



BOARD OF REGISTRATION AND ELECTIONS SCHEDULED MEETING

July 14, 2022

4:30 PM

ZOOM

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DeKalb County Board of Registration and Elections

Meeting Minutes

June 27, 2022

*via zoom platform

Start Time: 12:00 p.m.

End Time: 12:29 p.m.

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

Other Attendees: Keisha Smith, Executive Director
Terry Phillips, Deputy County Attorney
Shelley Momo, Senior Assistant County Attorney
Irene Vander Els, Assistant County Attorney
Tristen Waite, Assistant County Attorney

APPROVAL OF AGENDA

Chair Lowman Smith called the meeting to order at 12:00 p.m. Ms. Austin read the roll by calling each board member by name. All members were in attendance.

APPROVAL OF MINUTES

Motion by Mr. Lewis and seconded by Ms. Motter to approve the May 27 Special Called Meeting Minutes. The motion carried unanimously.

Motion by Ms. Swift and seconded by Ms. Motter to approve the May 31 Scheduled Meeting Minutes. The motion carried unanimously.

Motion by Ms. Motter and seconded by Mr. Lewis to approve the May 31 Special Called Meeting Minutes. The motion carried unanimously subject to the correction of a typo.

Motion by Ms. Swift and seconded by Ms. Motter to approve the June 3 Special Called Meeting Minutes. The motion carried unanimously subject to the correction of a typo.

Motion by Ms. Motter and seconded by Mr. Lewis to approve the June 10 Special Called Meeting Minutes. The motion carried unanimously.

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

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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.

The following citizens provided public comment:

- Sonya Collette Frix
- Naomi Bock
- Janet Grant

ITEMS FOR DECISION

A) Recount Request

Director Smith announced that the Department had received a recount request from candidate Jaqueline Adams in the 86th House District Democratic Primary Runoff.

Motion by Ms. Motter and seconded by Vice-Chair Jester to deny the request.

The Director stated for the record that Ms. Adams had not made any allegations of irregularities in the count.

The motion carried unanimously.

B) Certification of the June 21, 2022 General Primary Runoff

Motion by Ms. Swift and seconded by Vice-Chair Jester to certify the election results.

Director Smith thanked the staff and stated that runoff had been efficient and transparent, with only a few issues that were mitigated as they arose.

The motion carried unanimously.

ITEMS FOR DISCUSSION

A) Commissioner's Comments

No Commissioners offered comments.

B) Director's Report

Director Smith presented a report summarizing the election.

BOARD COMMENTS

No members offered comments.

ADJOURNMENT

Motion by Vice-Chair Jester and seconded by Ms. Motter to adjourn the meeting. The motion carried by a unanimous vote. The meeting was adjourned at 12:29 p.m.

DeKalb County Board of Registration and Elections

Meeting Minutes

July 8, 2022

*via zoom platform

Start Time: 10:00 a.m.

End Time: 11:16 a.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
Terry Phillips, Deputy County Attorney
Shelley Momo, Senior Assistant County Attorney
Irene Vander Els, Assistant County Attorney
Tristen Waite, Assistant County Attorney

APPROVAL OF AGENDA

Chair Lowman Smith called the meeting to order at 10:00 a.m. Director Smith read the roll by calling each board member by name. All members were in attendance.

Motion by Vice-Chair Jester and approved by Ms. Motter to approve the agenda. The motion carried unanimously.

APPROVAL OF MINUTES

Motion by Ms. Motter and seconded by Mr. Lewis to approve the May 6 Special Called Meeting Minutes. The motion carried unanimously.

PUBLIC COMMENTS

Ms. Vander Els 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.

The following citizens provided public comment:

- Sonya Collette Frix

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- Judy Sophianopoulos
- Chana Harris

ITEMS FOR DECISION

A) Voter Challenges

Director Smith introduced two sets of voter registration challenges sent by DeKalb County residents: ten by Gail Lee and ten by Roger Wycoff. She explained that when challenges are received, registration staff first reviews them to identify the basis of the claim. The challenger and challenged voters are both notified by certified mail, first class mail, and email if an email address has been provided.

She noted that the challenges on the agenda were derived from the National Change of Address database. Under federal law and guidance from the state, removals based on change of address can only be performed through the state's list maintenance procedures. Therefore, she recommended rejecting the challenges.

Ms. Lee explained that the ten people on her list had indicated to the post office that they wished to relocate to the state of Florida. She had also submitted documentation showing that each of them had registered to vote in Florida. She cited O.C.G.A. 21-2-217, arguing that the challenged voters were considered to have lost their residence in Georgia when they registered to vote elsewhere.

The board agreed to let Ms. Jester ask Ms. Lee's attorney, David Baker, a question. He argued that the board's rules obviated O.C.G.A. 21-2-229 by allowing challenges only through the state's list maintenance procedures. He reiterated that under O.C.G.A. 21-2-217 (a)(2), a voter's residency ends when they register to vote elsewhere. He argued that this evidence in combination with the NCOA list was sufficient for the board to cancel the challenged voters' registrations.

Ms. Swift disagreed with Mr. Baker's interpretation, arguing that it accounted for neither the full list maintenance procedure given in the code, nor for federal preemption. She stated that case law would be needed before the board could remove these voters.

Ms. Vander Els added that the state's list maintenance procedures do contemplate the possibility of voters moving out of state and that removal of a voter under those circumstances requires documentation from the foreign secretary of state including the voter's signature and a copy of their application.

Mr. Lewis asked if the rules regarding foreign secretaries of state inhibited receiving information in other ways. Ms. Vander Els responded that per guidance from Georgia's secretary of state, it did.

Mr. Lewis asked if any of the challenged voters had voted in 2022. Director Smith responded that of the ten voters challenged by Ms. Lee, nine had last voted in 2021 and one had voted in 2020. She also mentioned that since publication of the agenda, three of the challenged voters—Zenobia Williams, Terri Tanner, and Robert Blair—had contacted the Department confirming that they had moved and that their registrations had already been cancelled.

Ms. Motter reminded the public of the issues with voter challenges dating back to 2019. At the time, she asked how state law interacted with the federal National Voter Registration Act and objected to how the board was handling challenges. Ultimately the board was sued over that issue. After advice from the county attorneys, the affected voters were added back to the voter rolls. Her current view was

that the situation remained unchanged, and that additional clarity could only come from new legislation or case law.

