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JUN 14 2022

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JANICE KING
OFFICIAL RECORDER
BY [Signature] D.C.

JODY HARRIS

PLAINTIFF

vs.

CRAWFORD COUNTY BOARD OF
ELECTION COMMISSIONERS,
BILL COLEMAN, in his official
capacity as chairman, MIKE
MOXLEY, in his official capacity as
commissioner, MEMORY BOUCHER,
in her official capacity as
commissioner, and CHAD PURYEAR

DEFENDANTS

Case No:
24CV-22-240CU-22-60
IV DIV.

ELECTION CONTEST COMPLAINT

COMES NOW, the plaintiff, Jody Harris, by and through her attorney,
Clinton W. Lancaster, and for her complaint states:

Overview

1. That this is an election contest brought pursuant to Ark. Code Ann. § 7-5-801, et. seq. The plaintiff challenges the certification of the House District 25 (HD 25) Republican partisan primary race by the Crawford County Board of Election Commissioners (CBEC).

2. That this suit seeks to void the HD 25 race results and not install the plaintiff or any other person into office. *See Whitley v. Cranford*, 354 Ark. 253, 258, 119 S.W.3d 28, 31 (2003). To that end, the plaintiff challenges the certification of the HD 25 election as well as its validity. She asks this court to declare the HD 25 election to be void due to election law violations and irregularities that make it

impossible to accurately count or recount votes or otherwise determine the validity of the vote.

Parties and Jurisdiction

3. That the plaintiff is a candidate for the Republican nomination for the House seat in HD 25.

4. That Chad Puryear is the only other candidate seeking the Republican nomination in the HD 25 race.

5. That Caitlin Oxford, a stranger to this case, is the Democratic nominee for the HD 25 seat.

6. That Bill Coleman is the chairman and senior Republican member of the CBEC.

7. That Mike Moxley is a commissioner on the CBEC. He is the junior Republican member.

8. That Memory Boucher is a commissioner on the CBEC. She is the lone Democrat member.

9. That HD 25 is a district race as that term is defined by *Willis v. Crumbly*. 368 Ark. 5, 10, 242 S.W.3d 600, 603 (2006).

10. That HD 25 lies in Washington, Crawford, and Franklin Counties.

11. That, pursuant to Ark. Code Ann. § 7-5-801(b), an election contest of a district office may be brought in any county in the district.

12. That the election was certified by the CBEC on June 1, 2022. This complaint was timely filed within the twenty-day period set forth by the statute. Id. at (e).

13. That jurisdiction and venue are proper in this court.

Factual Allegations

14. That, near the conclusion of the race on election night, the plaintiff was leading the race for HD 25.

15. That, between 10:25 p.m. and 11:00 p.m., Bill Coleman was seen talking to his brother, Representative Bruce Coleman, outside the door of the central count location. Rep. Bruce Coleman is the outgoing HD 25 incumbent who has endorsed and supported Chad Puryear in the HD 25 race. Additionally, Mike Moxley, the second Republican election commissioner, is Rep. Bruce Coleman's son-in-law.

16. That absentee ballots were counted last on election night after the polls closed. Pleading further, Bill Coleman indicated that the CBEC were packing up for the day and would count the absentee ballots "later."

17. That Bill Coleman was challenged by the poll watcher who insisted that the ballots be counted on election night. Bill Coleman and the election commission relented. However, the defendant election commissioners left the count center, went to another building, and later returned. When they returned, Bill Coleman said that the CBEC had "found" thirteen absentee ballots that had been

cast but not counted. The CBEC then counted the absentee ballots at approximately 11:15 p.m. on election night.

18. That of the thirteen “found” absentee ballots, only eight of the ballots were for the HD 25 race. Chad Puryear received exactly eight absentee votes in the HD 25 race in Crawford County.

19. That, after the absentee ballots were counted, Chad Puryear had won the HD 25 race by six votes across all three counties that make up HD 25.

20. That the plaintiff requested an entire recount of HD 25 race.

21. That the plaintiff attended the Crawford County recount on May 25, 2022. Upon arrival, she found that the absentee ballots cast by the voters were not present at the recount.

22. That the plaintiff was informed by Bill Coleman that he had taken those ballots to his home and that they remained at his home. Pleading further, he referred to those ballots as “trash” because they had been remade pursuant to Ark. Code Ann. § 7-5-615(d) in order to run the absentee ballots through a tabulator.

