



**Pulaski County Election Commission  
Meeting Minutes  
November 9, 2020  
5:30 p.m.**

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Members Present:

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

Staff Present:

Bryan Poe  
Betty Green  
Jodie Dildy  
Amanda Dickens  
Bart Moreland

Visitors Present: Adam Fogleman, County Attorney; Charlie Beckman; KATV Channel 7; Jim Sorvillo, Candidate for State Representative District 32; Various poll watchers; Doug House; Jason Kennedy, Circuit County Clerk's Office; Camille Bennett; Various members of the public

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The meeting was called to order at 5:30 p.m. by Chair Gomez. A quorum was present, with all commissioners in attendance.

The pledge of allegiance was led by Mr. Sorvillo.

*Approval of Previous Meeting Minutes*

The minutes for the previous meetings (November 3, 2020 and November 6, 2020) were not complete, therefore the commissioners were unable to approve or make corrections regarding the previous meeting.

**Business**

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

The commissioners reviewed the number of provisional ballots that were provided on the spreadsheets. There were 206 provisional absentee ballots that were cured because the voters provided their identification. Commissioner Stahr stated that she was extremely disturbed by a Twitter notification on Saturday, November 7, 2020 that

stated the county clerk's office was working with another organization to allow voters to provide a copy of their I.D., in order to cure their ballot. She requested clarification from Mr. Kennedy regarding this matter. His response that questions for the county clerk be directed towards the county clerk in writing. Chair Gomez pulled the notification up on her phone and requested Mr. Kennedy to look at it, he declined. Mr. Kennedy stated he is there to answer questions about provisional ballots. Camille Bennett clarified they did not accept any voter I.D. Commissioner Price summarized this matter by stating that it was an effort by the organization to let people know that their ballots were on the curable list of ballots that would be counted if they showed their I.D. to the county clerk's office.

Chair Gomez requested clarification regarding the amount of additional time Mr. Kennedy thought the clerk's office would need to finalize the spreadsheets. Mr. Kennedy his response was a day or two and that the clerk's staff would not be working on the holiday (Veteran's Day, November 11<sup>th</sup>). Commissioner Stahr moved to approve the 206 provisional absentee ballots that were cured by the voter providing their I.D. by the deadline of noon, Monday, November 9, 2020; seconded by Commissioner Price. Motion passed by voice vote.

The commissioners reviewed the ballots with designated bearers and discussed various scenarios regarding designate bearers for the absentee ballots with Mr. Fogleman. Chair Gomez read the names of the voters that were determined should be counted at the request of Mr. Fogleman. The ballots that were determined should be counted were Robert Lawrence Wilson, Zachary Garrison, Kiara Smith and Robena Hussman. At the request of Mr. Sorvillo, the zip codes of the voters were provided. The commissioners also provided the voting precincts of the voters at the request of Ms. Hudson. Commissioner Stahr and Commissioner Price read the names of the voters that were determined should not be counted. Commissioner Price moved to accept four of the designated bearer ballots and reject 25 of the designated bearer ballots due to incomplete information on the part of the designated bearer; seconded by Commissioner Stahr. Motion passed by voice vote.

There were 49 provisional ballots that were questionable, 391 with a blank response, 1,107 provisional ballots with a yes recommendation from the clerk's office for them to be counted and 1,143 provisional ballots with a no recommendation from the clerk's office for them not to be counted. There were 636 provisional ballots that were marked as curable due to a lack of I.D. provided by the voters that were previously reviewed by the commissioners, however the spreadsheet reflected 22 additional names. The commissioners requested clarification from Director Poe regarding the discrepancy. He explained that they were added to the spreadsheet

after the commissioners had reviewed the curable ballots, because they were in a mislabeled box. The 22 ballots in question were absentee ballots and since the deadline for curing the ballots had passed, they were not able to be counted. Chair Gomez requested Mr. Beckman and Col. House to pull the ballots in question from the boxes, because Director Poe objected to the task. Mrs. Hudson objected to Col. House being allowed to perform this task because he is currently a member of the House of Representatives, she did not want any intimidation on the part of either Representative House or Representative Sorvillo. Chair Gomez stated that Col. House is a certified poll worker. Mrs. Hudson continued to voice her objections to the use of Col. House as a poll worker. Col. House responded by stating that he is a certified poll worker. Commissioner Price was able to determine the 22 names of voters that were added to the spreadsheet. Director Poe explained that the ballots had been placed in a box that was labeled as entered, and that they do not change the overall count of the ballots.

