



**Pulaski County Election Commission
Meeting Minutes
November 16,2020
5:00 p.m.**

Members Present:

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

Staff Present:

Bryan Poe
Betty Green
Jodie Dildy
Shawn Camp
Amanda Dickens
Bart Moreland

Visitors Present: Adam Fogleman, County Attorney; Various poll watchers; Jason Kennedy, Circuit County Clerk's Office; Camille Bennett; Anna Leigh; Various members of the public; Doug House; Doyle Webb

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

The minutes for previous meetings were not complete, therefore the commissioners were unable to review the minutes.

Business

Decertification of Doug House

Chair Gomez shared that Colonel House requested to be decertified as a poll worker. It was her understanding that although he was certified as a poll worker, he did not perform any of the duties of a poll worker. Commissioner Stahr moved to decertify Colonel House as a poll worker; seconded by Commissioner Price. Motion passed by voice vote.

Review Irregular Absentee Ballots for the November 3, 2020 General Election

During the November 13, 2020 meeting there were nine irregular absentee ballots discovered that needed to be reviewed by the county clerk's office. The requested information was a better copy of the absentee ballot application. The commissioners reviewed these ballots. Commissioner Price moved to accept six of the irregular absentee ballots and reject three; seconded by Commissioner Stahr. Motion passed by voice vote.

Review Tabulation of Election Results for the November 3, 2020 General Election

Commissioner Stahr requested clarification regarding the number of ballots that have been approved thus far for the November 3, 2020 General Election. There was a discrepancy with the numbers and clarification was needed to determine the number of missing ballots is nine or 43. Director Poe suggested that they review the duplicate list of provisional ballots to be sure that he did not make a mistake on the number of duplicates. The commissioners reviewed the list and determined that the number of duplicated names on the list was 43 and all numbers were reconciled. Commissioner Stahr provided a summary of this matter for the viewers. Commissioner Stahr moved to amend the provisional ballot approval from the November 12, 2020 meeting that was 1,108 to reflect 1,065 for the November 3, 2020 General Election; seconded by Commissioner Price. Motion passed by voice vote.

The absentee ballot remakes were miscounted. There were originally 115 remakes, but three were miscounted. Mrs. Dickens stated that she tabulated 112 ballots, not 115. The commissioners requested clarification regarding who counted the ballots. Director Poe stated that he could not remember who counted them or provided him the number.

The commissioners requested Mrs. Dickens to tabulate the ballots that have been approved to this point. Mrs. Dickens had one remake from the ballots that she was requested to tabulated. This remake was done by Chair Gomez and Mrs. Dickens.

During the discussion regarding provisional ballots, the commissioners learned that the provisional ballots were given to the clerk's office for them to determine their recommendation as to whether to count a provisional ballot. Commissioner Stahr suggested that going forward a copy of the provisional ballot envelopes be provided the clerk's office instead of providing the actual ballots. Mr. Kennedy agreed with the suggestion. This procedure will be changed as a part of best practices and because it does not fall in line with election law, no motion was needed for this to take effect.

Certification of Official Election Results Except for House District 32 for the November 3, 2020 General Election

Chair Gomez read an email from Doyle Webb regarding a lawsuit that was filed by Jim Sorvillo regarding certification of House District 32. The commissioners requested clarification as to whether they could certify election results for all races except for House District 32. They were told yes, they could by Mr. Webb and Mr. Fogleman.

Chair Gomez read a memo from Director Poe regarding a box of absentee ballots was found in the secure storage area on November 16, 2020. The box was labeled that the ballots should be counted. The commissioners requested clarification regarding Director Poe finding this box. Director Poe explained how this happened. After much discussion regarding this matter, Commissioner Price moved for the commissioners to review the box of absentee ballots; seconded by Commissioner Stahr. Motion passed by voice vote.

Commissioner Stahr requested that the box be counted by two members of the staff in front of the viewing public, so that the number of ballots inside the box can be determined before the commissioners review the ballots. The commissioners requested Mrs. Dickens and Mr. Moreland be the ones to count the box. After further discussion, it was determined that Director Poe made a mistake. The commissioners reviewed the ballots versus the spreadsheet it was determined that they had already reviewed the ballots and determined that they were not supposed to be counted. The box was mislabeled. Instead of being labeled optional verification of identity to be counted, it should have been labeled; no I.D. provided/optional verification of identity not signed. These ballots were curable if the voter had presented their I.D. by Monday, November 9, 2020 by noon. The voters did not present their I.D. by the deadline and the ballots were not to be counted.

Chair Gomez phoned a member of the Secretary of State Office to determine how to create the official results for the November 3, 2020 General Election and exclude House District 32 from the certification.

Meeting recessed at 8:10 p.m. to await a response from the Secretary of State Office.

Meeting resumed at 8:21 p.m.

During the recess, it was determined that House District 32 could be suppressed on the report in order certify election results. Commissioner Stahr moved to certify the official election results for the November 3, 2020 General Election excluding House

District 32 until the November 18, 2020 at 5:30 p.m. meeting; seconded by Commissioner Price. Motion passed by voice vote.

Other Business

Letter from Jamie Clemmer, Saline County Election Commissioner

Chair Gomez read a letter from Jamie Clemmer regarding the events of the meeting on November 13-14, 2020 on the part of Director Poe. After reading the letter for the record, Chair Gomez requested a motion to decertify Director Poe. Commissioner Stahr and Commissioner Price would not agree to the decertification of Director Poe.

Meeting went into executive session at 8:36 p.m.

Meeting resumed at 9:04 p.m.

In lieu of decertification of Director Poe, the commissioners requested access to one drive with all standard operating procedures; access to all templates; access to press releases; monthly budget updates with comparison to previous years; access to all contracts; explore cameras in the ballot and tabulation rooms; weekly status updates regarding the events that took place in the office that week. This needs to be provided by January 1, 2021 otherwise the commissioners will seek the decertification of Director Poe. Commissioner Stahr reiterated that all processes are requested regarding the conducting of an election, they would like these items on the one drive for them to access the information so that they can better assist the staff in the office and to help to put trust back into Pulaski County. Commissioner Price moved to approve this list of requests; seconded by Commissioner Stahr. Motion passed by voice vote.

Director Poe thanked the commissioners for reaching out and stated that he looked forward to working with the commissioners in the future. The commissioners signed the provisional ballot certification and the certification of official election results for the November 3, 2020 General Election excluding House District 32. The commissioners signed the certificates of election for the November 3, 2020 General Election excluding House District 32.

Schedule of Upcoming Meetings

November 18, 2020 at 5:30 p.m. for the certification of the November 3, 2020 House District 32 General Election. Also, for 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 9:34 p.m.