



**Pulaski County Election Commission
Meeting Minutes
November 7, 2014
5:00 p.m.**

Members Present

Leonard A. Boyle, Sr.
Chris Burks
Kevin Gorman

Staff Present

Bryan Poe
Shawn Camp
Tonya Washington

Visitors Present: Darrell Lane, County Clerk's office; Emily Walkenhorst, AR Democrat Gazette; Jillean Fisher, ACLU; Bilenda Harris-Ritter, AR Republican Party;

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

Approval of Meeting Minutes, October 27, 2014

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

Business

November 4, 2014 General Election - Preliminary Review of Provisional Ballots

The preliminary disposition of provisional ballots was as follows:

A total of 484 provisional ballots
395 recommended for disqualification
89 recommended for approval

Bilenda Harris-Ritter requested an election monitor to be present for today's meeting for vote tabulation. However, no one was present. Mr. Poe noted that he spoke with the election monitor about 3:00 p.m. today and informed her of the meeting.

Commissioner Gorman noted that he was not aware that provisional ballots had been sent back to the County Clerk's office to be researched for potential violations. He expressed the need for the board to be notified when this occurs.

Noted among the provisional ballots:

Ballot voted by Christopher (Chris) Hulett has been misplaced between the Election commission and the County Clerk's office. A search of both offices by personnel has not produced ballot at this time. Commission Gorman asked if there are procedures in place to prevent this from occurring. Mr. Poe noted, to his knowledge, there are currently no procedures in place in the event of this kind of occurrence. Procedures for a ballot-by-ballot accountability process will be put into place. Mr. Poe will contact the State Board of Election Commissioner on Monday concerning this process and produce procedures to be presented at the next meeting.

One ballot (Rebecca Lee Russell) was told on Election Day that she voted early at Jess Odom Community Center on 10/27/14, which she vehemently denied. The County Clerk's office searched through the early vote request form for 10/27/14 and they were unable to find the request form. However, the provisional ballot she voted cannot be counted because voter did not sign the affirmation on the provisional envelope.

One ballot (Corey Smith) appears to have been voted fraudulently by someone else. Driver's license has been lost or stolen and someone appeared at Precinct 98 representing himself as Corey Smith. Mr. Smith appeared to cast his ballot and was told he had already voted when, in fact, he had not. Signatures were compared and did not match. Provisional ballot cannot be counted since the first ballot has already been cast in the voting device on Election Day in his name. Motion made by Chairman Boyle to submit this information to the Prosecuting Attorney's office. It was moved by Commissioner Burks and seconded by Commissioner Gorman. All in favor; motion passed unanimously by voice vote.

There were three (3) provisional ballots that voters fed into the voting devices after they were given procedures to place in the provisional envelope, casting illegal ballots. Motion made by Chairman Boyle to submit information regarding these three provisional ballots to the Prosecuting Attorney's office. It was moved by Commissioner Burks and seconded by Commissioner Gorman. All in favor; motion passed unanimously by voice vote.

Chairman Boyle asked if the Prosecuting Attorney could refer back the board regarding any findings in these incidents. Mr. Poe stated yes, this could be done.

The provisional ballots were separated in to yes and no categories and then categorized by the nature of the recommendations and disposition for the meeting. Those categories consisted of affirmations not signed, convicted felons, transfers missed deadline, voted in wrong precinct, etc.

In order to reduce the number of errors in provisional ballot procedures, Chairman Boyle suggested that extensive training be conducted with poll workers who issue provisional ballots. The Assistant Judge will be trained extensively to be the lead official on processing voter problems and the Chief Judge will be responsible for managing the voting site.

Commissioner Burks moved to adopt the spreadsheet of provisional voters with noted changes.

Mr. Poe noted that provisional notices have been mailed to voters informing them of the disposition of their ballot.

Motion to recess made by Commissioner Gorman; seconded by Commissioner Burks. The meeting recessed for about 15 minutes for a break and then reconvened.

Mr. Poe stated that he is clear where the commission needs to move toward 2016. Assistant Judges will largely focus on detailed voter problems. The Assistant Judge training will be totally separate of the Chief Judge and Chief Judges will be responsible for managing the polling sites.

Mr. Poe will bring back contact groups of poll workers from the May Primary Election to get further feedback from the General Election. Chairman Boyle stated that if there is anything that the commissioners can do to help assist with improving the election process at the polling sites on Election Day.

Motion to adopt staff recommendations on in-person provisional ballots with exception to the issues to be referred to the Prosecuting Attorney with the switch on the provisional ballot for Corey Smith to not count the provisional ballot since the original ballot had been cast, although possibly illegally. It was moved by Commissioner Burks and seconded by Commissioner Gorman. All in favor; motion passed unanimously by voice vote.

Commissioner Gorman requested assurances that the process is followed for the provisional ballots.

Mr. Poe noted that one race which made change the outcome of the results will be the Justice of Peace District 11. The count now stands at a margin of 11 votes. This is one provisional ballot that is currently recommended to be counted for this district and will be added to the count.

Ms. Ritter asked if there could be a possible change in the outcome of House District 14 race. Mr. Poe stated he was not aware of this and would check on it and contact Ms. Ritter after the meeting.

General Election Runoff, November 25, 2014

Polling Location Order

There is a runoff for City of Alexander Mayor. There will be one polling location for Election Day - Precinct 81 - LR Fire Station #18. A total of 77 voters are eligible for this election. EV1 - Pulaski County Regional Building will be open for early voting.

Motion to accept the polling location and early voting site for this election was made by Chairman Boyle. It was moved by Commissioner Burks; seconded by Commissioner Gorman. All in favor; motion passed unanimously by voice vote.

Certification of Poll Workers

Mr. Poe noted that there will be no absentee workers appointed for this election due to the small number of eligible voters. Our staff will deal with any absentee ballots that may need to be processed for this election. Motion to certify list of poll workers was made by Chairman Boyle. It was moved by Commissioner Gorman; seconded by Commissioner Burks. All in favor; motion passed unanimously by voice vote.

Certification of Ballot Styles

Mr. Poe have produced the paper ballot, as allowed by law, for this election due to the small number of eligible voters in this election. There is one ballot style for this election. One ivotronic voting device will be used for the Election Voting site and one ivotronic voting device will be used for the Election Day location. Motion to accept the polling location order was made Chairman Boyle. It was moved by Commissioner Gorman; seconded by Commissioner Burks. All in favor; motion passed unanimously by voice vote.

Certification of Notice of Election

Motion to certify Notice of Election was made by Chairman Boyle. It was moved by Commissioner Gorman; seconded by Commissioner Burks. All in favor; motion passed unanimously by voice vote.

Orders of Destruction

Unused ballots and ballot stubs from the following elections to be destroyed following the allotted two (2) year period of storage:

September 9, 2012 - Annual School Election Runoff
September 9, 2012 - Maumelle Special Election
November 6, 2012 - General Election

Motion to destroy ballots and ballot stubs from the above noted elections was made by Chairman Boyle. It was moved by Commissioner Burks; seconded by Commissioner Gorman. All in favor; motions passed unanimously by voice vote.

Commissioner Burks noted that the November General Election went well and complimented the well-designed process used to conduct elections in Pulaski County. Commissioner Boyle and Commissioner Gorman complimented as well. Mr. Poe commended his staff for a job well done.

Meeting adjourned.