



**Pulaski County Election Commission  
Meeting Minutes  
January 5, 2021  
5:00 p.m.**

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Members Present:

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

Staff Present:

Shawn Camp  
Betty Green  
Jodie Dildy

Visitors Present: Colonel Doug House; State Representative Mark Lowery; State Representative Gray; Senator Mark Johnson

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The meeting was called to order at 5:00 p.m. by Chair Gomez. A quorum was present, with all commissioners in attendance, with Commissioner Price present via Zoom. Assistant Director Camp and Ms. Green were present via Zoom.

The pledge of allegiance was State Representative Gray.

*Approval of Previous Meeting Minutes*

The minutes for previous meetings were not complete, therefore the commissioners were unable to approve or make corrections regarding the previous meeting.

**Business**

*Executive Order from County Judge Barry Hyde*

The meeting was held at the State Capitol in the old Supreme Court Room. This was because county buildings are closed to the public due to Judge Hyde's executive order regarding COVID-19 dated December 31, 2020. Chair Gomez stated that this order prevents the commissioners from being able to hold public meetings in a county building. Commissioner Stahr addressed an email that was sent out by Assistant Director Camp that stated both the Assistant Director and the Director would be out on leave. Commissioner Stahr sent an email requesting clarification regarding the

person that would be in charge during their absence and learned that Mrs. Dickens would be. She also stated that she had concerns about the one person working in the office and the others working remote. She stated that in her email she requested clarification regarding the policy that was mentioned in the email about the staff working remote and was not provided the requested information. Chair Gomez and Commissioner Stahr stated that the commissioners are the ones that establish policies and no show had been established by the commissioners.

Commissioner Stahr stated that she had reached out to Assistant Director Camp regarding having public meetings at the county building and was told that the County Judge's executive order prohibits public meetings and that meetings would need to be virtual. The commissioners do not feel that meetings that pertain to elections can not be conducted virtually. Commissioner Stahr shared that she reached out to Arkansas Association of Counties to find out how commissioners are conducting meetings that pertain to elections and was told that no other counties were holding virtual meetings during the elections.

Commissioner Stahr shared her concerns regarding an email that was sent out on January 5, 2021 by Assistant Director Camp that stated that the staff would not be physically present at the meeting since the meeting was offsite. She stated it was her understanding from the email was that his role as Interim Director was to protect the health of the staff and not to administer the day-to-day operations. She stated this will be an issue for future meetings that are held offsite. She thanked Mr. Dildy for being present at the meeting.

Chair Gomez shared that at least six emails were sent on January 4, 2021 to have an updated agenda published and Assistant Director Camp failed to respond to any of the emails. She thanked Mr. Dildy for responding to an email that she sent to him.

Commissioner Stahr moved that as long as the County Judge's executive order is in effect that the meetings be moved to another facility and that the staff be directed to staff the meetings appropriately; seconded by Commissioner Price with an amendment to the motion that if the meeting is just a discussion meeting and there are no documents that need to be reviewed, to allow to be meeting to be virtual. Motion passed by voice vote. Commissioner Stahr reiterated that if there are documents that need to be reviewed or if the meeting pertains to an election then the meeting will be in person, the option is available for virtual meetings if there are no documents that need to be reviewed. Chair Gomez shared that she had reached out to the State Board of Election Commissioners as an alternate location to hold meetings and learned that their facility is not open after hours.

### *Election Commission Contracts*

Commissioner Price stated that he did not have any discussion regarding the contracts. Commissioner Stahr stated that she has still not seen all the contracts. She requested clarification from Mr. Dildy regarding the use of Microsoft Office 365 SharePoint as a means of sharing documents with the commissioners, who has the administrative rights to make changes to the files if Director Poe is not available. Mr. Dildy stated that he and Mrs. Dickens have administrative rights also. Chair Gomez requested that the commissioners be provided administrative rights also.

Commissioner Stahr stated that is not a line on any of the contracts for the commissioners to sign off on the contracts. The required signatures are the comptroller, purchasing department, county attorney and the County Judge. She would like to see more information regarding the contracts, for example the statement of work, the other bids that were submitted, the RFP process. She would like to know what the process is for contracts. She would also like to have more information regarding the contract for EasyVote, which is the system that is poll worker data base. She wants to be sure that there are no conflicts of interest between the vendors and the staff.

