

K-K PRIEST

RECEIVED
JUL 27 2015
S.B.E.C.

July 20, 2015

Attention: Justin Clay, Director
State Board of Election Commissioners
501 Woodlane, Suite 401 N
Little Rock, Arkansas 72201

Dear Mr. Clay:

This morning Ralph Burns brought over my copy of the documents mailed to him from your office. I surely hope that these rule changes are not "set in stone" yet. I have not had the time to go through the entire list of changes; however, referring to the wages paid to the County Election Commissioners are more than just a bit disconcerting to me! I cannot speak for other offices; however, our Little River County Election Commissioners are a "working office". Previously, we were allowed a maximum of ten official meetings for which we were paid \$100 each for the ten meetings. And, many more hours were spent during an election period. I can understand the reasoning behind the changes when the County Clerks and/or coordinators do a lot of the work; however, this is not the case in our office.

Am I reading or interpreting the \$25 per hour for the Logic and Accuracy Test? Does this mean that the three of us doing the L&A testing will divide that per hour wage three ways? We use 37 machines in twenty precincts and it usually takes the three of us approximately 22 to 25 hours to complete the L&A, including changing the paper and checking the Communication Packs.

It is already hard to find poll workers and in my opinion, these rule changes will make it even more difficult! Another thing I'm concerned about is the extra \$25 to be paid to the precinct judge. In each of our precincts, everyone of the poll workers has his own job to attend to and is as busy and sometimes busier than the precinct judge. I truly feel that this should be, for want of a better word, re-thought.

As I said earlier, I have not read the entire document, but these points are so important that I wanted my thoughts to be known as soon as possible. I may have further questions and do hope your office will take my thoughts seriously.

It's going to be a tough year; however, I think we're up to it and will follow your lead!

Sincerely,

K-K Priest

K-K Priest, Chairperson

Little River County Election Commioners
Ashdown Arkansas 71822

Page -2-

**Attention: Justin Clay, Director
State Board of Election Commissioners
501 Woodlane, Suite 401 N
Little Rock, Arkansas 72201**

**cc: Mark Martin, Secretary of State
Tim Humphries, Legal Counsel
Jon Davidson, Educational Services Manager**



Pulaski County Election Commission

Board Members
Pat Hays, Chair
Leonard A. Boyle, Sr.
Kevin Gorman

DATE: August 7, 2015
TO: Justin Clay, Director
Arkansas State Board of Election Commissioners
FROM: Bryan Poe
Director of Elections
SUBJECT: Pulaski County Comment on Proposed State Board Rules

Director Clay:

We have reviewed the proposed revisions to the State Board of Election Commissioners Rules on Poll Watchers, Vote Challenges, and Provisional Voting, and would like to make you aware of our concerns. As we have recently been informed, Pulaski County's procedures for the processing and counting of provisional ballots is in conflict with these rules, including §908 that specifies "The commission then completes the election commission's portion of the list of provisional voters form (see Attachment "B"), and all records are preserved in accordance with the laws governing preservation of ballots and election materials" and §909 that specifies "the commission completes the election commission's portion of the list of provisional voters form (see Attachment "B")." We ask that the board modify this language in its rules in order to allow us to process provisional ballots in a more efficient manner.

In the past, the Pulaski County Election Commission has certified its determination on the status of provisional ballots *en masse*. The provisional ballots were received from the polling locations and early voting sites across the county. Then, the Election Commission staff compiled a list of provisional voters on a spreadsheet containing all of the pertinent voter information contained on the Outer Provisional Envelopes. The spreadsheet was then forwarded the spreadsheet along with the ballots to the County Clerk's office, so that they may review their records and certify the eligibility status of each provisional voter back to the Commission. The County Clerk's office would then add their findings into the spreadsheet, and return it and the provisional ballots to the Commission for its initial review. The Commissioners would then review the spreadsheet, as well as individual provisional ballots as deemed necessary, and vote on the provisional ballots in making their initial determination as to the validity of the ballots. Notices would then be sent to voters by the commission staff informing them of the status of their provisional ballots as well as time and meeting date for the Provisional Ballot Hearing by the Commission. At the Commission's next meeting, any provisional voters would be heard, and the final determination made on the status of the provisional ballots with a blanket certification stating that a data search had been conducted by the clerk, and that the commission had made its determination on the status of the provisional ballots on the attached list of provisional voters, with the number of provisional ballots counted, the number of provisional ballots not counted, and the total number of provisional ballots clearly stated in the certification document.