Chair Lowman Smith commented that it was clear to her that NCOA removals could only occur through the state's list maintenance procedure, which was currently happening and which she believed could be allowed to proceed without being supplemented by challenges. She also reiterated that federal law placed additional requirements on the board. She stressed the danger of cancelling a registration based on the same name and birthdate; and that challenges should only be upheld based on personal knowledge of the challenged voter. She reminded listeners that the burden of proof is on the challenger and argued against setting the precedent that the staff would research when challenged voters last voted because it would distract the staff from their jobs. She asked challengers to present this information themselves if they intended to make a challenge.

Mr. Lewis commented that in his opinion, the board should have gone to court instead of settling the 2019 case out of court. This would have given the clear guidelines which Ms. Motter was looking for. He disagreed with the Chair and argued that residents who bring challenges should not be expected to be investigators due to the position it would put them in of needing to contact challenged voters or other secretaries of state directly.

He asked whether challengers were prevented from using registration in another state as evidence in their challenge. Ms. Vander Els responded that it does not prevent them from bringing the challenge, but that per O.C.G.A. 21-2-233, the board could not remove a voter from the rolls based on a change of address, even if there is evidence of registration in another state unless that information came from the other secretary of state.

Motion by Vice-Chair Jester, seconded by Mr. Lewis, to remove the voters one through ten from the rolls if they had not already removed themselves. The motion failed 2-3. Vice-Chair Jester and Mr. Lewis voted aye. Chair Lowman Smith, Ms. Motter, and Ms. Swift voted nay.

Motion by Ms. Swift, seconded by Ms. Motter, to reject the challenges against the same voters. The motion carried 3-2. Chair Lowman Smith, Ms. Motter, and Ms. Swift voted aye. Vice-Chair Jester and Mr. Lewis voted nay.

Director Smith introduced challenges eleven through twenty, brought by Roger Wycoff. One last voted November 30, 2021. The other nine last voted January 5, 2021. As of this morning, Dominique Dessausure had responded that she had moved out of state and her registration had been cancelled.

Responding to a public comment, Mr. Wycoff criticized the claim that certain demographics were being targeted as offensive and inaccurate. He stated that the voters were identified through the National Change of Address database and had registered to vote in North Carolina.

Mr. Lewis asked if any of the voters had responded to the challenge. Director Smith responded that there had been no response aside from Ms. Dessausure.

Motion by Vice-Chair Jester, seconded by Mr. Lewis, to remove the voters eleven through twenty from the rolls if they had not already removed themselves. The motion failed 2-3. Vice-Chair Jester and Mr. Lewis voted aye. Chair Lowman Smith, Ms. Motter, and Ms. Swift voted nay.

Motion by Ms. Swift, seconded by Ms. Motter, to reject the challenges against the same voters. The motion carried 3-2. Chair Lowman Smith, Ms. Motter, and Ms. Swift voted aye. Vice-Chair Jester and Mr. Lewis voted nay.

BOARD COMMENTS

Ms. Swift thanked the staff for the research they had done. She reminded the public of the importance of the right to vote, and that the fact that someone had not voted in an election was not evidence that they had moved. Removing a voter from the rolls was a matter taken very seriously by the board, and, while they may not always agree, they were working together to ensure that DeKalb has the best election infrastructure and voter experience possible.

Ms. Motter also thanked the staff and asked the public to understand that the staff was called upon to do a lot of legwork. She welcomed any guidance from the state or litigation that might create case law to clarify the situation; but when in doubt, she preferred to lean on the side of enfranchisement.

Mr. Lewis echoed the thanks to the staff for working on these challenges amidst two elections and assured them that the board never wanted to create more work for them. He thanked the challengers and stated how important public input had been in alerting the department to problems. He described voter challenges as a protection of voters' right to vote by assuring that the voter rolls are up to date.

Vice-Chair Jester thanked the challengers and described the notion that discrimination was at work as ridiculous on its face. She described the outcome of the challenges and the advice from the county attorneys as the death of common sense and called it clear that voter rolls statewide were very ill-maintained. She predicted that challenges would continue to be rejected by a 3-2 vote and described any further challenges as a waste of time, advising potential challengers to pursue action through litigation or the state. She stated that when voter rolls were not maintained it dilutes everyone else's vote. She stated that there were no personal issues between her and the rest of the board and thanked the staff for their hard work.

Chair Lowman Smith recognized Commissioner Mereda Davis Johnson and yielded the floor to her for comments. Commissioner Davis Johnson addressed the board, thanking them for assisting the public with the voting process. She stated her interest in ensuring that everyone had a reasonable right to vote and that it could not be premised on the lie that the 2020 election had been stolen; that although legislation had been passed after that election, courts nationwide had determined that there was little to no fraud. She described the laws as voter suppression targeting certain people.

Chair Lowman Smith thanked the staff for providing context to the challenges. She restated that the burden of proof is on the challenger and that although the burden could be heavy, the staff was not intended to be investigators. The procedures were set by the state and the board is limited in its ability and willingness to take away someone's right to vote. She did not believe that her vote was diluted by the size of the voter rolls; that the only way a vote could be diluted is if someone else voted improperly, and there was no evidence of that occurring despite a lot of searching.

Chair Lowman Smith went on to state that as the descendant of people who fought for the right to vote, she preferred to err on the side of enfranchisement and refused to take away that right based on supposition. She asked future challengers to understand that the board recognizes its burden to consider this information before making a decision.

ADJOURNMENT

Motion by Ms. Motter, seconded by Mr. Lewis, to adjourn the meeting. The motion carried by a unanimous vote. The meeting was adjourned at 11:16 a.m.

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ITEM 4A: RISK-LIMITING AUDIT

On July 13, Voter Registration and Elections conducted a Risk-Limiting Audit of the Secretary of State Democratic Primary Runoff with the assistance of the state’s partner, VotingWorks. We selected a risk limit of 5% and the VotingWorks software randomly selected five batches to count. Four were election day precincts and one was the advance voting ballots from South DeKalb Mall:

Batch	Combined Name
ED_CY	CLARKSTON COMMUNITY CENTER
ED_MF	MCWILLIAMS/MILLER GROVE
ED_MN	MEMORIAL SOUTH
ED_SK	SHADOW ROCK ELEM
AV_SOU	ADVANCE SOUTH DEKALB

In general, a slight margin of error is to be expected in a hand audit. However, in this particular case, there were no discrepancies at all. The complete results are below.