The commissioners reviewed 1,615 provisional absentee ballots that were submitted without a copy of their I.D., but they signed the optional verification of identity. These ballots were to be tabulated on Tuesday, November 10, 2020 at 9:00 a.m. Chair Gomez read the names of the 13 voters whose provisional absentee ballots will not be counted because the optional verification of identity was not signed and the voter did not provide I.D. Commissioner Price moved to accept the 1,602 provisional absentee ballots that did sign the optional verification of identity and reject the 13 that did not sign the optional verification of identity; seconded by Commissioner Stahr. Motion passed by voice vote.

Commissioner Stahr stated for those that might be keeping count, 1,812 ballots would be counted on Tuesday, November 10, 2020. Commissioner Stahr requested clarification from Director Poe regarding an accurate number of not ballots that were not recommended for counting. He stated there are 1,167. The commissioners requested that he check the spreadsheet to make sure that the persons names are not on the spreadsheet. The 1,167 provisional ballots were recommended by the clerk's office not to be counted for various reasons, such as a removeable status, not a registered voter, registered after the deadline, voted at the wrong precinct, convicted felon or already voted early/absentee. If it is determined that a person did cast a second ballot, their information will be turned over the prosecuting attorney's office. Commissioner Stahr moved to accept the clerk's office recommendation to not count the 1,167 provisional ballots based upon the various reasons stated for the November 3, 2020 General Election; seconded by Commissioner Price. Motion passed by voice vote.

## **Other Business**

### *Discussion of Cease-and-Desist Letter from Doyle Webb Chairman of the Republican Party of Arkansas*

The commissioners failed to discuss the decertification of Catherine Dunlap, an absentee poll worker in the meeting held on November 6, 2020 as well as the requested review of the spoil/duplicate/recreate process of ballots. After some discussion regarding Catherine Dunlap, Commissioner Stahr moved to decertify Catherine Dunlap for the remainder of the 2020 elections; seconded by Commissioner Price. Motion passed by voice vote.

The commissioners reviewed the process of the spoil/duplicate/recreate process and segregating the ballots. After some discussion, Commissioner Price moved to have the recreation process be transparent, no ballots removed from public view for recreation. After further discussion, Commissioner Price amended his motion. Commissioner Price moved for the spoil/duplicate/recreation process for ballots be transparent, open to the public, take place in public rooms, broadcast on YouTube and the staff shall not take the ballots into any private area not accessible to the public; seconded by Commissioner Stahr. Motion passed by voice vote.

### *Discussion of Remake and Tabulation Process*

The commissioners requested the names of the poll workers that will be working on the remake process. Commissioner Stahr apologized for an email that she sent out regarding the tabulation of any ballots the commissioners approved during the meeting, this email referenced the tabulation process to take place the same night as the meeting. Director Poe provided a list of 17 names of poll workers that would be participating in the remake process. Chair Gomez phoned June Matheny to have her to participate in this process. Director Poe thanked Chair Gomez for obtaining an 18<sup>th</sup> person and pointed out that it is a violation of decorum and highly unprofessional to make phone calls during a meeting. Chair Gomez response was noted, moving on.

### *Public Comment*

Mr. Beckman appealed to the commissioners not to decertify Catherine Dunlap. He stated that she did nothing wrong, she only did what was asked of her. He requested clarification from the commissioners as to why they waited until election night to start their canvassing process. The commissioners explained they could not open the ballot envelopes until November 3, 2020, the night of the election and many of them were because the voter statement was inside the envelope with the ballot. Commissioner Stahr explained that there were issues with Ms. Dunlap disrespecting commission staff and that she is only decertified for the remainder of the 2020 election season.

Chair Gomez read an email from Mrs. Murdock regarding her mother's ballot not being counted and the inability of her mother being able to get to the clerk's office to cure her ballot because the notice was received in the mail after the deadline. The commissioners apologized for her receiving the notice regarding her vote not counting after the deadline.

*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 9:41 p.m.