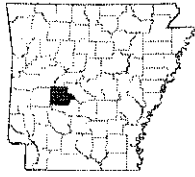
This process was put in place to increase the efficiency of provisional ballot processing. Due to the language that is stated in §908 and §909, this process cannot be used, since it requires the Clerk's office and Commissioners to individually sign a certification placed on each and every provisional ballot. While we have no doubts that the prescribed process is used across the state in other counties with little to no difficulty, and we have used this process in Pulaski County for the special elections that we've conducted this year without too much disruption. In larger elections, such as primary and general elections it creates an undue burden on the commission. In the 2012 General Election in Pulaski County, there were 638 provisional ballots cast. In the 2014 General Election there were 485 provisional ballots cast. In the 2014 General Election, the meeting where the commission did its initial review of provisional ballots took over three and a half hours. Given the large volume of provisional ballots in general elections in Pulaski County, and the extremely tight timeline for certification of the general election provided for in the election laws as well as the necessity to prepare for a General Election Runoff, the current rules, if followed by the county in a future general election, would be very arduous for the county to comply with. The value added to the process by having a deputy clerk and the commissioners sign each of the possibly hundreds of provisional ballots is minimal in our opinion, and its addition would be very time consuming.

For the above reasons, we would appeal to the State Board of Election Commissioners to amend the language in its proposed rules to permit Pulaski County to return to its previous process for handling provisional ballots. Any assistance that you could provide to us in this matter would be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Poe". The signature is written in a cursive, flowing style.

Bryan Poe
Director of Elections



Comments on SBEC Rules
(Garland County Election Commission)

July 27, 2015

Rules on Poll watchers, vote challenges and provisional voting

Section 901 Documentary Voter Identification: (Page 7)

- A. Forms – The first sentence might be better worded as follows: “Poll workers must ASK voters for identification, however DO NOT ask for a specific type of identification. The following forms of identification are acceptable. ----”

Section 902 Precinct Voter Registration List (Page 8)

First, sentence – Rather than the using, the word “*provides*” use “states”. Using the word provides might imply a hard copy form of identification rather than giving an oral answer.

Section 903 Poll Watcher Challenges (Page 9)

Second paragraph: There is no reference or explanation of the rights of newspaper photographers, who wish to take pictures of voters, and who may or may not disrupt the process. Is a polling site a public or private place?

Section 907 Review of Provisional Ballots (Page 13)

The last 2 paragraphs use the phrase “who registered by mail”. Not all-first time voters register by mail, eliminating this phrase may reduce any misunderstanding.

In addition, these 2 paragraphs infer that first voters who did not provide ID either when registering or at the poll may be allowed to vote. We do not understand on basis on which this inference is made.

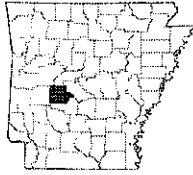
Section 908 Hearing (Page 15)

Should the wording in the first paragraph be changed to “County Election Commission” rather than “County Board” to eliminate any confusion with the county Quorum Court or any other board the counties may have established?

In addition, should Voter Registration status, which forbids any person, convicted of a felony from voting be noted or referenced? These individuals are often registered in the correct precinct but have their voting rights restricted.

Section 910 Prosecuting Attorney (Page 16)

Since the law allows voters to refuse to provide an ID at the poll, this section in effect suggests we (or the County Clerk) send a list of all voters who refused to provide ID to the Prosecuting Attorney. Is this realistic?



Comments on SBEC Rules
(Garland County Election Commission)

Rules for Poll Worker Training

Scope of Rules (Page 3)

In defining who the scope of the rules apply, a more consistent phrase might be “— Training for poll workers, and county clerks, or a person assigned by the county clerk”.

This could also apply in *Section 200* by eliminating the reference to the deputy county clerk since assignment by the clerk as noted above covers all situations.

Section 202 Required Training (Page 4)

Item 3 states “Only one poll worker who has attended training in the past 12 months is required for any regularly scheduled election where item 2 states “all” need to be trained. These two paragraphs are in conflict.

Section 203 Certification and compensation of Poll worker trainers

The word “Trainee” in item 1 should be “Trainer”.

Section 205 Required Training for County Clerks

The first sentence should be identical to the comment under scope. (I. E. County clerks, or a person assigned by the county clerk)

The page numbers need some editorial corrections.

Rules for County Election Commissioners Training

Section 700 Definitions (Page 3)

Since the County Clerk is now required to attend training, should the County Clerk be included in the definitions?

Section 702 Required Training (Page 4)

What is the difference between comprehensive and advanced training?

Rules for reimbursement of expenses for State Funded Elections

Section 501 State Funding of Elections

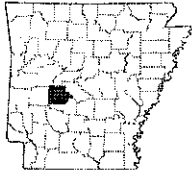
Does this section (last sentence) allow for State Funding of a nonpartisan general election independent of any other concurrent elections?

Section 506 Eligible State Funded Election Expenses (Page 7)

What information is need to support the poll worker hours? We are not in favor of time sheets but do collect payroll forms signed by the poll worker.

Page 10 3rd full paragraph

The addition of a “special runoff ballot” is silent on providing such a ballot for a voter NOT in the uniformed services who is absent and has requested an absentee ballot.



Comments on SBEC Rules
(Garland County Election Commission)

Rules for Voter Intent

Section 301 Paper Ballots Item 15 page 10

Section 302 uses the phrase "if none" when describing the steps to document an abandoned electronic ballot. The same phrase should be used for documenting paper-abandoned ballots in section 301.