		Batch				
		ED_CY	ED_MF	ED_MN	ED_SK	AV_SOU
Certified Machine Count	Dee Dawkins-Haigler	20	111	15	78	548
	Bee Nguyen	76	207	54	178	2,637
	Blank/REP/NP	4	1	0	10	24
	Total	100	319	69	266	3,209
RLA Count	Dee Dawkins-Haigler	20	111	15	78	548
	Bee Nguyen	76	207	54	178	2,637
	Blank/REP/NP	4	1	0	10	24
	Total	100	319	69	266	3,209

ITEM 4A: MAY 24 COMMISSIONER D2 ANALYSIS

PART 1: READING ELECTION SUMMARY REPORTS

This document will explain how to read the Election Summary Reports we post on our website and walk you through creating a spreadsheet that accounts for all the voters in the May 24 primary.

The Election Summary Report

Every election, we post an Election Summary Report on our website that looks like this:

County Commissioner D2 - Dem (Vote for 1)							
DEM							
Precincts Reported: 39 of 39 (100.00%)							
		Election Day	Advanced Vot	Absentee by	Provisional	Total	
Times Cast		9,766	5,763	1,311	0	16,840 / 98,425 17.11%	
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Lauren Alexander		2,671	1,428	283	0	4,382	34.67%
Marshall Orson		3,343	1,490	393	0	5,226	41.35%
Michelle Long Spears		589	2,019	423	0	3,031	23.98%
Total Votes		6,603	4,937	1,099	0	12,639	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	

It is important to distinguish between two terms that the report uses:

Times Cast: The number of ballots cast, even if this race was left blank.

Total Votes: The number of votes received by candidates. This does not include blank ballots.

For this election it is also important to keep in mind that five of the precincts appear in a second report called database 2. To get the complete numbers, we will need to add the two reports together.

County Commissioner D2 - Dem (Vote for 1)							
DEM							
Precincts Reported: 4 of 4 (100.00%)							
		Election Day	Advanced Vot	Absentee by	Provisional	Total	
Times Cast		1,235	513	82	0	1,830 / 7,606 24.06%	
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Lauren Alexander		322	141	21	0	484	33.99%
Marshall Orson		181	100	20	0	301	21.14%
Michelle Long Spears		440	175	24	0	639	44.87%
Total Votes		943	416	65	0	1,424	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	

This is where you can find the last reports from election night and what happens when you add together the votes in the Commission District 2 Democratic Primary section in a spreadsheet:

[Database 1 Election Summary Report – Unofficial and Incomplete \(May 25, 2:30 a.m.\)](#)

[Database 2 Election Summary Report – Unofficial and Incomplete \(May 25, 3:05 a.m.\)](#)

	Alexander	Broussard	Orson	Spears	Total
Election Day	2,993	0	3,524	1,029	7,546
Advance Voting	1,569	0	1,590	2,194	5,353
Absentee	304	0	413	447	1,164
Provisional	0	0	0	0	0
Total Votes	4,866	0	5,527	3,670	14,063
Blank Votes					4,607
Times Cast					18,670

This was the preliminary report of the hand count, released on June 1:

[Statement of Votes Cast, Commission District 2 Democratic Primary – Unofficial and Incomplete \(June 1\)](#)

	Alexander	Broussard	Orson	Spears	Total
Election Day	3,008	53	2,069	4,080	9,210
Advance Voting	1,457	41	1,492	2,152	5,142
Absentee	265	39	362	415	1,081
Provisional	7	0	5	4	16
Total Votes	4,737	133	3,928	6,651	15,449
Blank Votes					2,678
Times Cast					18,127

This is the hand count certified on June 3. Between June 1 and June 3 there were various corrections to the bookkeeping, including typos, numbers filed in the wrong place, and numbers that had not been entered.

[Statement of Votes Cast, Commission District 2 Democratic Primary – Official and Complete \(June 3\)](#)

	Alexander	Broussard	Orson	Spears	Total
Election Day	3,004	53	2,068	4,078	9,203
Advance Voting	1,561	39	1,541	2,291	5,432
Absentee	306	43	418	450	1,217
Provisional	7	0	5	4	16
Total Votes	4,878	135	4,032	6,823	15,868
Blank Votes					2,779
Times Cast					18,647

ITEM 4A: MAY 24 COMMISSIONER D2 ANALYSIS

PART 2: SOURCES OF ERROR

This document will go into detail on the counts of the County Commissioner District 2 Democratic Primary, list the errors in the initial machine count, and demonstrate that the initial results are explained by a ballot shift at 32 of the 40 District 2 precincts.

Background

On the evening of May 24, observers quickly began reporting that the result tapes for the County Commissioner District 2 Democratic Primary showed candidate Michelle Long Spears receiving zero votes in many precincts. DeKalb VRE reviewed the initial data generated from the Commission District 2 contest and coordinated efforts with the Georgia Secretary of State's office. An initial review indicated that it was an isolated issue that likely occurred after one candidate withdrew from the race. A comparison of the results demonstrated that the vote totals displayed incorrectly, making it appear as if candidate Michelle Long Spears received zero votes in all but four precincts. A hand count of the District 2 race was held on May 29-30 to obtain an accurate tabulation of ballots cast and the results of that count were certified instead of the machine count.

Errors in the Machine Count

Throughout the runup to the May 24 primary, DeKalb VRE worked with the Secretary of State's office and their Center for Election Systems (CES) to make several changes to the voting machine configuration. Some of those changes handled the withdrawal of candidate Donald Broussard correctly and others did not.

