**Decatur County Board of Elections and Registration**

**Decatur County Elections Office, Courthouse Annex**

**122 W. Water St.**

**Bainbridge, GA 39817**

**October 11, 2019**

**Call To Order**

**Administrative Notes and Announcements**

The hearing of the Decatur County Board of Elections and Voter Registration was called to order by Board Chairman Keith Sellars at 8:15 a.m.

**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 Board Attorney Bruce Kirbo Jr.

Board Member Gina Burke City Council Candidate Ted Lee

Board Member Dan Provence James Conger, representative of the state Democratic Party

**Hearing on qualifications of city council candidate Ted Lee to hold and run for public office**

County Attorney Bruce Kirbo Jr. said the purpose of the hearing was for the Board of Elections to decide if it wants to proceed with the District A, Seat 2 election with candidate Ted Lee receiving votes, or to disqualify Mr. Lee from receiving any votes cast in the Nov. 5, 2019, General Municipal Election.

Mr. Kirbo wanted to establish that Mr. Lee was in fact the Ted Lee that had been convicted of two felonies involving moral turpitude and that his rights to hold public office had not been restored.

In 1997, Mr. Lee pleaded guilty in the U.S. District Court of Northern Florida to a felony of giving a false statement while making an application for a U.S. Passport. About that same time, he pleaded guilty in the U.S. Federal Court of the Middle District of Georgia to marijuana possession with intent to sell, distribute or dispense. Mr. Kirbo concluded that both of those crimes were crimes involving moral turpitude.

Mr. Lee said he wasn’t trying to hide anything, and he had asked all the right questions when he qualified. He said he simply received the wrong answers and this whole thing could have been avoided if he had received the right answers. He said this situation has caused him some troubles and that his wife doesn’t want to remain in Decatur County.

Chairman Keith Sellars said the task of the board is to determine if Mr. Lee remains on the ballot and votes cast for him are counted. It is not a task for the board to determine Mr. Lee’s character.

Mr. Kirbo presented evidence of Ted Lee’s criminal background. Mr. Kirbo further concluded that Mr. Lee is the same person who pleaded guilty to the crimes outlined by Mr. Kirbo and is the same person who qualified to run for Bainbridge City Council.

Mr. Kirbo further offered case precedents that the crimes Mr. Lee pleaded guilty to in and around 1972 constituted crimes of moral turpitude.

A motion to go into executive session was forwarded by Board Member Gina Burke and seconded by Dan Provence. The motion passed unanimously. The board member went into executive session at 8:23 a.m.

The members of the Election Board returned to an open hearing at 9:03 a.m.

Chairman Keith Sellars offered to Mr. Lee if he would like to withdraw his candidacy. Mr. Lee declined the offer.

Chairman Sellars said after the deliberations of the Elections Board that actions should be taken. In the Board’s mind, the way the law is written is what the Board’s decision is based on.

Chairman Sellars said there were certain things that the Board used to guide its decision. First, are the crimes Mr. Lee pleaded guilty to crimes of moral turpitude? Part of the evidence was a list of crimes in Georgia that equate to violations of moral turpitude, and Chairman Sellars said the sale of narcotics is one of them.

Another guide toward its decision was that a convicted felon must not only have his voting rights restored, but other civil rights must be restored, such as the right to hold public office. That must be done with a pardon, which Mr. Lee hasn’t obtained.

Chairman Sellars said based on the facts and the law, he felt that Mr. Lee was not qualified to hold nor run for public office. Chairman Sellars offered the question to the other board members on whether Mr. Lee is qualified to run or hold public office. The Board unanimously agreed that Mr. Lee is not qualified to be a candidate for the District A, Seat 2 City of Bainbridge election.

Chairman Sellars instructed Chief Elections Officials to post the appropriate notices to reflect that Mr. Lee is disqualified to run for office and that any votes cast for Mr. Lee will not count.

The meeting adjourned at 9:12 a.m.