



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

Members Present:

Evelyn D. Gomez
Joshua A. Price
Kristi McKinnon-Stahr

Staff Present:

Bryan Poe
Betty Green
Shawn Camp

Visitors Present: J. R. Davis; Rett Hatcher; Doug House; Kat Stromquist, Arkansas Democrat Gazette; Jason Kennedy, Circuit County Clerk's Office; Cheryle Gauthier; R.J. Hawk, Candidate for House District 31; Bill Vickery; Martha Hill; Keith Brooks, Candidate for House District 31; Various other members of the public

The meeting was called to order at 5:30 p.m. by Chair Gomez. A quorum was present, with all commissioners in attendance. Commissioner McKinnon-Stahr arrived at 6:04 p.m.

The pledge of allegiance was led by Rett Hatcher.

Approval of Previous Meeting Minutes

Commissioner Price moved to accept the minutes as written; seconded by Commissioner McKinnon-Stahr. Motion passed by voice vote.

Chair Gomez requested an explanation from Director Poe as to his delay in responding to an email that she sent to him on behalf of Senator Kim Hammer regarding the number of Uniformed Overseas Citizens Absentee Act ballots and provisional ballots that could possibly affect the outcome of the House District 31 recount. Director Poe stated that he could not respond until he was able to obtain the numbers. Director Poe stated there are 26 provisional ballots, eight absentee ballots and one overseas ballot.

Business

Preliminary Review of Provisional Ballots for the March 3, 2020 House District 34 Special General Election

There are five provisional ballots for early voting and election day; three were recommended by the Circuit County Clerk's office to be counted and two were recommended to not be counted due to one voter living in Saline County and the other having been removed from the voter roll in 2016. Commissioner Price moved to accept the three provisional ballots and reject two as recommended; seconded by Chair Gomez. Motion passed by voice vote.

There are eight absentee provisional ballots; five were recommended by the Circuit County Clerk's office to be counted and three were recommended to not be counted due to submission of verification of voter registration. Chair Gomez requested clarification from Mr. Kennedy regarding the name of a voter on the provisional ballot list. Mr. Kennedy stated the voter was registered and the name change was corrected in the voter roll. Commissioner Price moved to accept the five absentee ballots and reject the three as recommended for the March 3, 2020 House District 34 Special General Election; seconded by Chair Gomez. Motion passed by voice vote.

Director Poe presented one absentee ballot for the commissioners to decide on. Commissioner Price moved for the absentee ballot in question to not be accepted for the March 3, 2020 House District 34 Special General Election; seconded by Chair Gomez. Motion passed by voice vote.

Canvass Absentee Ballots for the March 3, 2020 Preferential Primary/Nonpartisan General Election

Director Poe presented six absentee ballots for the commissioners to decide on with regards to the signatures, birthdays or addresses that did not match with regards to the voter statements and the absentee ballot application. The commissioners utilized A.C.A. § 7-5-416 as a reference for not counting the ballots. The commissioners feel that there should be a change to the law that allows the voter the opportunity to cure the ballot before their ballot is rejected. Commissioner Price moved to reject the six absentee ballots for the March 3, 2020 Preferential Primary/Nonpartisan General Election; seconded by Chair Gomez. Motion passed by voice vote.

Director Poe presented five absentee ballots to the commissioners to decide on regarding the attestation on the optional verification of identification. Director Poe also presented an email from the State Board of Election Commissioners regarding the attestation on absentee ballots, which states that if the signature is on the affirmation of optional verification of identification then the ballot should be counted. Commissioner Price moved to accept the five absentee ballots based upon

the recommendation of the State Board of Election Commissioners for the March 3, 2020 Preferential Primary/Nonpartisan General Election; seconded by Chair Gomez. Motion passed by voice vote.

Preliminary Review of Provisional Ballots for the March 3, 2020 Preferential Primary/Nonpartisan General Election

There are 102 absentee ballots that will not be counted due to various reasons. There are 47 ballots were made provisional and could not be counted to due no signature on the optional verification of identification nor was identification provided. There are 93 absentee ballots that can be counted. There were six provisional absentee ballots that the commissioners requested a copy of the bearer log from the Circuit County Clerk's office to review before a decision is made regarding those ballots. After much discussion, Commissioner Price moved to accept the six provisional absentee ballots in question; seconded by Commissioner McKinnon-Stahr. Motion passed by voice vote.

There are 88 provisional absentee ballots because the identification was provided or the optional verification of identification was signed, 51 will not be counted because neither the optional verification of identification was signed nor was identification provided. Commissioner Price moved to accept the 88 provisional absentee ballots and reject 51 provisional absentee ballots; seconded by Commissioner McKinnon-Stahr. Motion passed by voice vote.

