well. Director Smith replied that the amount of advance voting locations being proposed is almost double of what was used in 2016. She also stated that Memorial Drive, Dunwoody Library, and Tucker-Reid Library are usually the top three (3) busiest locations with fluctuations for the 4th and 5th busiest locations. Director Smith also stated that the last two (2) days of advance voting are typically the busiest. Ms. Motter further asked for the explanation as to why there are gaps in locations to the east and in the southwest corner of the county. Director Smith replied that staff did attempt to identify sites in those areas, however, there were not many sites to choose from that meet the requirements of the law.

Mr. Lewis said that this is the most AIP sites that VRE has had since he has been on the Board and commended the staff for their work. He asked if the staff had been working on a wait time reporting tool for the website. Director Smith replied affirmatively and further stated that the wait times will be reported on the website as well as on social media. She also said that each location will have 4'X4' signs that display all of the advance voting sites.

Chair Swift asked if more libraries could be added as advance voting sites. Director Smith replied that she spoke with the Director of DeKalb Libraries and due to programming, they are unable to accommodate additional sites. She also asked if the hours for advance voting on Saturdays could be extended from 9am-5pm to 9am-7pm and Director Smith replied affirmatively.

Motion by Ms. Jester seconded by Ms. Motter to approve the advance voting locations presented with the amendment of Saturday voting on October 19 and 26 to be allowed until 7pm. The motion passed unanimously. Ms. Jester noted for the record that the approval of the AIP sites did not include the drop boxes and that they would be finalized in September.

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

Chair Swift stated that on Friday, July 26, a challenge was received from Victor Tripp challenging 181 electors due to their birth years. Secondly, she stated that on Tuesday, July 30, a challenge was received from Gail Lee challenging 230 electors due to being registered in Georgia and another state. She further explained that the Board would first determine whether probable cause had been met to schedule hearings for the challenged voters.

Motion by Ms. Jester seconded by Mr. Lewis to conduct the probable cause hearing for voter challenges pursuant to O.C.G.A. 21-2-230 and make a determination on the probable cause.

1.) Victor Tripp offered testimony and evidence related to the voter challenges he submitted.

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

Motion by Ms. Jester and seconded by Mr. Lewis to find probable cause for the O.C.G.A. 21-2-230 challenges presented by Mr. Tripp. The motion failed 2-3 with Chair Swift, Vice-Chair Abhiraman, and Ms. Motter voting nay.

Motion by Ms. Jester and seconded by Vice-Chair Abhiraman to not find probable cause for the O.C.G.A. 21-2-230 challenges presented by Mr. Tripp. The Motion passed 3-2 with Mr. Lewis and Ms. Jester voting nay.

Motion by Ms. Jester seconded by Vice-Chair Abhiraman to conduct the probable cause hearing for voter challenges presented by Gail Lee pursuant to O.C.G.A. 21-2-230 and make a determination on the probable cause.

- 2.) Gail Lee offered testimony and evidence related to the voter challenges she submitted. Viviane H. Ernstes, the County Attorney, provided an overview of the decision rendered in 2021 in the Majority Forward v. Ben Hill Board of Elections case regarding voter challenges.

At the conclusion of Ms. Lee's presentation, the Board deliberated on the evidence and Chair Swift called for a motion.

Motion by Ms. Jester and seconded by Mr. Lewis to find probable cause for the O.C.G.A. 21-2-230 challenges presented by Ms. Lee. The motion failed 2-2 with Chair Swift and Ms. Motter voting nay.

BOARD COMMENTS

Mr. Lewis thanked the public, the staff, and the Law Department.

Ms. Jester also thanked the public, the staff, and the Law Department.

Ms. Motter thanked the staff and the County attorneys.

ADJOURNMENT

Motion by Ms. Jester, seconded by Mr. Lewis, to adjourn. The motion carried unanimously. The meeting was adjourned at 8:33 p.m.