



**Pulaski County Election Commission
Meeting Minutes
October 27, 2014
5:00 p.m.**

Members Present

Leonard A. Boyle, Sr.
Chris Burks
Kevin Gorman

Staff Present

Bryan Poe
Shawn Camp
Tonya Washington
Pam Walker

Visitors Present: David Berman, County Clerk's office; Doug Reed, JP District 1; Amanda Neely, Tom Cotton Campaign; Bruce Campbell, Edmond Waters, Asa Hutchinson Campaign; Kelli Eichler, French Hill Campaign; Luke McCoy, candidate, Justice of the Peace; Bilenda Harris-Ritter, Vickie Arellanes, AR Republican Party; Holly Dickson, Jillean Fisher, ACLU; Derrick Smith, (?) Law Firm; Patrice Wolfe, Chief Judge, Voting Precinct 85.

The meeting was called to order by Chairman Leonard A. Boyle, Sr. A quorum was determined; all members present.

Approval of Meeting Minutes, October 17, 2014

Motion to approve meeting minutes was made by Commissioner Gorman. It was seconded by Commissioner Burks. All in favor; motion passed unanimously by voice vote.

Business

November 4, 2014 General Election - Early Voting Update

Mr. Poe stated that the first week of Early Voting produced approximately 22, 000 voters, about 40 - 50% more that the first week of Early Voting in the November General Election 2010.

Mr. Poe read into the record early voting update on issues occurring during the first week at early voting locations. Please see attached.

Mr. Poe noted that in order to address the calibration issues on voting equipment at all of the early voting sites, the area managers will conduct calibration on all of the early voting equipment each day to ensure that issues with ballot selection will not occur again.

Signs have been delivered to all early voting sites to be posted on the voting devices reminding voters to make sure to review ballot selections before confirming ballot and to make sure the vote will check with an election official if they are having a problem.

Mr. Poe clarified for Commissioner Burks the need for calibrating voting devices. Because the voting devices are an older touch screen technology, after a certain amount of usage the calibration will “slip” whereas when pressing one selection the calibration will cause the selection to “slip” to the next selection below on the screen. With this, the voter has the opportunity to review their ballot along with the Real Time Auto Log (RTAL) printout to ensure the selections made are accurate. However, the issue of making one selection on the screen and another selection printing on the RTAL is impossible to occur. This will not happen with the iVotronic device.

Pam Walker explained that calibration is performed on voting devices when issues occur during Logic and Accuracy Testing. When there is a selection issue on a device, calibration is performed at that time to prevent this issue at the polls. While at the polls, after a heavy load of voters, it is necessary to calibrate voting devices to ensure that everything lines up. However, if a voter encounters problem it is imperative that the voter notify an election office of any problems they are having with the device.

Commissioner Gorman noted his concerns with the iVotronic. Chairman Boyle noted his concerns as well. However, he stated that he will rely on the Election Commission staff to ensure that the devices are working properly and to contact the manufacturer to address any concerns.

Commissioner Burks made an appeal to candidates who become state elected officials to consider state investments in the future for new voting equipment because of the 14 year old aged equipment currently being used.

Commissioner Gorman reiterated his concerns regarding the iVotronic while making selections on the screen and another selection being printed on the RTAL. Ms. Walker stated in all of her years working with the voting devices, she has never seen this happen. Mr. Poe and Ms. Walker agreed that it could happen on the screen when voting has been heavy, but this could never happen where another selection would print on the RTAL would be different from the selection on the screen. The cause of this occurring has been associated with calibration only.

Mr. Poe noted that all early voting sites have been contacted to reiterated that Activator Clerks when instructing voters on the use of the machine to direct voters to review their ballot on the review screen and to alert Election Officials should there be any issues with their selections.

A poll watcher, Bilenda Harris-Ritter, stated that the iVotronic zero tape was posted behind the machines at Jess Odom Community Center and then complained that the chairs at the site were positioned so that it was possible for people sitting waiting for the machines could possibly see the votes of the voters casting votes.

The Chief Judge, Barbara Zajac, was notified on Saturday, October 25, 2014, to move the zero tape to where it could be viewed by the Poll Watchers. On October 27, 2014, Mr. Poe

called the site and instructed the workers to turn the chairs so that they are facing away from the iVotronics.

Motion was made by Commissioner Burks to enforce that chairs remain turned away from voting machines at all times. It was seconded by Commissioner Gorman. Motion passed unanimously.

