**Decatur County Board of Elections and Registration**

**Decatur County Elections Office, Courthouse Annex**

**122 W. Water St.**

**Bainbridge, GA 39817**

**October 13, 2020**

**Call To Order**

**Administrative Notes and Announcements**

The regular meeting of the Decatur County Board of Elections and Voter Registration was called to order by Board Chairman Keith Sellars at 6:30 p.m., and stated that the meeting had been duly advertised in the newspaper, and on the appropriate building properly identifying the meeting date, time and location as required by governing laws.

**Public Participation**: None

**Board Members present: Staff present:**

Board Chairman Keith Sellars Carol P. Heard, Chief Elections Official

Board Vice Chairman Beverly Holmes Tasia Porter, Clerk of Voter Registration

Board Member Johnny Brown Margaret Bryant, office staff

Board Member Dan Provence Poll workers Melba Andrew, Edith Miller, Billy Ward,

Board Member Gina Burke Patricia Williams, Larry Ware and Tracy Moten.

 Democratic Party County Chairman Kelvin Bouie

**Approved Minutes**

Board Member Dan Provence made a motion to accept the minutes from the Sept. 8, 2020, regular meeting. Board Vice Chairman Beverly Holmes seconded the motion. Motion passed unanimously.

**Budget**

Chief Elections Official Carol Heard reviewed the 2020-2021 budget. The Elections Office is at 87 percent with the ideal remaining is 83 percent. Heard highlighted some of the budget issues that may be arising from the forthcoming election.

**Old Business**

1. **Update on the forthcoming General Election**

Chief Elections Official Carol Heard said more than 800 voters have come in to vote in just the first two days of advanced voting. Heard announced that early scanning will begin on Oct. 18 at 10 a.m. Because of the new adjudication process on the computer, she said ballots that need to have the review panel review will be quarantined. The need for duplication will also be minimized so the process will be a lot quicker.

There are a great group of poll workers coming on board. Chairman Sellars complimented the poll workers’ work. There was other discussion on ENet, the assistance from the county and wait times.

Democratic Party Chairman Kelvin Bouie asked about security. Heard said she has talked with Bainbridge Public Safety, and the Sheriff’s Department said it is working with Georgia State Patrol on regularly patrolling the polling locations on Election Day. Board Member Dan Provence inquired about what other counties are doing for enhanced security at polling locations and to explore enhanced security for future elections.

**New Business**

1. **SEB Case #2020-104**

Chairman Keith Sellars read two statements; the first was the original complaint filed October 1, 2020, with Dennis Carbone of the Georgia Secretary of State’s office, and the second was his response to the complaint.

Complaint Letter:

“Dear Mr. Carbone:

“Outlined below is a self-reporting incident involving an absentee ballot that was mailed to an elector – Joan Marie Lashley – but was voted, signed and returned by another elector – Myrtle Lois Sellars Hale. Mr. Keith D. Sellars, Ms. Hale’s son, signed the oath envelope as having assisted Ms. Hale.

“Mr. Sellars is also the chairman of the Decatur County Board of Elections, having been appointed to the board in 2007. For that reason, and due to an apparent violation of applicable law, this report is being made.

“On September 30, 2020, Clerk of Voter Registration Tasia Porter was logging in returned absentee ballots when she saw that the oath envelope of Ms. Lashley had been signed by Ms. Hale, and that Mr. Sellars had assisted Ms. Hale with that ballot. The oath envelope clearly had Ms. Lashley’s name and voter registration number on it.

“By Ms. Hale’s signature and apparent voting on Ms. Lashley’s absentee ballot, and with Mr. Sellars assisting Ms. Hale, it appears to be a violation of Title 21, Article 10 Absentee Voting, more specifically §21-2-385.

“Our records indicate that Ms. Hale was sent an application for an absentee ballot on June 29, 2020. However, we never received Ms. Hale’s request for an absentee ballot. Ms. Lashley and Ms. Hale had the same address because Ms. Lashley had been renting a portion of Ms. Hale’s home at 202 Riverchase Drive. Ms. Lashley was entitled to receive a ballot automatically because she checked that she was an elderly voter.

“After consulting with our county attorney, we are requesting the Secretary of State’s Office investigate this incident.

“Mr. Sellars was afforded the opportunity to explain his actions. Attached hereto is a copy of his initial explanation that was sent to County Attorney Bruce W. Kirbo Jr. Thank you.

“Sincerely, Carol P. Heard, Chief Election Official”

Response Letter:

“Bruce,

“I’m emailing you in reply to the phone call I received from you today, Sept 30, 2020 at 5:17 P.M. Below is my reply worded to the Georgia SOS Elections office.

