



**Pulaski County Election Commission
Meeting Minutes
December 1, 2020
9:00 p.m.**

Members Present:

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

Staff Present:

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

Visitors Present: Neal Earley, Arkansas Democrat-Gazette; DeAnna Schmalz, State Board of Election Commissioners; Adam Fogleman, County Attorney; Charles Bolden

The meeting was called to order at 9:00 p.m. by Chair Gomez. A quorum was present, with all commissioners in attendance.

The pledge of allegiance was led by Commissioner Stahr.

Approval of Previous Meeting Minutes

The commissioners requested amendments to the minutes. The approval of previous minutes was tabled until the next meeting.

Business

Canvass Absentee Ballots for the December 1, 2020 General Election Runoff

The commissioners began the process of canvassing the absentee ballots for the December 1, 2020 General Election Runoff. The commissioners reviewed the three envelopes and decided to reject the three ballots. Commissioner Price moved to reject two of the ballots because the envelopes were empty and to reject one because the ballot was blank; seconded by Commissioner Stahr. Motion passed by voice vote.

The commissioners reviewed 41 irregular absentee ballots that the signatures were determined to not be comparable by the election officials. The commissioners determined that 17 of the 41 ballots should be counted. Commissioner Stahr moved to approve 17 of the irregular absentee ballots that the signature did not compare and reject 24 for incomparable signature; seconded by Commissioner Price. Motion passed by voice vote.

The commissioners reviewed 95 provisional absentee ballots that the optional verification of identification is not signed, which can be cured if the voter presents their I.D. by December 7, 2020 at 12:00 p.m. The commissioners determined that two of these ballots should not be counted, 13 of these ballots should be counted and 80 of these ballots should be mailed a notice giving the voter an opportunity to cure the ballots. Commissioner Price moved to reject two ballots, approve 13 ballots and for 80 notifications to be mailed to voters on December 2, 2020 allowing the opportunity for the ballot to be cured by December 7, 2020 for the December 1, 2020 General Election Runoff; seconded by Commissioner Stahr. Motion passed by voice vote.

The commissioners reviewed 24 absentee ballots that the address was incomplete or did not compare. The commissioners determined that nine of these ballots should be counted and 15 should not be counted. Commissioner Price moved for nine of the 24 absentee ballots that did not have comparable addresses to be counted and for 15 of the 24 not be counted for the December 1, 2020 General Election Runoff; seconded by Commissioner Stahr. Motion passed by voice vote.

The commissioners reviewed 44 absentee ballots that the date of birth was not comparable. The commissioners determined that these ballots should not be counted. Commissioner Stahr moved to not count 44 absentee ballots that the date of birth was not comparable for the December 1, 2020 General Election Runoff; seconded by Commissioner Price. Motion passed by voice vote.

The commissioners reviewed 86 absentee ballots that were marked as incomplete or missing a voter statement. The commissioners determined that six of these ballots should be counted, one ballot should be added to the I.D. curable and 79 ballots should not be counted. Commissioner Price moved to count six of the ballots that were labeled as incomplete or missing a voter statement, make one ballot curable if the voter presents their I.D. by December 7, 2020 and not count 79 ballots labeled incomplete or missing a voter statement for the December 1, 2020 General Election Runoff; seconded by Commissioner Stahr. Motion passed by voice vote.

Certification of Unofficial Election Results for the December 1, 2020 General Election Runoff

Precincts 63, 86, 101, 102, 120, and 121 had no voters on election day, therefore the unofficial election results reflect that 86.36% of the precinct reporting. The commissioners read the unofficial results for the December 1, 2020 General Election Runoff as follows:

North Little Rock Mayor	Tracy Steele	4,737	46.65%
North Little Rock Mayor	Terry Hartwick	5,417	53.35%
North Little Rock Ward 3	Ron Harris	906	61.09%
North Little Rock Ward 3	John Parker	577	38.91%
Little Rock School Zone 3	Tommy Branch Jr.	196	33.16%
Little Rock School Zone 3	Evelyn Callaway	395	66.84%
Little Rock School Zone 6	Fransha Anderson	187	41.19%
Little Rock School Zone 6	Vicki Hatter	267	58.81%

Commissioner Stahr moved to approve the unofficial election results for the December 1, 2020 General Election Runoff; seconded by Commissioner Price. Motion passed by voice vote.

Meeting recessed at 12:25 a.m. December 2, 2020.

Meeting resumed at 5:15 p.m. December 2, 2020.

Other Business

Freedom of Information Act (FOIA) Requests

Mr. Fogleman provided an opinion regarding a FOIA request that would require the unsealing of boxes that contain election materials related to the November 3, 2020 General Election. He stated that items of public record are open to inspection and copying unless otherwise exempt. Election materials are under the control of the election commission. The commissioners can establish a protocol to be followed that would allow for the unsealing of the boxes. Since the election is currently before the review board, Mr. Fogleman is going to contact the claims commission for instructions.

Mr. Fogleman offered the following as a process that could be utilized for unsealing the boxes. To maintain the chain of custody, the commissioners could designate certified election officials to unseal the boxes and the process could be live streamed. He reiterated that this is at the discretion of the commissioners. The commissioners

stated that without a court order compelling the unsealing of the boxes, nothing further could be done.

Issues and Complaints from the November 3, 2020 General Election

Commissioner Stahr requested clarification as to whether the provisional ballot for Haley Blackwell was sent to the commissioners to decide as to whether to count her ballot. There was some confusion with her voter registration regarding which county she was registered to vote. Washington County Clerk's office had sent information stating that the provisional ballot for Ms. Blackwell should be counted because the wrong person that was marked as having voted in Washington County. After researching this matter, Director Poe stated that Ms. Blackwell's vote was not counted. The commissioners determined that this complaint needs to be reported to the State Board of Election Commissioners.

The commissioners discussed various complaints regarding the November 3, 2020 General Election. Some of the complaints that were reported, the commissioners determined did not need to be reported to the State Board of Election Commissioners and some did need to be reported. The complaints or issues that the commissioners determined that needed to be reported are as follows: voter transfers to Pulaski County and the voters were told that they needed to go to Saline County in order to cast their vote; allowing poll watchers to be allowed at the polling locations; the three children of Representative Carlton Wing absentee ballots were mailed to the wrong locations; complaint from Representative Jim Sorvillo regarding visiting voters and polling locations not being allowed to use the restroom. The commissioners requested Director Poe submit these complaints or issues to the State Board of Election Commissioners by Director Poe on December 3, 2020.

Schedule of Upcoming Meetings

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

December 14, 2020 at 5:00 p.m. for the provisional ballot hearing and certification of the December 1, 2020 General Election Runoff.

Meeting adjourned at 7:05 p.m. on December 2, 2020.