In the end, there were four different voting machine configurations used at District 2 precincts on election day:

1. At four precincts, the equipment was configured correctly.
2. At four precincts, the touchscreens allowed voters to vote for Broussard. However, when the memory cards were uploaded to the central server, those votes were counted as blank because Broussard was marked as withdrawn.
3. At twenty-nine precincts, the votes below Broussard were "shifted upward:" a vote for Spears was recorded as a vote for Orson, and a vote for Orson was recorded as a vote for Broussard. Then, when the memory cards were uploaded, the Orson votes marked as Broussard were counted as blank.
4. At three precincts, some of the votes were shifted and some were not: the Scott and Shamrock precincts each had two scanners, one which was correctly configured and one which was not. At Lakeside, a technical problem required some of the ballots to be brought back and scanned at the office. The ballots scanned at the polling place were shifted and the ballots scanned at the office were not.

Open Questions

We will primarily be addressing two questions:

1. Was the hand count accurate?
2. Are the issues with the machine count explained by a ballot shift, or were there other factors at work?

Results of Each Count

May 24 Machine Count					
	Alexander	Broussard	Orson	Spears	Total
Election Day	2,993	0	3,524	1,029	7,546
Advance Voting	1,569	0	1,590	2,194	5,353
Absentee	304	0	413	447	1,164
Provisional	0	0	0	0	0
Total Votes	4,866	0	5,527	3,670	14,063
Blank Votes					4,607
Times Cast					18,670

May 29-30 Hand Count					
	Alexander	Broussard	Orson	Spears	Total
Election Day	3,004	53	2,068	4,078	9,203
Advance Voting	1,561	39	1,541	2,291	5,432
Absentee	306	43	418	450	1,217
Provisional	7	0	5	4	16
Total Votes	4,878	135	4,032	6,823	15,868
Blank Votes					2,779
Times Cast					18,647

Accuracy of the Hand Count

Because most election day votes for Spears were counted for Orson and most Orson votes were counted as blank, we expect the votes for Orson, votes for Spears, and blank votes to change between the two counts.

We do not expect the Times Cast—the total number of ballots cast in the race—to change. Nor do we expect Alexander’s totals to change, because her name appeared above Broussard on the ballot and therefore her votes were not shifted. Advance Voting and Absentee should also not be affected.

If you compare the green cells in the two tables above, you can get a sense of the margin of error of the hand count. There will always be some error, but the totals are easily close enough to determine the outcome of the election.

Sources of Error

Next, we will investigate whether the ballot shift alone explains the errors in the machine count, or whether another explanation is needed. If applying what we know about the ballot shift to the correct count reproduces the May 24 machine count, that would indicate that the ballot shift was the only source of error; if it does not, then another explanation will be needed.

Since we believe the hand count is broadly accurate, we will use those numbers as the “correct” count, although we will have to keep in mind that the hand count does still contain some errors.

These are the precinct breakdowns for the two counts.

PRECINCT	May 24 Machine Count							Hand Count						
	LAUR. ALEX.	DON. BROU.	MAR. ORS.	MICH. SPEA.	TOTAL VOTES	BLANK VOTE	TIMES CAST	LAUR. ALEX.	DON. BROU.	MAR. ORS.	MICH. SPEA.	TOTAL VOTES	BLANK VOTE	TIMES CAST
Ashford Dunwoody Rd	67	0	76	0	143	62	205	67	0	31	77	175	30	205
Ashford Park Elem	41	0	49	0	90	52	142	41	0	30	49	120	22	142
Ashford Parkside	59	0	96	0	155	47	202	59	0	12	96	167	35	202
Briar Vista Elem	82	0	112	0	194	104	298	83	0	48	112	243	56	299
Briarcliff	63	0	98	0	161	90	251	86	0	54	75	215	36	251
Briarwood	29	0	41	0	70	37	107	29	0	18	41	88	19	107
Brookhaven	86	0	65	0	151	48	199	86	0	22	65	173	27	200
Clairemont East	128	0	214	0	342	153	495	128	0	87	214	429	66	495
Clairemont West	160	0	271	0	431	205	636	160	0	94	271	525	112	637
Clairmont Road	79	0	121	0	200	87	287	79	0	48	121	248	40	288
Coralwood	66	0	131	0	197	140	337	61	0	100	117	278	70	348
Cross Keys High	35	0	17	37	89	23	112	35	0	17	37	89	24	113
Decatur	115	0	41	131	287	67	354	115	0	41	131	287	66	353
Druid Hills High	40	0	74	0	114	146	260	40	0	120	74	234	26	260
Emory Road	20	0	28	0	48	39	87	20	0	0	43	63	29	92
Emory South	75	0	89	0	164	130	294	69	0	73	88	230	58	288
Fernbank Elem	37	0	103	0	140	194	334	37	0	159	103	299	35	334
Glennwood	116	0	66	149	331	92	423	116	17	66	149	348	75	423
Harris-Margaret Harris	52	0	49	0	101	30	131	55	0	13	52	120	19	139
Johnson Estates	40	0	66	0	106	87	193	39	0	32	66	137	55	192
Kittredge Elem	22	0	94	0	116	25	141	22	0	8	94	124	17	141
Lakeside High	84	0	84	108	276	78	354	82	0	65	148	295	58	353
Lavista	72	0	68	0	140	75	215	72	0	43	68	183	32	215
Lavista Road	77	0	84	0	161	87	248	77	0	50	84	211	35	246
Lin-Mary Lin Elem	120	0	131	0	251	186	437	122	0	79	134	335	110	445
Medlock	86	0	176	0	262	167	429	86	0	101	176	363	67	430
Montclair Elem	44	0	50	0	94	19	113	44	0	10	50	104	9	113
Montgomery Elem	47	0	80	0	127	37	164	47	0	18	79	144	20	164
Northlake	49	0	25	60	134	64	198	49	13	28	61	151	50	201
Oak Grove Elem	49	0	100	0	149	65	214	47	0	33	95	175	33	208
Oakhurst	227	0	48	130	405	85	490	227	0	48	130	405	84	489
Ponce de Leon	119	0	156	0	275	126	401	119	0	68	156	343	58	401
Rehoboth	39	0	42	59	140	34	174	39	6	42	51	138	28	166
Sagamore Hills Elem	79	0	184	0	263	128	391	79	0	85	185	349	42	391
Scott	104	0	129	69	302	102	404	104	0	114	138	356	44	400
Shamrock	63	0	88	33	184	77	261	63	0	78	88	229	10	239
Silver Lake	60	0	59	0	119	64	183	60	0	28	59	147	36	183
Skyland	51	0	46	0	97	63	160	51	0	28	46	125	35	160
Winnona Park	118	0	48	172	338	102	440	116	17	52	174	359	80	439
Woodward	93	0	25	81	199	38	237	93	0	25	81	199	37	236
TOTAL	2,993	0	3,524	1,029	7,546	3,455	11,001	3,004	53	2,068	4,078	9,203	1,785	10,988