Commissioner Stahr requested clarification as to whether the templates had been received through SharePoint. Assistant Director Camp stated he was not sure if the templates were in one of the folders in SharePoint. She also requested that the folders in the SharePoint have better clarification. Chair Gomez requested access to the PCEC email blast. Mr. Dildy shared that he is the only one with administrative rights to the email blast. The commissioners requested access to the network where documents are stored.

Commissioner Stahr moved for Assistant Director Camp request copies all the witness testimony and exhibits that pertained to the House District 32 from the State Claims Commission cases that was decided on January 4, 2021 for the commissioners to be able to review at the next meeting. Chair Gomez requested Assistant Director Camp to make the request with Mrs. Katherine Irby, Director of the State Claims Commission and obtain those documents for their review. Commissioner Stahr stated that reviewing these documents will help with the revision of processes.

### **Other Business**

#### *Discussion Regarding Microphones and Cameras*

The commissioners requested Mr. Dildy to obtain quotes for microphones for the meetings and closed-circuit television cameras to be installed in the Jeffrey Hawkins

Room, the tabulation room, rooms where absentee ballots are canvassed, rooms where absentee ballots are stored, and rooms where ballots are remade. Commissioner Stahr the commissioners would also like to possibly investigate hiring additional staff to assist with the elections.

#### *Chair Gomez List of Concerns*

Chair Gomez requested that the State Board of Election Commissioners to review the procedures, practices, and processes. Commissioner Stahr moved for the previous procedures, practice and processes be provided to the commissioners so that a comparison of the recommendations by the State Board can be made, seconded by Commissioner Price. Motion passed by voice vote.

Chair Gomez requested Senator Johnson to provide an explanation regarding a legislative audit. He explained a legislative audit that can be done to determine if a state, county, or local government is following proper procedures. It also applies to the procurement and other laws. Generally, legislative audit's does not get into procedural things unless it has to do with compliance. He stated that the way the contracts for Pulaski County Election Commission are handled could be something that they would examine. He stated that he would be happy to assist the commissioners with determining how an audit can be requested of the Pulaski County Election Commission.

Chair Gomez requested clarification regarding nepotism, where a poll worker serves in a supervisory role over her daughter. He stated that is something that he would recommend deferral to an attorney. But if brought to the attention of members of the legislature then it would be something that they can investigate. He also offered to allow the commissioners to hold meetings in the old Supreme Court Room at the State Capitol if it is available.

#### *Discussion Regarding Director Bryan Poe*

The commissioners discussed the deadline that was given to Director Poe during a previous meeting. Commissioner Stahr stated there are blatant issues with Director Poe, where Assistant Director Camp was allowed to touch ballots after decertification. Chair Gomez shared photos that were provided by the State Board of Election Commissioners that showed boxes of absentee ballots that were sealed, but they were not presented to the commissioners that way. There are several things in the report that Chair Gomez would like an explanation about. Commissioner Stahr stated there are several issues that need to be addressed, and that there seems to be a conflict of personalities. Commissioner Stahr reiterated that Director Poe does not have the authority to appoint people to work the elections. The staff can not appoint

election officials. The law is very clear that the commissioners appoint the election officials. The commissioners are the ones that are held accountable for all the complaints that are submitted to the State Board of Election Commissioners. The public and the media hold the commissioners responsible for any problems that occur during an election. She has a list of issues that she will provide later regarding things that took place regarding the election.

Chair Gomez shared that a lesson learned document was provided to the commissioners in 2019 regarding the two prior year elections. Commissioner Price shared that it was a rough draft of things learned from issues that occurred during the elections. He stated it read more like a narrative and that he had spoken with Director Poe about it, but never saw a final copy of the document. Chair Gomez shared that Director Poe failed to meet the deadline for providing the final document. She requested that a copy of the document be provided because it is something that Director Poe was supposed to continue working on.

Commissioner Stahr requested the opinion of an attorney that if a person is on medical leave, but they are given a deadline prior to going on medical leave, but the commissioners do not have the authority fire the person because the person is not their employee, do they have the authority to decertify the person? The attorney referenced an event in Jefferson County where an election coordinator was appointed by the County Judge. Chair Gomez shared that her recollection regarding Jefferson County was that the Jefferson County Election Commissioners refused to certify the person as an election coordinator. Chair Gomez stated that failure to meet the deadline does not have to be the reason for decertification, but prior issues with the person are sufficient.