Ms. Walker made note that signs are placed on the inside of the doors of each voting device instructing them to close the doors inward for privacy.

It was announced that the Voter Registration System was completely down at 5:45 p.m. Early voting has been suspended. The commissioners spoke again about their concerns with the current voting equipment. Mr. Poe stated that the voting equipment has a lifespan of 10 years. Pulaski County's equipment is 8+ years old. For this election we have 20 voting devices in reserve should any of the devices in use need to be replaced. As far as the ballot count on November 4th, the memory for the iVotronic ballots are stored in 5 places: 1) Machine, 2) Memory Card, 3) PEB, 4)Memory Card, 5) RTAL.

Currently when there is an issue with a voting device at one of the EV sites, the voter's ballot is cancelled and moved to another machine to cast their ballot. An election commission staff member or an area manager is dispatched to re-calibrate the voting device and placed back in use.

Mr. McCoy asked if there was a log kept to know which machines were causing continuous problems. Ms. Walker stated that the EV sites should be keeping record of the problems with any of the machines.

Ms. Eiberg noted two instances from voters who contacted her regarding selection issues on the voting devices.

Commissioner Burks stated he did not want to re-calibrate any of the voting devices more than twice. Any correction after that, the device should be replaced.

Chairman Boyle asked Ms. Walker the possibility of voting devices malfunctioning more than once. Ms. Walker stated that it's possible that it may be necessary to calibrate a device more than once but not that the device would malfunction more than once.

Holly Dickson, ACLU, suggested the Pulaski County Election Commission contact the State Board of Election Commissioners (SBEC) and the Secretary of State's office (SOS) and The Association of Arkansas Counties (AAC) to get the word out to the other 74 counties about calibration issues here and to have them consider calibrating their machines periodically as well.

Amanda Neely asked in the event any machines are taken out of service during voting, is there a transparent process for the transfer of the votes on that machine to a secure location. Ms. Walker stated that machines for early voting are not closed until Election Day. Until then machines are securely stored at our warehouse.

Motion to have the Director of Elections for the Pulaski County Election Commission to write a letter to the State Board of Election Commissioner and the AR Secretary of State Division of Elections what has been reported to the Pulaski County Board of Election Commissioners to the raise awareness to the rest of the state what has been happening in Pulaski County regarding calibration issues with the iVotronic voting devices and to ask the Election Commission staff to continue re-calibrating the voting devices as well as placing signage at all of the voting locations ensuring to remind voters to review their ballots before casting them throughout the remainder of early voting.

Commissioner Gorman amended the previous motion asking the election officials to orally remind voters to review their ballot and for voters to be vigilant about getting help or assistance from election officials when they have a problem or issue while casting their ballot and to produce a report to state that calibrations have been performed and that signage is posted to remind voters to review their ballots before casting them.

Commissioner Burks clarified that the motion, including Commissioner Gorman's amendment, will be as follows:

- 1) Write a letter to the State Board of Election Commissioners and the AR Secretary of State Division of Elections what has been reported to the Pulaski County Board of Election Commissioners to raise awareness to the rest of the state what has been happening in Pulaski County regarding calibration issues with the iVotronic voting devices
- 2) Continue re-calibrating the voting devices
- 3) Placing signage at all of the voting locations ensuring to remind voters orally to review their ballots before casting them throughout the remainder of early voting
- 4) In addition to the existing policy, the staff will report back to the commission on any follow up with any of the individual locations.
- 5) In addition to the existing policy, the staff will state in the report the confidence in the re-calibration process and the lack of issues,
- 6) In addition to the existing policy, have Shawn Camp to call the Early Voting Chief Judges and express to them what has been discussed in this meeting
- 7) The Board of Election Commissioners is notified, before a voter addresses the media, that the Chief Judge as call the office saying there is an issue with the ivotronic

It was seconded by Commissioner Gorman. All in favor motion passed unanimously by voice vote.

Commissioner Burks made a motion that no formal actions be taken at this time towards any of the poll watcher issues reported at today's meeting. No action was taken; motion withdrawn.

Commissioner Gorman asked if there had been any violations of election laws. Mr. Poe stated that no major violations had been committed other than small issues, such as, electioneering beyond the 100' perimeter. No major issues have been reported.

The next meeting is scheduled for Tuesday, November 4, 2014. No time scheduled as of today.

Meeting adjourned.