We are going to apply all the errors we know of to the hand count and see if it produces the same outcome as the machine count. We will need to separate the precincts into two groups: green precincts are not shifted, but if there are any votes for Broussard, we will need to change them to blank. Purple precincts are shifted, so we will change any Orson votes to blank and Spears votes to Orson. This is the result:

PRECINCT	May 24 Machine Count							Hand Count with Ballot Shift Applied						
	LAUR. ALEX.	DON. BROU.	MAR. ORS.	MICH. SPEA.	TOTAL VOTES	BLANK VOTE	TIMES CAST	LAUR. ALEX.	DON. BROU.	MAR. ORS.	MICH. SPEA.	TOTAL VOTES	BLANK VOTE	TIMES CAST
Ashford Dunwoody Rd	67	0	76	0	143	62	205	67	0	77	0	144	61	205
Ashford Park Elem	41	0	49	0	90	52	142	41	0	49	0	90	52	142
Ashford Parkside	59	0	96	0	155	47	202	59	0	96	0	155	47	202
Briar Vista Elem	82	0	112	0	194	104	298	83	0	112	0	195	104	299
Briarcliff	63	0	98	0	161	90	251	86	0	75	0	161	90	251
Briarwood	29	0	41	0	70	37	107	29	0	41	0	70	37	107
Brookhaven	86	0	65	0	151	48	199	86	0	65	0	151	49	200
Clairemont East	128	0	214	0	342	153	495	128	0	214	0	342	153	495
Clairemont West	160	0	271	0	431	205	636	160	0	271	0	431	206	637
Clairmont Road	79	0	121	0	200	87	287	79	0	121	0	200	88	288
Coralwood	66	0	131	0	197	140	337	61	0	117	0	178	170	348
Druid Hills High	40	0	74	0	114	146	260	40	0	74	0	114	146	260
Emory Road	20	0	28	0	48	39	87	20	0	43	0	63	29	92
Emory South	75	0	89	0	164	130	294	69	0	88	0	157	131	288
Fernbank Elem	37	0	103	0	140	194	334	37	0	103	0	140	194	334
Harris-Margaret Harris	52	0	49	0	101	30	131	55	0	52	0	107	32	139
Johnson Estates	40	0	66	0	106	87	193	39	0	66	0	105	87	192
Kittredge Elem	22	0	94	0	116	25	141	22	0	94	0	116	25	141
Lakeside High (at poll)	26	0	41	0	67	40	107	26	0	41	0	67	40	107
Lavista	72	0	68	0	140	75	215	72	0	68	0	140	75	215
Lavista Road	77	0	84	0	161	87	248	77	0	84	0	161	85	246
Lin-Mary Lin Elem	120	0	131	0	251	186	437	122	0	134	0	256	189	445
Medlock	86	0	176	0	262	167	429	86	0	176	0	262	168	430
Montclair Elem	44	0	50	0	94	19	113	44	0	50	0	94	19	113
Montgomery Elem	47	0	80	0	127	37	164	47	0	79	0	126	38	164
Oak Grove Elem	49	0	100	0	149	65	214	47	0	95	0	142	66	208
Ponce de Leon	119	0	156	0	275	126	401	119	0	156	0	275	126	401
Sagamore Hills Elem	79	0	184	0	263	128	391	79	0	185	0	264	127	391
Scott (Scanner 2)	54	0	70	0	124	79	203	54	0	69	0	123	76	199
Shamrock (Scanner 1)	32	0	55	0	87	61	148	32	0	55	0	87	50	137
Silver Lake	60	0	59	0	119	64	183	60	0	59	0	119	64	183
Skyland	51	0	46	0	97	63	160	51	0	46	0	97	63	160
Cross Keys High	35	0	17	37	89	23	112	35	0	17	37	89	24	113
Decatur	115	0	41	131	287	67	354	115	0	41	131	287	66	353
Glennwood	116	0	66	149	331	92	423	116	0	66	149	331	92	423
Lakeside (in office)	58	0	43	108	209	38	247	56	0	43	107	206	40	246
Northlake	49	0	25	60	134	64	198	49	0	28	61	138	63	201
Oakhurst	227	0	48	130	405	85	490	227	0	48	130	405	84	489
Rehoboth	39	0	42	59	140	34	174	39	0	42	51	132	34	166
Scott (Scanner 1)	50	0	59	69	178	23	201	50	0	59	69	178	23	201
Shamrock (Scanner 2)	31	0	33	33	97	16	113	31	0	33	33	97	5	102
Winnona Park	118	0	48	172	338	102	440	116	0	52	174	342	97	439
Woodward	93	0	25	81	199	38	237	93	0	25	81	199	37	236
TOTAL	2,993	0	3,524	1,029	7,546	3,455	11,001	3,004	0	3,509	1,023	7,536	3,452	10,988

If you compare the numbers, you can see that the tables are virtually identical, although there are a few errors that are probably mistakes in the hand count. This is the difference between the machine count and the ballot-shifted hand count:

PRECINCT	Difference						
	LAUR. ALEX.	DON. BROU.	MAR. ORS.	MICH. SPEA.	TOTAL VOTES	BLANK VOTE	TIMES CAST
Ashford Dunwoody Rd	0	0	1	0	1	-1	0
Ashford Park Elem	0	0	0	0	0	0	0
Ashford Parkside	0	0	0	0	0	0	0
Briar Vista Elem	1	0	0	0	1	0	1
Briarcliff	23	0	-23	0	0	0	0
Briarwood	0	0	0	0	0	0	0
Brookhaven	0	0	0	0	0	1	1
Clairemont East	0	0	0	0	0	0	0
Clairemont West	0	0	0	0	0	1	1
Clairmont Road	0	0	0	0	0	1	1
Coralwood	-5	0	-14	0	-19	30	11
Druid Hills High	0	0	0	0	0	0	0
Emory Road	0	0	15	0	15	-10	5
Emory South	-6	0	-1	0	-7	1	-6
Fernbank Elem	0	0	0	0	0	0	0
Harris-Margaret Harris	3	0	3	0	6	2	8
Johnson Estates	-1	0	0	0	-1	0	-1
Kittredge Elem	0	0	0	0	0	0	0
Lakeside High (at poll)	0	0	0	0	0	0	0
Lavista	0	0	0	0	0	0	0
Lavista Road	0	0	0	0	0	-2	-2
Lin-Mary Lin Elem	2	0	3	0	5	3	8
Medlock	0	0	0	0	0	1	1
Montclair Elem	0	0	0	0	0	0	0
Montgomery Elem	0	0	-1	0	-1	1	0
Oak Grove Elem	-2	0	-5	0	-7	1	-6
Ponce de Leon	0	0	0	0	0	0	0
Sagamore Hills Elem	0	0	1	0	1	-1	0
Scott (Scanner 2)	0	0	-1	0	-1	-3	-4
Shamrock (Scanner 1)	0	0	0	0	0	-11	-11
Silver Lake	0	0	0	0	0	0	0
Skyland	0	0	0	0	0	0	0
Cross Keys High	0	0	0	0	0	1	1
Decatur	0	0	0	0	0	-1	-1
Glennwood	0	0	0	0	0	0	0
Lakeside (in office)	-2	0	0	-1	-3	2	-1
Northlake	0	0	3	1	4	-1	3
Oakhurst	0	0	0	0	0	-1	-1
Rehoboth	0	0	0	-8	-8	0	-8
Scott (Scanner 1)	0	0	0	0	0	0	0
Shamrock (Scanner 2)	0	0	0	0	0	-11	-11
Winnona Park	-2	0	4	2	4	-5	-1
Woodward	0	0	0	0	0	-1	-1
TOTAL	3,004	0	3,509	1,023	7,536	3,452	10,988

Conclusion

Although no hand count is perfect, after comparing the two counts, the certified hand count appears to be more than accurate enough to determine the outcome of the Commission District 2 race. There was a large error introduced into the machine count by the ballot shift; but we do not see any evidence of other sources of error.

EXHIBIT A

NOTICE OF BOND ELECTION

TO THE QUALIFIED VOTERS OF THE CITY OF DUNWOODY, GEORGIA

YOU ARE HEREBY NOTIFIED that on November 8, 2022, an election will be held in all of the election districts of the City of Dunwoody, Georgia (the “City”), at which election there will be submitted to the qualified voters of the City the question of whether the City should issue general obligation bonds, in an aggregate principal amount not to exceed \$[Principal Amount] (the “Bonds”) for the purpose of financing the projects listed in the form of the ballot below, the costs of issuing the Bonds and capitalized interest on the Bonds.

The Bonds, if so authorized, may be issued in whole or in part and in one or more series. The Bonds shall be dated the first day of the calendar month in which the Bonds are issued or the day the Bonds are issued and shall bear interest at rates not exceeding 8% per year (based upon a 360-day year comprised of twelve thirty-day months). The principal shall mature (by scheduled maturity or by mandatory redemption) in the years and amounts, as follows:

<u>Year</u>	<u>Amount</u>
2024	\$
2025	
2026	
2027	
2028	
2029	
2030	
2031	
2032	
2033	
2034	
2035	
2036	
2037	
2038	
2039	
2040	
2041	
2042	
2043	

The principal of and interest on the Bonds shall be payable in lawful money of the United States of America at a bank or banks to be designated later.

Voters desiring to vote for the issuance of the Bonds shall do so by voting “YES” and voters desiring to vote against the issuance of the Bonds shall do so by voting “NO” as to the questions propounded substantially as follows:

“Shall general obligation bonds in an aggregate principal of up to \$[Principal Amount] be issued by the City of Dunwoody, Georgia to [To Be Provided]”

The several places for holding said election shall be in the regular and established election districts of the City, and the polls will be open from 7:00 A.M. to 7:00 P.M. on the said date fixed for the election. Those qualified to vote at said election shall be determined in all respects in accordance and in conformity with the laws of the State of Georgia.

The last day to register to vote in this election shall be October 11, 2022.

Those residents qualified to vote at said election shall be determined in all respects in accordance with election laws of the State of Georgia.

Any brochures, listings or other advertisements issued by the City or by any other person, firm, corporation or association with the knowledge and consent of the City, shall be deemed to be a statement of intention of the City concerning the use of the proceeds of the Bonds; and such statement of intention shall be binding on the City in the expenditure of any such Bond funds or interest received from such Bond funds which have been invested.

Pursuant to O.C.G.A. Section 36-82-100, the City notifies all interested parties that no independent performance audit or performance review (the “Bond Audit”) will be conducted with respect to the Bonds. However, the City will continue to ensure that Bond proceeds are expended efficiently and economically, as intended by the Bond Audit.

This notice is given pursuant to joint action of the City Council and the Dekalb County Board of Elections and Registration.

CITY OF DUNWOODY, GEORGIA

By: _____
Its Mayor

DEKALB COUNTY BOARD OF ELECTIONS
AND REGISTRATION

By: _____
Its Chair

EXHIBIT B

NOTICE OF CALL OF BOND ELECTION

TO THE QUALIFIED VOTERS OF THE CITY OF DUNWOODY, GEORGIA

YOU ARE HEREBY NOTIFIED THAT the City of Dunwoody, Georgia (the “City”) and the Dekalb County Board of Elections and Registration have called an election in all of the election districts of the City, to be held on November 8, 2022, at which election there will be submitted to the qualified voters of the City the question of whether the City should issue general obligation bonds, in an aggregate principal amount not to exceed \$[Principal Amount] (the “Bonds”), for the purpose of [To Be Provided]

The several places for holding said election shall be in the regular and established election districts of the City, and the polls will be open from 7:00 A.M. to 7:00 P.M. on the said date fixed for the election. Those qualified to vote at said election shall be determined in all respects in accordance and in conformity with the laws of the State of Georgia.

The last day to register to vote in this election shall be October 11, 2022.

Those residents qualified to vote at said election shall be determined in all respects in accordance with election laws of the State of Georgia.

This notice is given pursuant to joint action of the City Council and the Dekalb County Board of Elections and Registration.