Commissioner Stahr stated that she is concerned about the county clerk making errors on reports that the commissioners were not provided, about the egregious behavior of the Director, about the Director telling the staff not to answer her phone calls or text messages when they were asking the staff if they needed help. She is concerned when outside groups are allowed to enter areas during an election and the commissioners were not allowed. She is concerned with an insubordinate behavior being passed on to the Assistant Director in the Director's absence. Chair Gomez stated to be fair Assistant Director Camp was quite insubordinate prior to the director's absence.

Commissioner Stahr stated that the conflicts in personality between Chair Gomez and Director Poe has led to insubordination. She is concerned with Director Poe walking out of meetings, failing to provide needed documents to the commissioners, and throwing his hands in the air making comments such as your guess is as good as mine,

or I don't care. She is concerned that Director Poe lied under oath. Chair Gomez shared that in Director Poe's deposition that he would not take responsibility for things that happened during the election, when he previously stated that he would during a public meeting. Commissioner Stahr stated that she is concerned about the future of the election process in Pulaski County.

Commissioner Stahr moved to decertify Director Bryan Poe; Chair Gomez and Commissioner Stahr voted for the decertification. Commissioner Price voted against the motion because Director Poe is currently on paternity leave and he would personally like to have further discussion with Director Poe and not decertify him until they are able to speak with him and because he is not present at the meeting.

Chair Gomez made an amendment to include that Director Poe did not meet the deadline and that he is on paternity leave. Commissioner Stahr moved to decertify Director Poe based upon the failure to meet the deadline set by the commissioners in a previous meeting for providing requested documents; Chair Gomez and Commissioner Stahr voted for the decertification. Commissioner Price voted against the motion; he would like to see a catalog of all the issues rather than saying based upon what was discussed previously. He feels that it should be documented better. Commissioner Stahr stated that a catalog of all the issues will be provided at the next meeting.

Commissioner Stahr stated that the commissioners can not continue to operate in this fashion, it is causing the public not to trust them. Commissioner Price requested that proper procedures on the part of the commissioners be followed legally, and with human resources during this process.

Chair Gomez stated that she would like to see a copy of Assistant Director Camp's deposition. Colonel House stated that he has a source that he can obtain copies of the deposition from, but there might be a fee for the copies. Commissioner Stahr moved to have any costs associated with obtaining the documents be paid through the department budget; seconded by Chair Gomez. Motion passed by voice vote.

The commissioners requested clarification from Assistant Director Camp as to whether there are any election deadlines approaching. He stated none that he is aware of. Commissioner Price requested clarification from the commissioners regarding the length of time for the decertification of Director Poe. Chair Gomez stated indefinitely. Commissioner Stahr stated that it does not remove him from his position as director, because he is an employee of the County Judge, but it does prevent him working any elections. Assistant Director Camp stated that the staff of the election

department derives its authority and power to act from the coordinator. So, without a coordinator the staff has no function. If the coordinator is not allowed the work on an election, then the staff is not allowed to either. Chair Gomez and Commissioner Stahr that is incorrect information. Assistant Director Camp stated that the county attorney will address this matter later.

The commissioners requested clarification from Ms. Green as to whether there were any invoices for previous elections that they needed to sign off on. She stated not at this time invoices were not completed. There is not a deadline for the invoices for the General Election and the General Election Runoff because these elections are billed to the cities and school districts, not the state.

The election proceedings for the Republican commissioners will be held on January 21, 2021. The election proceedings for the Democratic commissioner will be held on January 25, 2021.

#### *Public Comments*

Representative Lowery thanked the commissioners for their service. He issued an invitation to for anyone that would like to see changes in the laws. The voter I.D. law has a bill proposed that might remove the requirement for an I.D. to be provided for absentee ballots and possibly from provisional ballots, there is an abuse of power regarding the voter I.D. law. There will also be a bill proposed that the election staff will report to the commissioners and not an elected official.

Colonel House stated that misbehavior is not excused. Allowing someone to handle ballots that has been decertified is a misdemeanor and could possibly be a felony. He will provide the statutes regarding this later. The choice is that of the prosecuting attorney as to how he chooses to handle the matter. Commissioner Stahr stated that she has some documentation that she has been working on regarding this matter.

#### *Schedule of Upcoming Meetings*

February 3, 2021 at 5:30 p.m. location of the meeting will be determined based upon availability. If necessary, meeting will be held on February 6, 2021 (no time was set for the alternate meeting date).

Meeting adjourned at 7:02 p.m.