

**BEFORE THE ARKANSAS STATE BOARD OF ELECTION  
COMMISSION/STAFF**

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**PUBLIC HEARING  
IN THE MATTERS OF:  
Rules of Voter Identification;  
Rules of Poll Watchers, Vote Challenges, and  
Provisional Voting**

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**Wednesday, March 19, 2013**

**10:00 a.m., Central Daylight Time**

State Board of Election Commissioners'  
Board Room  
501 Woodlawn Drive, Suite 401N  
Little Rock, Arkansas

**DEES COURT REPORTING  
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Attendance:

Mr. Justin Clay, Director  
Tim Humphries, Esq., Legal Counsel

Also Attending:

Mr. Jason Kennedy, Pulaski County Clerk's Office  
Other Attendees/Public (See Attendee List)  
Cheryl D. Dees, C.C.R., The Court Reporter, on  
behalf of Dees Court Reporting

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challenges and provisional voting.

Those rules were filed under the, those emergency rules were filed under the permanent provisions of the Administrative Procedures Act, and that's what these Proposed Rules that we are commenting on here today reflect. They are subject to a 30-day public comment period. That 30-day public comment period expires on April 6th.

So that is kind of where we are at with the Rules.

To summarize what these proposed changes do, the rules, the proposed changes for the rules for voter identification amend the definition of documentation for the Administrator for clarity. They remove the requirement that in order for an absentee voter ballot to be counted, the absentee voter must submit certain required identification. They add the requirement that the absentee ballot of a voter could fail to provide certain required identification, shall be considered as a provisional ballot. They

1           add the requirement that the ballot of an  
2           absentee voter who failed to submit  
3           certain required identification be  
4           counted, if the voter's ballot is not  
5           successfully challenged for any other  
6           reason, and if the voter provides the  
7           required identification or an affidavit  
8           that the voter cannot provide the required  
9           identification because of indigence or  
10          religious objection, being photographed to  
11          either the County Clerk or through a  
12          meeting of the County Court of Election  
13          Commissioners by noon on the Monday  
14          following the election.

15                 The added requirement for this post  
16          election submission to be provided by  
17          either mail, in person by the voter, or in  
18          person by a third person designated by the  
19          voter. They add the requirement that the  
20          required I.D. or affidavit delivered by a  
21          third person include a written statement,  
22          signed and dated by the voter that  
23          authorizes that third person to deliver  
24          the required identification, and they add  
25          the requirement that except for an

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administrator of a long-term care residential facility, licensed by the state of Arkansas, no person shall deliver to the Clerk or Election Commission the identification of more than two (2) absentee voters.

These proposed rules add the requirement that an administrator may deliver to the Clerk or Election Commission the identification documentation from any of the residents of the administrative facility, submit an absentee ballot, and these rules add procedure for accessing the validity of photo identifications submitted post-election, in person, by absentee voters.

So that is the rules, the proposed rules on voter identification.

Our proposed rules on poll watchers, vote challenges and provisional voting incorporate many of those same changes. In addition, they add a requirement that the County Election Commission send notice by First Class Mail to the absentee voter at the absentee mailing address, and the

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voter's registration address, and to the extent possible, deliver such notice electronically or by telephone.

This notice must inform absentee voters that they will be notified by First Class Mail whether their provisional ballot was counted. It informs absentee voters who fail to present required identification that, how they can submit that required identification post-election, and other information.

So that is the gist of the proposed changes to these rules.

And at this point, I'll go ahead and open it up for public comment. And if you would, please come to the podium, state your name, organization, and who you represent, if any, and which rules you are commenting on. We can go ahead and do these concurrently, since they are similar.

(Brief Pause)

MR. HUMPHRIES: Going once.

MR. KENNEDY: Good morning. My name is Jason Kennedy, and I'm with the Pulaski



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County Clerk's Office.

It is our contention that this body does not have the ability to change laws, that your rule-making is rule-making and not law-changing, one, and two, I question why voters that fail to comply with the Voter I.D. Law will be treated differently than those that fail to comply with the voter state laws and require its regulations. Why should they not be treated equally? If people who fail to submit their voter statements should be treated as the same as those that fail to submit voter I.D., in my opinion, and that's speaking of my own personal opinion.

And I thank the Board for having this meeting today. Have a good day.

MR. CLAY: Thank you. (Brief Pause) Are there any other comments on either of those rules?

MR. HUMPHRIES: When did you say the written comment expires?

MR. CLAY: The written comment expires at 4:30 p.m. on April 6th. After

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that written comment period, and our Board will meet again to consider all of the comments supplied during that time, and we will go from there.

If no one has any additional comments, we certainly won't keep you.

That will conclude that, and we will bring this Public Hearing to a close. Thank you all for joining us and for your comments.

WHEREUPON, the Public Hearing in the above-entitled matter was concluded at 10:07 a.m., on Wednesday, March 19, 2014, and further, the staff and attendees saith not.

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