CITY OF DUNWOODY, GEORGIA

By: _____
Its Mayor

DEKALB COUNTY BOARD OF ELECTIONS
AND REGISTRATION

By: _____
Its Chair

KEISHA L. SMITH
EXECUTIVE DIRECTOR
VOTER REGISTRATION & ELECTIONS
(404) 298-4020
FAX (404) 298-4038

Board of Registration and Elections
4380 Memorial Drive, Suite 300
Decatur, Georgia 30032

BOARD MEMBERS
NANCY JESTER
ANTHONY LEWIS
DELE LOWMAN SMITH
SUSAN MOTTER
KARLI SWIFT

EXHIBIT A

As per Agreement previously approved, **THE CITY OF** Atlanta, hereby requests that DeKalb County conduct its Special Election on November 8, 2022. The last day to register to vote in this election is October 10, 2022. The absentee/Advance Voting Poll will be located at 4380 Memorial Drive, Decatur, GA 30032.

This 13 day of July, 2022.



Municipal Clerk

The DeKalb County Board of Registrations and Elections agrees to conduct the **CITY OF** Atlanta Special Election on November 8, 2022.



This 13 day of July, 2022.



Election Superintendent
DeKalb County Board of Registrations and Elections



MEMORANDUM

DeKalb County
Purchasing and
Contracting

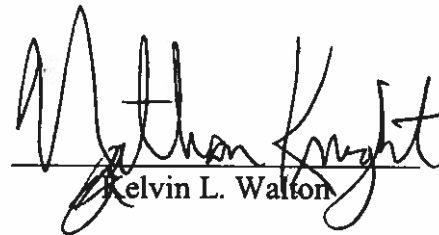
December 3, 2009

TO: Maxine Daniels, Assistant Director, Voter Registration & Elections

FROM: Kelvin L. Walton, Director, Purchasing and Contracting

SUBJECT: DeKalb County Contract No. 09-800644, the City of Atlanta, an Intergovernmental Agreement for Municipal Elections

Attached are two (2) hand-signed copies of the subject Agreement that have been executed by the Chief Executive Officer of DeKalb County. Request that you transmit the executed document, as we believe that it is best for your department to deal directly with the Contractor. (This is an exception to the procedure that makes Purchasing and Contracting the Department responsible for transmitting executed documents to the contractor.)


Kelvin L. Walton

KLW:NK;jh

Attachments

October 6, 2009

DeKalb County

Contract No. 09-800644

**STATE OF GEORGIA
DEKALB COUNTY:**

**AMENDED MUNICIPAL ELECTIONS AGREEMENT BETWEEN DEKALB
COUNTY AND CITY OF ATLANTA**

This amended Agreement is made by and between the City of ATLANTA, a municipal corporation lying partially within the County of DeKalb, Georgia (hereinafter referred to as "City") and DEKALB COUNTY, a political subdivision of the State of Georgia (hereinafter referred to as "County"), and both parties have been duly authorized to enter into this Agreement.

WITNESSETH:

WHEREAS, City in the performance of its governmental functions will hold election(s); and,

WHEREAS, the parties to this Agreement are both governmental units; and

WHEREAS, both parties hereto are interested in serving the needs of the citizens of the City of Atlanta and DeKalb County by providing for the conduct of all elections required and permitted by law within the portion of the City that lies in the County; and

WHEREAS, under the provisions of former Section 21-3-10 of the Official Code of Georgia Annotated and Section 21-2-45(c) of the Official Code of Georgia Annotated, City may by ordinance authorize County to conduct such election(s) and City has adopted such an ordinance:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and in consideration of the mutual promises and undertakings contained herein, the parties hereto do agree and consent to the following:

1.

This Agreement shall govern the conduct of any and all elections (hereinafter referred to as "Election"), including any and all runoffs which may be necessary, at the sole option of the City.

2.

For each Election, City, at its sole option, shall submit to County a request in the form attached hereto as Exhibit A. Requests must be made not later than 60 days before the Election. Requests should be sent to the following address:

Elections Supervisor
DeKalb County Elections
4380 Memorial Drive
Decatur, Georgia 30032

3.

The County's Board of Registration and Elections, upon receiving a request from the City, shall conduct the Election, as an agent of Fulton County in the nine (9) precincts located in the City of Atlanta, DeKalb County, Georgia, with the exception of the "Call" of the Election, publication of the legal notices required and qualification of candidates, as permitted by O.C.G.A. § 21-2-45. The City will send a copy of said notices to the County. The City shall collect and retain the qualification fee under O.C.G.A. § 21-3-90(a).

4.

Absentee voting shall be conducted at the location(s) designated by County.

5.

The City shall be responsible for all submissions required to the U. S. Justice Department under the Voting Rights Act of 1965.

6.

Pursuant to O.C.G.A. § 21-2-45(c), City shall pay County all costs incurred in performing the functions agreed upon herein. City agrees to pay County the actual cost incurred by County in conducting Election as stated on invoice. City shall remit said funds to County within 30 days of receipt of invoice.

7.

The County shall not be financially responsible for any liability resulting from or furnishing of any services in the form of legal opinions or defenses in connection with any litigation arising by reason of the Election. All legal services and defenses of litigation, including but not limited to attorney's fees, required by any Board or person arising from the Election(s) conducted under this contract shall be furnished by the City Attorney for the City. Should the City Attorney for any reason fail to provide the legal services referred to in this paragraph, the County and/or the County's Board of Registration and Elections shall have authority to engage the DeKalb County Law Department at the expense of the City; provided, however, that all requests for legal assistance shall be communicated in writing before the City will be obligated to pay for legal services under this paragraph. The failure of the City Attorney's office to respond within fifteen (15) days to a request made hereunder shall be deemed to be a refusal to furnish such services. County shall notify City in writing of its determination that the City has failed to respond as contemplated hereinabove before incurring legal fees on its own behalf for which the City shall be responsible.

8.

