



Pulaski County Election Commission

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Kristi M. Stahr

February 10, 2021

On January 5, 2021 by majority vote, the Pulaski County Election Commission decertified Mr. Bryan Poe. This vote was precipitated by numerous instances of Mr. Poe's non-responsiveness to commissioners. (See Commission meeting recordings from 2019 through 2020, and as set forth in the letter by Jamie Clemmer regarding Mr. Poe's non-responsive actions and behavior during the November 2020 election.)

On November 18, 2020, the Commissioners unanimously voted for certain conditions to be met by Mr. Poe and if the conditions were not met by January 1, 2021, Mr. Poe would face decertification. The January 1, 2021 deadline was chosen due to a scheduled runoff election. The conditions were as follows:

- Cameras to be installed in rooms used for canvassing and ballot counting.
- One drive set up for commissioners' access to all documents, forms, and electronic files of the commission.

The One Drive was to include all processes used, if the processes had not been written down these were to be reduced to writing and included in the One drive. It was also to include all operations including day-to-day operations, all policies, templates (including not limited to letterheads, forms, lists, and contacts), all documents used by the commission, all required documents, trainings, publications, notices, letters, budgets, contracts, agreements, and vendors.

The January 1, 2021 deadline came and went without Mr. Poe completing the conditions. Mr. Poe went on leave (without giving any notice to the commissioners), he did not complete the requisite conditions given him prior to his departure, he did not assign anyone else to compete the conditions in his absence, and he did not ask for an extension.

In the January 5, 2021 commission meeting, Mr. Poe's actions and behaviors were described by multiple commissioners as "egregious." The Pulaski County Election Commission by majority vote, voted to decertify Poe at the January 5, 2021 commission meeting. Indeed, after voting to decertify Mr. Poe, it was discovered he failed to account for voting equipment, including but not limited to one DS-200 ballot scanner, one ExpressVote, two ExpressPoll pollbooks with 518 unvoted ballots, which were discovered at a polling location months after the November 2020 election.

The Pulaski County Election Commission no longer desires to use the services of Bryan Poe. Arkansas Supreme Court Case *Jefferson County Election Commission v. Wilkins* CV-17-949 permits this decision. Following CV-17-949, Mr. Poe is hereby prohibited from any statutory duties of the Pulaski County Election Commission. See A.C.A. § 7-4-107 (requiring the ^{CBEC} to allocate a sufficient number of ballots boxes at ^{each} polling site and to appoint election officials); A.C.A. § 7-5-101 (stating that CBEC shall establish election precincts and designate polling sites for each precinct); A.C.A. § 7-5-202 (providing specific directions for CBEC with regard to public notice of elections); A.C.A. § 7-5-207 (requirements CBEC must follow in formulating ballots); A.C.A. § 7-5-211 (requiring CBEC to designate persons as ballot custodians); A.C.A. § 7-5-301(k) (CBEC shall have complete control and supervision of voting machines and electronic vote tabulating devices at all elections); A.C.A. § 7-5-611 (CBEC must program and test electronic voting tabulating devices; A.C.A. § ⁷⁻⁵⁻⁷⁰¹ (deadlines for CBEC to certify the election results to the Secretary of State).

Mr. Poe is prohibited from having any access or any participation in elections on or behalf of the Pulaski County Election Commission. He is not to participate or conduct any training or be involved in any matters certified by State Board of Election Commissioners for anything for Pulaski County. Further, he may not communicate on behalf of the Pulaski County Election Commission to any other entity government or otherwise.

Mr. Poe is to have no access to the following which touch or concern any elections in Pulaski County: buildings, ballots, offices/rooms, network drives, the PCEC budget, contracts, processes, day-to-day operations, access to building (keys, codes), passwords, inventory, and materials.

~~He is prohibited from talking to the staff about elections in anyway.~~

Staff is required to change his passwords immediately and deny any electronic access in the future.

 2/10/21

Evelyn D. Gomez, Commission Chair

Joshua A. Price, Commissioner

 2/10/21

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