23. That, on election day, Memory Boucher was seen transferring votes on absentee ballots from the ballot voted by the voter to a new ballot. The explanation was that the forms were incorrect, and the ballots had to be remade. There were no notations that other election commissioners were present during the remaking of the ballots.

24. That, on election day, Memory Boucher allowed a person who was not an election official to touch, handle, possess, and control voted absentee ballots.

Memory Boucher also allowed a person who was not an election official to touch, handle, possess, and mark for voting blank absentee ballots. When asked to admit, deny, or explain these allegations at public meeting held on June 3, 2022, at the CBEC central count location, Memory Boucher refused and would only say “no comment.”

25. That the canvassing of absentee ballots did not occur in public. At one point, a poll watcher was told there were 167 absentee ballots, but that 70 had been left another office. The CBEC went to retrieve the ballots, but the poll watcher did not accompany them and when they returned, there was no explanation given as to their findings. However, Bill Coleman gave multiple reports about the number of absentee ballots and those reports were inconsistent as to the actual number of absentee ballots returned in Crawford County.

26. That the CBEC failed to publicly announce its meeting to certify the election results. The Crawford County Clerk informed the public that the meeting would be held at 1:30 p.m. on June 3, 2022, at the central count location. Nearly 30 people appeared at the meeting at 1:30 p.m. to watch the certification process and voice their concerns about the election to the CBEC. Upon arrival, Bill Coleman announced that the CBEC had met at 1:00 p.m. and voted to certify the results.

27. That Bill Coleman later attempted to close the certification meeting to the public and relented only when there was a protest that the meeting could not be closed under Arkansas law.

28. The following facts are circumstantial evidence that the HD 25 election was not accurate or fairly conducted.

- A. Absentee ballots were not counted prior to the close of the polls on election night. This violates Arkansas law designed to protect against election fraud.
- B. The duplicated absentee ballots were not properly marked as duplicates. This violates Arkansas law designed to protect against election fraud.
- C. Some absentee ballots were counted last when the results of the HD 25 race were known or projected across the other two counties in the district. This violates Arkansas law designed to protect against election fraud.
- D. Absentee ballots were handled and marked by a non-sworn citizen on election day.
- E. At approximately 10:00 p.m., the plaintiff was leading the HD 25 race.
- F. Rep. Bruce Coleman was seen talking to Bill Coleman near the end of the count on election night. Shortly after that conversation was witnessed, the CBEC went to its office building located away from the central count location.
- G. The CBEC returned with additional absentee ballots that were not counted and should not have been counted.
- H. The CBEC did not intend to even count those absentee ballots that night and did so only after there was protest from a poll watcher. It is believed that the CBEC intended to count the absentee ballots in the coming days to ensure they had enough votes to secure a victory for the plaintiff's opponent.
- I. The absentee ballots counted by the CBEC were remade ballots. The CBEC failed to mark the ballots as "duplicates" as required by Arkansas law. Instead, the CBEC ran the ballots through a tabulator, and they are completely indistinguishable from other

absentee ballots in the tabulator bin, not traceable, nor locatable in the pool of counted absentee ballots.

- J. The defective ballots were not clearly marked as cancelled.
- K. The defective ballots (whose accuracy is unknown because they were improperly stored in an unsecured environment at Bill Coleman's home) showed eight votes **total** for the HD 25 race, three for the plaintiff and five for her opponent.
- L. Chad Puryear received exactly eight absentee votes in the HD 25 race—this is not a coincidence.
- M. The absentee ballots were not stored in a secure location in the courthouse or offices of the CBEC.
- N. There was no or insufficient public notice of meetings of the CBEC.
- O. There was no or insufficient public notice of the CBEC's meeting to certify the election results.
- P. Historic and systemic election law abuses by members of this CBEC including counting votes in past elections without public notice and closed to the public.

Election Law Violations and Irregularities

29. That the actions of the CBEC in permitting a non-sworn, civilian to touch ballots violated Ark. Code Ann. § 7-5-615(b).

30. That the actions of the CBEC in failing to mark duplicated absentee ballots as "duplicate" violated Ark. Code Ann. § 7-5-615(d).