“I received a phone call from Mr. Bruce Kirbo, the attorney that serves the Decatur County, GA Board of Elections in legal matters, in reference to an absentee ballot that I assisted Lois S Hale, my mother, in filling out since she is handicapped. She is legally blind and cannot see well enough to fill out an absentee ballot on her own, and had requested an absentee ballot by phone on or immediately prior to

June 29, 2020. Mr. Kirbo advised me this evening, Sept. 30, 2020, that an absentee ballot that I assisted Mrs. Lois S Hale in filling out was actually not hers, but belonged to Ms. Joan Lashley. I was further provided verbal confirmation that the signature of Lois S Hale and her printed name was on the Elector’s Oath on the outer envelope that the absentee ballot was sent in, and my name, signature, and information was included on the outer envelope in the section for people that assist an elector in completing a ballot. Additionally, I was advised that the name of Joan Lashley was printed on the outer envelope as well.

“What occurred was an honest mistake made as a result of confusion and oversight by myself and Ms. Hale. I would like to present the contributing factors below in bullet form in an attempt to explain how this mistake occurred.

* Mrs. Lois S Hale requested an absentee ballot on, or shortly before, June 29, 2020 by calling the Decatur County Board of Elections on the phone and requesting that she be sent an absentee ballot. Mrs. Hale thought that this phone call was enough to get an absentee ballot and did not realize that she had to fill out an absentee ballot request form in addition to the phone call in order to get an absentee ballot. I was not aware that these actions had taken place until today, Sept. 30, 2020.
* Mrs. Hale rented a room to Mrs. Joan Lashley for many years until about a month or two ago. As a result, both of them have had the same mailing address for that period of time, a period which has spanned many elections. Both Mrs. Hale and Ms. Lashley at one time or another had requested and received absentee ballots for recent elections (2016 to present), each of which were sent to the same mailing address.
* When Joan Lashley moved out, Mrs. Hale did not expect to get Ms. Lashley’s absentee ballot, but rather expected to get one for herself – the one that she had called and requested from the Decatur County Board of Elections.
* Mrs. Hale has received numerous absentee ballot request forms in the last few weeks, just like almost every other person in Decatur County have received, from numerous organizations that are NOT affiliated with any established Georgia Elections office. These multiple absentee ballot request forms, arriving in the same mailbox for Mrs. Hale AND Ms. Lashley, all within the last few weeks, have served to create confusion.
* Mrs. Hale has to scan in all mail and documents that she receives so that software can then read the scanned content. For the ballot in question, her scanner and software never announced the name of Ms. Lashley when she scanned it in order to know what it was, most likely because the printed format of the outer ballot envelope was not designed so that a scanner could scan it easily accurately for handicapped people.
* On Sept 27, 2020, Mrs. Hale asked me to assist in helping fill out her ballot because she could not see it well enough to fill it out.
* I filled out Mrs. Hale’s ballot for each candidate and question as she indicated her preference. Upon completion of filling out the ballot, I placed it into the inner envelope and then inside the outer envelope. Her signature and mine were then affixed to the outer envelope along with our printed names and other associated information.
* At no time did I ever see Ms. Lashley’s name on the envelope. I have no idea how I missed it, but I was not looking for any other name on the outer envelope. Had I seen Ms. Lashley’s name at any point, I would have pointed it out to Mrs. Hale and she and I would have taken the appropriate steps by contacting Mrs. Carol Heard about the error.

“Finally, in closing, I want to state that I was adamant with Mrs. Hale, even though she is my mother, that she tell me exactly which choices she wanted for every selection on the ballot. I am certain that she will verify this if asked. I take my election duties seriously. As Chairman of our Board of Elections, I am always adamant that everything related to elections is done “by the book”. There was absolutely no intent for deception in filling out this ballot. It would make no sense to do so and yet list Mrs. Hale as the elector on the ballot and then list myself as the assistor. What occurred here was an honest mistake that was properly caught by the diligent performance of the Decatur County Board of Elections Chief of Elections and staff. Mr. Bruce Kirbo was then properly contacted so that the proper steps could be taken.

“I respectfully ask you to consider the totality of my comments here as you decide what further actions, if any, be taken in consideration of this matter. I further ask you to treat this incident exactly as what it was – an oversight from a son helping his handicapped mother vote using an absentee ballot that she thought was hers due to a confusing process exasperated by excessive ballot request forms being sent to her address. I never saw anything to indicated anything to the contrary, even though I should have seen it.

“Respectfully, Keith D Sellars, Chairman, Decatur County Board of Elections”

Chairman Sellars opened the floor for questions or concerns after he said he had earlier talked with each board member individually about the complaint. There were no questions or comments.

**Adjournment --** The meeting adjourned at 7:02 p.m.