



**Pulaski County Election Commission
Meeting Minutes
February 13, 2020
7:15 p.m.**

Members Present:

Evelyn D. Gomez
Joshua A. Price
Kristi McKinnon

Staff Present:

Bryan Poe
Betty Green
Shawn Camp

Visitors Present: Kat Stromquist, Arkansas Democrat Gazette; Jason Kennedy, Circuit County Clerk's Office; Joy C. Springer, Candidate for House District 34; Charles Bolden; John Walker Jr.; Rizzelle Aaron; Claudius Johnson; Adam Fogleman, County Attorney; Zach Stahr; Bailey McKinnon; Roderick Talley, Candidate for House District 34; Diane Curry, President of the NAACP; Professor Terrence Cain; Dr. J. J. Lacey; Various members of the public

The meeting was called to order at 7:30 p.m. by Chair Gomez. A quorum was present, with all commissioners in attendance.

The pledge of allegiance was led by Commissioner McKinnon.

Approval of Previous Meeting Minutes

Commissioner Price moved to accept the minutes as written; seconded by Chair Gomez. Motion passed by voice vote.

Business

Preliminary Review of Provisional Ballots for the February 11, 2020 House District Special Primary Runoff Election

There were three provisional ballots, two of the voters did not live in the district and the other one was an absentee ballot that the voter failed to provide I.D. nor did the

voter sign the optional verification of identification. One of the voters that lived outside the district put his provisional ballot in the voting machine, so it was counted. The person who placed the ballot in the machine is not registered to vote in the State of Arkansas. Director Poe is going to turn over the information regarding this voter to the prosecuting attorney's office.

Once the ballot goes into the machine there is no way to determine which one is a provisional ballot. To rectify this for future elections Director Poe proposed that provisional ballots be stamped with the word "PROVISIONAL" in red letters so that it would be easily identifiable if it went into the machine and could be separated out later. Commissioner Price moved to approve the proposal by Director Poe; seconded by Commissioner McKinnon. Motion passed by voice vote.

Commissioner Price moved to reject two provisional ballots due to the voters not residing in District 34; seconded by Commissioner McKinnon. Motion passed by voice vote.

Commissioner McKinnon moved to send a letter requesting the voter that failed to provide their identification and failed to sign the optional verification of identification; seconded by Commissioner Price. Motion passed by voice vote. Professor Terrence requested that the letter be hand delivered to the voter due to time constraints with the upcoming holiday and the mail delivery service as a means of expediting this process. Director Poe agreed to make every effort to contact the voter to try to obtain the voter's identification.

Designation of Polling Locations for the April 14, 2020 Jacksonville Special Election
There will be two early voting locations and ten election day polling locations open for this election. Commissioner Price moved to approve the polling locations for the April 14, 2020 Jacksonville Special Election; seconded by Commissioner McKinnon. Motion passed by voice vote.

Ballot Recount for the February 11, 2020 House District 34 Special Primary Runoff Election

Director Poe has presented the runoff procedures to the State Board of Election Commissioners and County Attorney Adam Fogleman for review. Director Poe recommended that the commissioners schedule a ballot recount for this election. The suggested date was February 19, 2020. Commissioner McKinnon moved to hold a recount of the February 11, 2020 House District 34 Special Primary Runoff Election on February 19, 2020 at 5:00 p.m.; seconded by Commissioner Price. Motion passed by voice vote. Chair Gomez requested Director Poe to also seek the opinion of

Prosecuting Attorney Larry Jegley regarding the runoff procedures. In the event there is still a tie after the recount, then the state Democratic Party will select the nominee. Commissioner Price will spearhead a press release regarding the recount.

Other Business

Letter Received from the NAACP

The Election Commission received a letter from the NAACP regarding a voter that was not allowed to vote in the February 11, 2020 House District 34 Special Runoff Election because she lived outside of District 34. Jason Kennedy with the Circuit County Clerk's office reviewed the voter's information and found that the voter lived in District 33, even though the letter states that the voter's registration card reflects that she lives in District 34. Diane Curry, President of the Little Rock Branch of the NAACP, stated that she had not physically viewed the voter's registration card that she was merely going on what she was told. Commissioner Price moved for Director Poe to do an investigation into this matter and provide a written report for the commissioners; seconded by Commissioner McKinnon. Motion passed by voice vote.

Public Comments

Roderick Talley, Candidate for House District 34, requested clarification regarding when the early voting would start for the March 3, 2020 House District 34 Special General Election due to the recount. Director Poe stated early voting could tentatively start on February 25, 2020.

Charles Bolden requested clarification regarding procedures for how absentee ballots are handled and processed. Director Poe explained the process. Commissioner McKinnon moved for the absentee ballots in question to be reexamined by the commissioners on February 19, 2020; seconded by Commissioner Price. Motion passed by voice vote.

Joy Springer, Candidate for House District 34, requested to know if the absentee ballots in questions available for members of the public to examine. Mrs. Springer will submit a Freedom of Information Act request to obtain the names of the voters for the absentee ballots in question and the provisional ballots.

Diane Curry, President of the Little Rock Branch of NAACP, inquired as to whether voters are notified whether the voter's ballot was counted.

Charles Bolden requested clarification regarding the provisional ballot that was put into the machine on election day.

Rizzelle Aaron requested clarification of the law regarding commissioners having the authority to determine if a signature matches. Chair Gomez stated A.C.A. § 7-5-416(b) (1)(F)(ii) which states “If the county board of election commissioners determines that the application and the voter’s statement do not compare as to name, address, date of birth, and signature, the absentee ballot shall not be counted.”

Cheryl Warden requested clarification of whether a person has a voter registration card and if it must be presented when you vote.

Claudius Johnson requested clarification in the determination as to what voting machines are utilized by the county. Director Poe stated that it is by county ordinance to determine the machines that are utilized during early voting and election day.

Roderick Talley requested clarification as to whether the commissioners are elected by the public. Chair Gomez stated the commissioners are appointed by their county party.

Schedule of Upcoming Meetings

February 19, 2020 at 5:00 p.m. to recount the ballots for the February 11, 2020 House District 34 Special Primary Runoff Election.

February 24, 2020 at 5:00 p.m. to review political practice pledges, ballot draw and certification of ballot styles for the April 14, 2020 Jacksonville Special Election.

March 3, 2020 at 9:00 p.m. to certify the unofficial election results for the March 3, 2020 Preferential Primary and the House District 34 Special General Elections.

March 9, 2020 at 5:00 p.m. for the preliminary provisional ballot review for the March 3, 2020 Preferential Primary and the House District 34 Special General Elections.

March 13, 2020 at 5:00 p.m. for certification of election results for the March 3, 2020 Preferential Primary and the House District 34 Special General Elections.

Meeting adjourned at 8:53 p.m.