I. Roll Call

Acting Chairman A.J. Kelly called the meeting to order at 1:00 p.m.

Members Present: Others Present:

Rhonda Cole                Justin Clay, SBEC Director
Chad Pekron                Karan Skarda, SBEC Deputy Director
Stuart Soffer              Tim Humphries, SBEC Legal Counsel
C.S. Walker                Bernetta Levy, SBEC Election Coordinator
Barbara McBryde            Debra Wehagen, SBEC Administrative Analyst
J. Harmon Smith            Martha Adcock, Secretary of State, Legal Counsel
                          Kerry Baldwin, Secretary of State, Strategic Initiatives
Members Absent:            Alex Reed, Secretary of State, Press Secretary
Chairman Mark Martin       Rob Hammons, Secretary of State, Director of Elections
                          Susan Inman
                          Bryan Poe, Pulaski County Election Commission
                          Shawn Camp, Pulaski County Election Commission
                          Jacob Kauffman, KUAR
                          David Goins, KARK
                          Andrew DeMillo, Associated Press
                          Ruth Bell, League of Women Voters
                          Tricia Weidling, League of Women Voters
                          Jamie Collins
                          Margaret Eckart
                          Belinda Harris Ritter, Ritter Law Firm
                          Warren Readnour, Office of Attorney General

II. Approval of the Minutes of June 19, 2013

Commissioner McBryde moved to approve the minutes of June 19, 2013. Commissioner Pekron seconded the motion. The motion passed unanimously.

III. Rules for Nonpartisan Office Filing Fees
Director Clay reported that no public comments were received and no changes were recommended by staff on the Rules for Nonpartisan Office Filing Fees.

Commissioner Walker moved to approve the Rules for Nonpartisan Office Filing Fees as submitted by staff. Commissioner Pekron seconded the motion. The motion passed unanimously.

IV. Rules for Poll Worker Training

Clay reported that four public comments were received on the Rules for Poll Worker Training. Clay presented a summary of the public comments received, staff’s responses to comments, and staff’s proposed changes.

A public comment was heard from Martha Adcock, Secretary of State, Legal Counsel.

Commissioner Walker moved to approve the Rules for Poll Worker Training as submitted by staff and as amended in that meeting. Commissioner Cole seconded the motion. The motion passed unanimously.

V. Rules for Reimbursement of Expenses for State Funded Elections

Clay reported that one public comment was received on the Rules for Reimbursement of Expenses for State Funded Elections. Clay presented a summary of the public comment received, staff’s response to comment, and staff’s proposed changes as a result of the comment.

Commissioner Pekron moved to approve the Rules for Reimbursement of Expenses for State Funded Elections as submitted by staff and as amended in that meeting. Commissioner Smith seconded the motion. The motion passed unanimously.

VI. Rules on Poll Watchers, Vote Challenges, and Provisional Voting

Clay reported that thirteen public comments were received on the Rules on Poll Watchers, Vote Challenges, and Provisional Voting. Clay presented a summary of the public comments received, staff’s responses to comments, and staff’s proposed changes as a result of the comments.

Public comments were heard from Belinda Harris Ritter, Ritter Law Firm, and Martha Adcock, Secretary of State, Legal Counsel.

Commissioner Soffer moved to remove the language concerning absentee ballots being placed in provisional envelopes referenced in Comment #5 on the summary of comments and responses to the Rules on Poll Watchers, Vote Challenges, and Provisional Voting. After clarification and further discussion, Commissioner Soffer withdrew the motion.
Commissioner Soffer then moved to retain language highlighted in yellow and crossed out in red and to change the words “are considered as” to “become a” at the end of Section 905 in the proposed Rules on Poll Watchers, Vote Challenges, and Provisional Voting. Commissioner Smith seconded the motion. The motion passed unanimously.

Commissioner Pekron moved to approve the Rules on Poll Watchers, Vote Challenges, and Provisional Voting as submitted by staff and as amended in that meeting. Commissioner Walker seconded the motion. The motion passed unanimously.

VII. Rules for Appointment of Certified Election Monitors

At the request of the acting Chairman and without objection, the agenda was changed to hear Item VIII. Rules for Appointment of Certified Election Monitors before taking up agenda item VII. Rules for Voter Identification.

Clay reported that three public comments were received but staff recommended no changes on the Rules for Appointment of Certified Election Monitors based on these comments.

Commissioner McBryde moved to approve the Rules for Appointment of Certified Election Monitors as submitted by staff. Commissioner Walker seconded the motion. The motion passed unanimously.

VIII. Comments Not Germaine to Proposed Rules

At the request of the acting Chairman and without objection, comments not germane to proposed rules were added to the agenda and taken up before agenda item VII. Rules for Voter Identification.

Clay advised that six public comments, not germane to the proposed rules, were received. Staff recommended no changes to any rules based on these comments.

IX. Rules for Voter Identification

Clay reported that twenty-five public comments were received on the Rules for Voter Identification. Clay presented a summary of the public comments received, staff’s responses to comments, and staff’s proposed changes as a result of the comments.

Commissioner Soffer moved to strike Item 802-7 in the proposed Rules for Voter Identification on the basis the State Board does not have statutory authority to make a rule on this issue. Commissioner Pekron seconded the motion. The motion was passed with the acting chairman voting in favor of the motion.
Public Comment was heard by Susan Inman, Belinda Harris Ritter, Ritter Law Firm, and Martha Adcock, Secretary of State, Legal Counsel.

After much discussion, Commissioner Soffer moved to strike the language in the last two paragraphs in Section 810 on page 8 of 8 from the proposed rule and to send a letter to the Secretary of State expressing concern and asking the Secretary of State to consider issuing a standard form to be made available to the County Clerks to send as an addendum with the applications for absentee ballots. Commissioner McBryde seconded the motion. The motion passed unanimously.

Commissioner Soffer then moved to approve the Rules for Voter Identification as submitted by staff except for the changes adopted by motion. Commissioner Walker seconded the motion. The motion passed unanimously.

X. Director Comments

Clay discussed the next steps in the process of the adoption of rules and also discussed moving forward with the preparation of a partial Running for Public Office Handbook.

XI. Approval of AASIS Reports for May 2013, June 2013 and July 2013

Commissioner Cole moved to include AASIS reports for July 2013 following a request by Commissioner Pekron to amend the agenda to include July’s reports. Commissioner McBryde seconded the motion. The motion passed unanimously.

Commissioner Soffer moved to receive AASIS reports electronically instead of receiving a hard copy. Commissioner Pekron seconded the motion. Commissioner Walker advised that a hard copy remains his preference. The motion passed unanimously.

Commissioner Pekron moved to approve AASIS Reports for May 2013, June 2013, and July 2013. Commissioner McBryde seconded the motion. The motion passed unanimously.

XII. Board Member Comments

Commissioner Soffer commended staff for work on rules; raised a question to Secretary of State staff regarding font size on poll books and was informed that Secretary of State staff will follow-up on the issue; and reminded Board members of the upcoming ACECA continuing education training.

XIII. Public Comments

No further public comments were forthcoming.
XIV. Confirmation of Next Scheduled Meeting of the Board

The next meeting of the State Board of Election Commissioners was tentatively scheduled for Wednesday, September 25, 2013, at 1:00 p.m.

XV. Adjournment

Commissioner Pekron moved to adjourn. Commissioner Walker seconded the motion. The motion passed unanimously. The meeting was adjourned at 2:38 p.m.

Signed by: 

Mark Martin, Chairman

Date Approved: October 23, 2013