31. That the actions of the CBEC in failing to mark spoiled absentee ballots as "cancelled" violated Ark. Code Ann. § 7-5-602(a)(2)(A)(B).

32. That the actions of the CBEC in failing to count all absentee ballots before the polls closed on election day violated Ark. Code Ann. § 7-5-416(a)(7).

33. That the actions of the CBEC in certifying the election results without verifying that the totals from the polling locations certified return records matched the electronically derived totals violated Ark. Code Ann. § 7-5-529(b).

34. That the actions of the CBEC in failing to count all absentee ballots before the polls closed on election day violated Ark. Code Ann. § 7-5-416(a)(7).

35. That the failure of the CBEC to properly secure absentee ballots violated Ark. Code Ann. § 7-5-702.

36. That the failure of the CBEC to secure election audit materials upon notification of a recount violated Ark. Code Ann. § 7-5-530(c).

37. That the failure to publicize public meetings of the CBEC's meetings, including certification, violated the public meetings requirement of the FOIA and created the appearance that the CBEC worked in clandestine against the interests of election integrity and transparency.

38. That the close relationship of Bill Coleman and Mike Moxley to Rep. Bruce Coleman and his intention to install Chad Puryear as the victor of the HD 25 race created an appearance of impropriety.

39. That the actions of Bill Coleman in removing absentee ballots to his home that were not marked as spoiled or cancelled ballots calls into question the integrity of the absentee ballots and the HD 25 race.

40. That the actions of the CBEC in counting absentee votes last after other polling places in the district had reported results created an appearance that the absentee ballots were improperly cast and counted to impact the outcome of the

HD 25 race. This appearance is further supported by the fact that the absentee ballots were not properly duplicated and fed into a tabulator that created complete anonymity among all absentee ballots at 11:15 p.m. on election night.

Cause of Action and Requested Relief

41. That the plaintiff was winning and would have won the HD 25 race if these election law violations and irregularities had not occurred.

42. That the absentee balloting was illegally cast and counted. Jody Harris would have been properly certified as the winner of HD 25 if these ballots had not been counted.

43. That the actions of the CBEC caused the inability to accurately and anonymously count votes cast in the HD 25 race on election night and during the recount. The inability to count votes voids an election. *Dollarway Patrons for Better Sch. v. Dollarway Sch. Dist.*, 374 Ark. 92, 96, 286 S.W.3d 123, 126 (2008).

44. That the election law violations and irregularities were so pervasive that the certified result of the election is unreliable and the actual result uncertain, relying upon *Files v. Hill*, 268 Ark. 106, 113, 594 S.W.2d 836, 840 (1980) (citing *Patton v. Coates*, 41 Ark. 111).

45. That this court should void the CBEC's certification of the HD 25 race or otherwise void the election.

46. That this court should order that this case be expedited.

WHEREFORE Jody Harris prays this honorable court void the certification of the HD 25 race; void the HD 25 election, and for all other just and proper relief.

Respectfully Submitted,

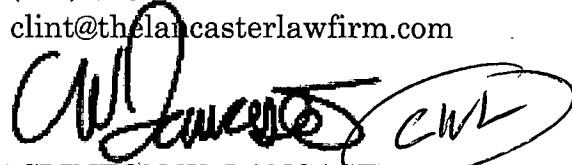
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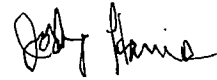


By: /S/ CLINTON W. LANCASTER
Clinton W. Lancaster, 2011179

ACKNOWLEDGMENT

I, **JODY HARRIS**, do hereby state, on oath, that the facts and information set forth above are true and correct to the best of my knowledge, information and belief.

STATE OF ARKANSAS)
) ss
COUNTY OF _____)



JODY HARRIS

ON THIS DAY, the 06 / 09 / 2022, personally appeared before me **JODY HARRIS**, known well to me to be the person whose name is subscribed to the within instrument and acknowledged that he or she executed the same for the purposes therein contained.

SALINE COUNTY, ARKANSAS
CLINTON W. LANCASTER
NOTARY PUBLIC #12388915
EXPIRES 07.16.2022

My Commission Expires:


/S/ CLINTON W. LANCASTER

NOTARY PUBLIC

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STATUS	● Signed

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06 / 09 / 2022

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SIGNED

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The document has been completed.