



**Pulaski County Election Commission
Meeting Minutes
November 12, 2020
5:00 p.m.**

Members Present:

Evelyn D. Gomez
Joshua A. Price
Kristi M. Stahr

Staff Present:

Bryan Poe
Betty Green
Jodie Dildy

Visitors Present: Adam Fogleman, County Attorney; Charlie Beckman; KTHV Channel 11; Jim Sorvillo, Candidate for State Representative District 32; Various poll watchers; Doug House; Jason Kennedy, Circuit County Clerk's Office; Camille Bennett; Anna Leigh; Various members of the public

The meeting was called to order at 5:00 p.m. by Chair Gomez. A quorum was present, with all commissioners in attendance.

The pledge of allegiance was led by a guest.

Approval of Previous Meeting Minutes

Commissioner Stahr moved to approve the minutes for the November 3, 2020 meeting with an amendment; seconded by Commissioner Price. Motion passed by voice vote.

The commissioners tabled the discussion regarding the minutes for the meeting held on November 6, 2020 so that Ms. Green could review the recording of the meeting to determine the changes or corrections that needed to be made.

Business

Review of Provisional Ballots for the November 3, 2020 General Election

Director Poe provided the commissioners with a copy of a memo regarding an error in tabulation of provisional absentee ballots (copy of the memo is attached). The memo explains that 327 excess provisional absentee ballots were placed in a mislabeled box,

which was processed and tabulated. This cannot be undone because there is no way to determine which ballots should not have been counted. Commissioner Price requested clarification as to whether the ballots were determined to be disqualified by the commissioners or by the poll workers. Director Poe stated that he did not know because the ballots were in a box labeled optional verification of identity signed. Commissioner Price requested clarification as to the reason the ballots were disqualified. Director Poe stated that it was for a variety of reasons. Chair Gomez requested clarification as to how Director Poe can determine whether the 327 excess ballots do not affect the outcome of any of the races on the ballot. He stated that it does not change the outcome at this point because they are included in the current tabulation. Chair Gomez requested clarification as to whether the 327 excess ballots could possibly affect one candidate. He stated no that the votes were spread countywide and therefore should not affect any one candidate and once the ballots have been reviewed then we will know for certain.

After further discussion regarding this matter and apologies from the commissioners to the candidates, Director Poe explained that there were 19 provisional ballots placed in the wrong bag on election day by the poll workers at Precinct 20 and Vote Center 2. Director Poe explained that the provisional ballots were held in a secured area and that he would speak with the poll workers that placed the provisional ballots in the wrong bag.

After discussion regarding this matter, the commissioners began the process of reviewing the provisional ballots for the November 3, 2020 General Election. Mr. Kennedy stated there are 1,251 ballots the clerk's office recommended to be counted, 1,341 ballots the clerk's office recommended not to be counted and 84 that they need to further research before a recommendation can be made.

The commissioners requested clarification as to the deadline for certification of the election and deadlines for the runoff election. Director Poe stated November 26, 2020 for the second notice of election; November 21, 2020 for the first notice of election; November 18, 2020 for certification of election day poll workers and certification of logic and accuracy testing; November 17, 2020 for early voting poll workers and for the ballot styles and polling locations as soon as possible. After reviewing the provisional ballots, the commissioners, and Mr. Kennedy agreed that 1,108 provisional ballots should be counted, 1,340 should not be counted and 229 need further review. Commissioner Stahr moved to approve 1,108 provisional ballots to be counted for the November 3, 2020 General Election; seconded by Commissioner Price. Motion passed by voice vote.

Commissioner Stahr moved to reject 1,340 provisional ballots for the November 3, 2020 General Election; seconded by Commissioner Price. Motion passed by voice vote. The commissioners requested the remaining 229 provisional ballots be separated from the stack, alphabetized, and presented to the commissioners for their review at the next meeting.

Other Business

Schedule of Upcoming Meetings

November 13, 2020 at 5:00 p.m. for the provisional ballot hearing, and certification of election results for the November 3, 2020 General Election. Setup for possible runoff on December 1, 2020.

November 18, 2020 at 5:30 p.m. for the certification of logic and accuracy testing results for the December 1, 2020 General Election Runoff.

December 1, 2020 at 9:00 p.m. for the certification of unofficial results for the December 1, 2020 General Election Runoff.

December 4, 2020 at 5:00 p.m. for the preliminary review of provisional ballots for the December 1, 2020 General Election Runoff.

December 14, 2020 at 5:00 p.m. for the certification of official results for the December 1, 2020 General Election Runoff.

Meeting adjourned at 8:38 p.m.