

RESOLUTION

A RESOLUTION BY THE DEKALB COUNTY GOVERNING AUTHORITY IN SUPPORT OF VOTERS' RIGHTS, EQUAL ACCESS TO THE BALLOT, AND STOPPING "JIM CROW" VOTER SUPPRESSION; AND FOR OTHER PURPOSES.

WHEREAS, DeKalb County has been a leader among counties in the State of Georgia, and elsewhere in the South, in the expansion of voters' access to the polls through expanded early-voting days and times, utilization of 24-hour secure drop-boxes at as many as 34 county facilities, and extensive voter education strategies to reduce long lines on election days; and

WHEREAS, upon the final count of the 2020 Presidential Election in Georgia, including a manual hand recount, a machine recount, Secretary of State Brad Raffensperger and Governor Brian Kemp declared no massive voter fraud took place in Georgia, and despite the loss and false claim of fraud by the sitting U.S. President, Mr. Raffensperger stated that "By all accounts, Georgia had a wildly successful and smooth election,"; and

WHEREAS, the Georgia General Assembly, on March 25, 2021, passed Senate Bill 202 ("SB202"), which was immediately signed into law by Governor Brian Kemp the same day, behind closed doors; and

WHEREAS, SB202, among other things, effectively makes it harder to vote, compared to the process used in 2020 and 2021 U.S. Senate Runoff Elections; and

WHEREAS, SB202 particularly does the following:

- (1) STATE TAKE OVER OF COUNTY ELECTION BOARD.** The Georgia legislature is empowered to appoint the chair and members of the State Election Board which may suspend county election officials. "The State Election Board may suspend county or municipal superintendents and appoint an individual to serve as the temporary superintendent in a jurisdiction. Such individual shall exercise all the powers and duties of a superintendent as provided by law, including the authority to make all personnel decisions related to any employees of the jurisdiction who assist with carrying out the duties of the superintendent, including, but not limited to, the director of elections, the election supervisor, and all poll officers."

- (2) **MOBILE VOTING ENDED.** Mobile voting is banned unless the governor declares an emergency for its use. Prior to the enactment of SB202, the DeKalb County Department of Voter Registration and Elections planned to acquire equipment to provide mobile voting to increase access to the polls for the citizens of DeKalb County.
- (3) **ABSENTEE VOTER BALLOT REQUEST TIME REDUCED.** The time allowed in Georgia has been cut by more than half the period during which voters may request an absentee ballot, from nearly six months before an election, to less than three. The shorter window will also limit opportunities for educating voters and could put greater strain on DeKalb County and other election boards, which will have less time to process ballot requests. Further, it is also now illegal for election officials to mail out absentee ballot applications to all voters.
- (4) **DROP BOXES REDUCED DRASTICALLY.** For the 2020 Election, DeKalb used over 34 secure drop boxes, providing 90 percent of all voters a drop box location within three miles of their residence. The new SB202 law limits DeKalb County to just five (5) drop boxes countywide. Further, instead of 24-hour access outdoors, the boxes must be placed indoors at government buildings and early-voting sites, and will thus, be unavailable for voters to drop off their ballots during evenings and other nonbusiness hours.
- (5) **AGAINST THE LAW TO PROVIDE WATER OR FOOD TO VOTERS IN LINE.** Although SB202 allows poll officials to provide self-service water from an unattended receptacle to electors waiting in line, SB202 now allows the police to arrest any other person who offers food or water to voters waiting in line: “(1) within 150 feet of the outer edge of any building which a polling place is established; (2) within any polling place; or (3) within 25 feet of any voter standing in line to vote at any polling place.”
- (6) **OUTLAWS OUTSIDE FUNDING ASSISTANCE TO IMPROVE ELECTIONS.** Under SB202, election officials can no longer accept third-party funding. Specifically, “No superintendent shall take or accept any funding, grants, or gifts from any source other than from the governing authority of the county or municipality, the State of Georgia, or the federal government.” In DeKalb County, the Board of Elections and Registration received over \$9.3 million from third-parties to improve elections in November and January. This funding saved taxpayers and the County money and allowed for a complete turnaround in service from the dismal election’s operation performance in the June 2020 Primary Election. The third-party funds enabled DeKalb County to: (1) purchase new elections equipment; (2) expand voter education; and (3) provide funds to purchase additional secure drop boxes; and

WHEREAS, DeKalb County citizens believe in safe, fair, and secure elections and support laws which uphold these fundamental rights of citizenship and abhor the erecting of new barriers to voting; and

WHEREAS, DeKalb County and the Governing Authority believe in working to build a democracy that is truly of by and for the people, where all eligible citizens of DeKalb County and Americans in general can vote and make their voices heard; and

WHEREAS, pending bills, such as H.R.1 in the U.S. House, titled “For the People Act” and H.R.4 titled the “John R. Lewis Voting Rights Enhancement Act”, support this great American ideal, and laws such as SB202 do the exact opposite.

NOW THEREFORE BE IT RESOLVED that the Governing Authority reinforces its long standing commitment to the U.S. Voting Rights Act of 1965 as amended and supports swift passage and enactment of the U.S. “For The People Act” (H.R.1) and the “John Lewis Voting Rights Enhancement Act” (H.R.4) as a means to reduce any adverse effects—on DeKalb County and its citizens—of SB202, and other restrictive legislation that impedes equal access to voting in free and fair elections; and

BE IT FURTHER RESOLVED, that the Governing Authority of DeKalb County directs the County Attorney to research and provide the Governing Authority within 30 days, recommendations on any and all legal avenues to fight implementation of SB202 and other voter-suppression legislation promulgated and/or enacted by the State of Georgia, including, but not limited to, recommendations on consent decrees, legal claims, and other pathways under statutory and common law, including, but not limited to, the U.S. Voting Rights Act of 1965 as amended; the U.S. Civil Rights Act of 1964; the U.S. Constitution; The Constitution of the State of Georgia, and the Official Code of Georgia Annotated; and

BE IT FURTHER RESOLVED, that the Governing Authority of DeKalb County directs the County Executive Assistant, in consultation and conferring with the Director of the Department of Voter Registration and Elections, to research and provide the Board of Commissioners within 30 days recommendations on any and all legal methods and procedures available to maintain and expand equal access to the ballot box and the polls consistent with SB202 and any new Georgia laws that limit voting access, methods and procedures employed in the 2020 General Election and the 2021 U.S. Senate Runoff Election; and

BE IT FURTHER RESOLVED, that upon adoption and approval, that the Clerk to the Governing Authority is directed to send copies of this Resolution to each member of the Georgia Congressional Delegation and to the President and Vice President of the United States, forthwith; and

BE IT FINALLY RESOLVED that this Resolution shall become effective upon its adoption and approval, and that all resolutions and parts of resolutions in conflict with this Resolution are hereby repealed to the extent of the conflict.

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of _____, 2021.

STEPHEN R. BRADSHAW
Presiding Officer
Board of Commissioners DeKalb County,
Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____, 2021.

MICHAEL L. THURMOND
Chief Executive Officer DeKalb County,
Georgia

ATTEST:

APPROVED AS TO FORM:

BARBARA SANDERS-NORWOOD, CCC
Clerk

VIVIANE H. ERNSTES
County Attorney