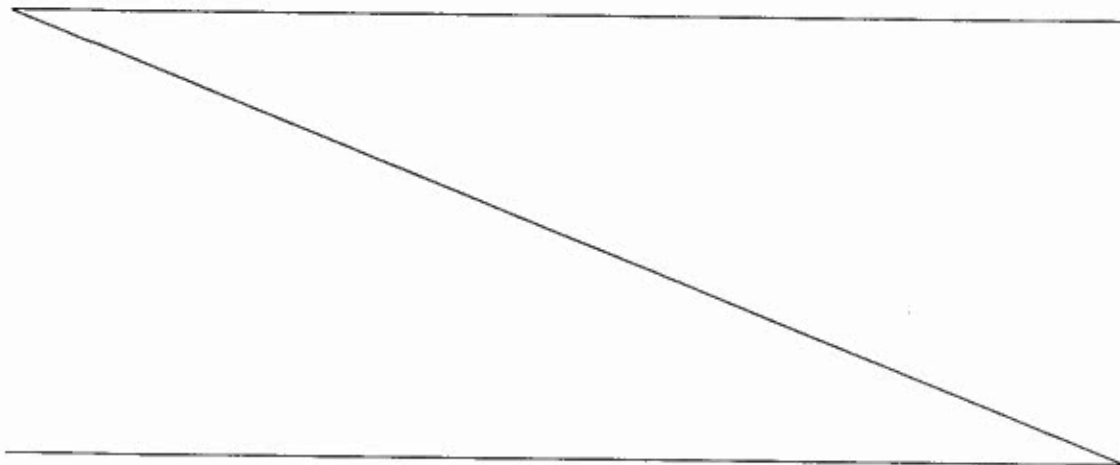
Should it be necessary to comply with legal requirements that any of the County's personnel shall be sworn in as a temporary officer or employee of the City, such formality shall be observed without limitation.

9.

This agreement shall commence on the date it is executed by or on behalf of the governing authority of DeKalb County, Georgia and will terminate on December 31, 2058, unless otherwise terminated as set forth herein. Either party may unilaterally terminate this Agreement, in whole or in part, for any reason whatsoever by notice in writing to the other party delivered at least thirty (30) days prior to the effective date of termination.

10.

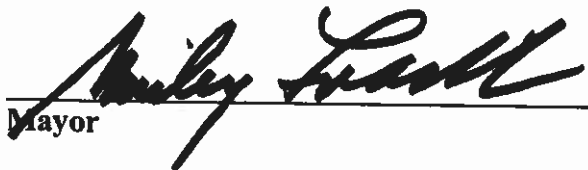
This Agreement constitutes the entire agreement between the parties hereto as to all matters contained herein. No representations, oral or written, not incorporated herein shall be binding upon the parties hereto. All subsequent changes in this Agreement must be in writing and signed by all parties. This Agreement is for the benefit of the parties hereto only and is not intended to benefit any third party or to give rise to any duties to or causes of action for any third party.



October 6, 2009

IN WITNESS WHEREOF, the parties have hereunto set their hands and affixed their seals pursuant to resolutions of their governing bodies duly adopted and entered on the Minutes thereof.

CITY OF ATLANTA (Seal)



Mayor

October 19, 2005
Date

ATTEST:



Municipal Clerk

October 19, 2005
Date

APPROVED AS TO FORM:




City Attorney

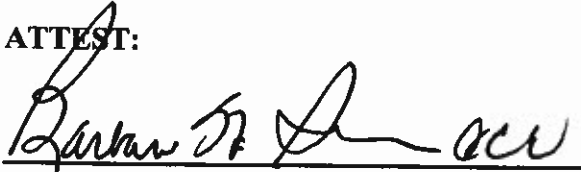
(Signatures Continue on Following Page)

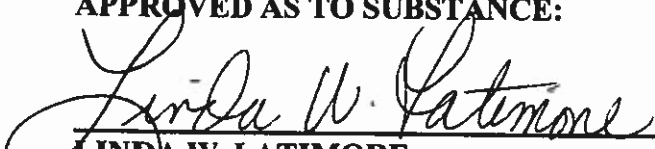
October 6, 2009


**MUNICIPAL ELECTIONS AGREEMENT
CITY OF ATLANTA**

DEKALB COUNTY, GEORGIA

BY:  BY DIR. (SEAL) October 28, 2009
W. BURRELL ELLIS, JR. Date
Chief Executive Officer
DeKalb County, Georgia

ATTEST:
 November 25, 2009
BARBARA H. SANDERS, CCC Date
Clerk of the Chief Executive Officer
and Board of Commissioners of
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:
 DeKalb County
LINDA W. LATIMORE Contract No. 09-800644
Elections Supervisor
DeKalb County Board of Registration
and Elections

APPROVED AS TO FORM:
Asst. 
County Attorney Signature
Brenda A. Raspberry
County Attorney Name (Typed or Printed)

October 6, 2009

Agreement Between DeKalb County and City of Atlanta for Municipal Elections

EXHIBIT A

As per Agreement previously approved, the CITY OF ATLANTA hereby requests that DEKALB COUNTY conduct their General Municipal Election on November 3, 2009, as an agent of Fulton County in the nine (9) precincts located in the City of Atlanta, DeKalb County, Georgia. The last day to register to vote in this election is October 5, 2009. The City also requests that the County conduct any run-off election on December 1, 2009. The absentee poll will be located at 4380 Memorial Drive, Decatur, Georgia 30032. During the City's Election on November 3, 2009 and Run-off Election on December 1, 2009, Fulton County, Georgia will perform the duties of Election Superintendent. DeKalb County will not perform said election superintendent duties.

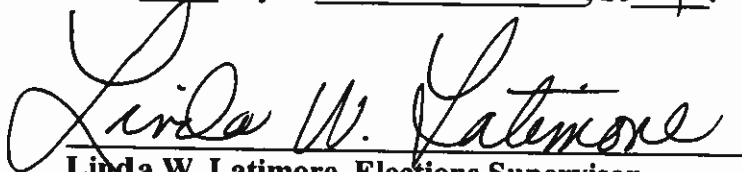
This 20th day of October, 2009.


Rhonda Daughin Johnson
Municipal Clerk, City of Atlanta

(SEAL)

The DeKalb County Board of Registration and Elections agrees to conduct the CITY OF ATLANTA General Municipal Election on Nov. 3, 2009.

This 26th day of October, 2009.


Linda W. Latimore, Elections Supervisor
DeKalb County Board of Registrations
and Elections

(SEAL)