There are 348 provisional ballots from early voting and election day, 96 will be counted and 252 will not be counted. The commissioners did a random spot check of the provisional ballots but accepted the recommendations of the Circuit County Clerk's office. After much discussion, Commissioner McKinnon-Stahr moved to accept the provisional ballots for the March 3, 2020 Preferential Primary/Nonpartisan General Election as recommended; seconded by Commissioner Price. Motion passed by voice vote.

Discussion of Recount Request for House District 31

Chair Gomez requested a review of the events that happened on election night that led to Mr. Hawk believing that he had won the election. Commissioner McKinnon-Stahr requested an update regarding what took place on election night. Director Poe and Administrative Assistant Ms. Green provided the requested information. Mr. Vickery was asked to share what he could remember regarding the night in questions. Mr. Vickery shared what he was able to remember. Mrs. Gauthier requested clarification regarding someone from the staff or a commissioner possibly having contacted the Governor's office. Mr. Hawk voiced his opinion regarding the events of election night.

The commissioners apologized to the candidates and assured them that no incorrect information was provided by anyone from the Election Commission.

Commissioner McKinnon-Stahr requested the recount request be read aloud for the record. Chair Gomez read the letter for the recount request. Director Poe read the email regarding a freedom of information act request that also pertains to the recount. Director Poe reported that all information has been provided as requested in the freedom of information request. The hand count that was requested in the freedom of information act request will not be granted because it is not allowed under statute A.C.A. § 7-5-319(d) which states “For the recount of an election in which paper ballots are used, the county board of election commissioners shall open the package containing the ballots and recount the ballots in the manner prescribed by law for the count to be made by the election officials in the first instance, or if there is a determination by the county board of election commissioners that the voting machine or electronic vote tabulating device may be malfunctioning, it may recount the ballots by any manner prescribed by law.”

Commissioner McKinnon-Stahr moved for the recount to be scheduled for March 13, 2020 at 1:00 p.m., with the commissioners meeting scheduled for March 13, 2020 at 5:00 p.m. for the certification of election results; seconded by Commissioner Price. Motion passed by voice vote.

Chair Gomez requested an election monitor be present at the recount. Commissioner McKinnon-Stahr moved for an election monitor to be present at the recount; seconded by Commissioner Price. Motion passed by voice vote.

Chair Gomez requested Director Poe to share the process regarding conducting a recount. Director Poe shared that information. There was some discussion regarding the cost of the recount. Mr. Vickery agreed on behalf of the Hawk Campaign to pay the fee of twenty-five cents (25¢) per vote.

Anonymous Email from Voter

Commissioner Price shared with the commissioners an email that he received from a voter that wished to remain anonymous regarding the behavior of an election official at the Jess Odom Community Center on February 29, 2020 regarding the voter requesting a provisional ballot. The election official tried to convince the voter to not cast a provisional ballot. The voter was able to cast the provisional ballot.

Other Business

2020 Reimbursement Contact for the Preferential Primary/Nonpartisan General Election

Commissioner McKinnon-Stahr moved for Administrative Assistant Betty Green, to be the preparer and the contact for the 2020 Preferential Primary/Nonpartisan General Election; seconded by Commissioner Price. Motion passed by voice vote.

Meeting recessed at 7:42 p.m. to wait for Director Poe to retrieve a memo regarding incident on February 11, 2020 at St. Mark Baptist Church.

Meeting resumed at 7:44 p.m.

Review of Memo for the Prosecuting Attorney Regarding Events at St. Mark Baptist Church on February 11, 2020

The commissioners provided their recommendations for changes to the memo. They also requested that affidavits be obtained from the election officials that were working at the polling location on February 11, 2020. The affidavits are to be notarized by the Administrative Assistant. Colonel House also requested that the election officials provide their names, addresses and telephone numbers on the affidavits. Commissioner McKinnon-Stahr moved for an update be provided at the meeting on March 13, 2020 regarding the memo and the election officials that have been contacted and have provided the affidavits; seconded by Commissioner Price. Motion passed by voice vote.

Public Comments

Mrs. Martha Hill requested clarification regarding the supplemental page in the poll books. Director Poe explained what the supplemental page is used for.

Schedule of Upcoming Events

March 13, 2020 at 1:00 p.m. for recount of House District 31 from the March 3, 2020 Preferential Primary/Nonpartisan General Election.

Schedule of Upcoming Meetings

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

Meeting adjourned at 8:03 p.m.