CRAIGHEAD COUNTY ELECTION COMMISSION

Mailing Address
511 South Main Street, Room 102
Jonesboro, AR 72401

Commissioners
Scott McDaniel, Chair
Erika Krennerich Chudy
Keith L. Crews

Election Coordinator
Sandra Taylor
870-932-3407

January 27, 2014

The Honorable Mike Beebe
Governor of Arkansas
State Capitol, Room 250
Little Rock, AR 72201

The Honorable Mark Martin
Arkansas Secretary of State
State Capitol, Suite 256
Little Rock, AR 72201-1094

The Honorable Davy Carter
Speaker of Arkansas House of Representatives
P.O. Box 628
Cabot, AR 72023

The Honorable Michael Lamoureux
President Pro Tempore of Arkansas Senate
103 West Parkway, Suite B Russellville,
AR 72801

The Honorable Robert Thompson
Arkansas State Senator
414 West Court
Paragould, AR 72450

The Honorable John Cooper
Arkansas State Senator
P.O. Box 16801
Jonesboro, AR 72404

The Honorable Homer Lenderman
Arkansas State Representative
195 County Road 953
Brookland, AR 72417

The Honorable Butch Wilkins
Arkansas State Representative
2639 County Road 333
Bono, AR 72416

The Honorable Harold Copenhaver
Arkansas State Representative
P.O. Box 19415
Jonesboro, AR 72403

The Honorable John K. Hutchison
Arkansas State Representative
P.O. Box 127
Harrisburg, AR 72432

State Board of Election Commissioners
c/o Justin Clay, Director
501 Woodlane Drive, Suite 401 N
Little Rock, AR 72201

Dear Governor Beebe; Secretary Martin; Speaker Carter; President Lamoureux;
Senators Thompson & Cooper; Representatives Lenderman, Wilkins,
Copenhaver, & Hutchison; and Mr. Clay:

ATTACHMENT L
We're writing you with the hope that a potential problem can be avoided. We suggest that the Election Code concerning proof of identity and absentee voting be changed. Under current law, the voter must provide this information when his or her absentee ballot is cast. We suggest changing the law so that this identification is provided when the voter applies for an absentee ballot.

As you know, Craighead County just completed its state senate district 21 election. This was the first and—to our knowledge—only election held under new statutory laws requiring proof of identity. Applying these statutes to the counting of absentee ballots became an issue. Of the 133 absentee-ballot packets received, only 70 contained the required proof of identity. So we faced the question of how to handle the remaining 63 ballots. Our own review of the law led us to conclude that reasonable people could differ about how these statutes should be implemented. This conclusion was confirmed when the Arkansas Board of Election Commissioners and the Secretary of State gave us conflicting interpretations of the law. The Board opined that the absentee ballots should not be counted. But the Secretary contended that, under Act 595 of 2013, we should give the voters an opportunity to show proof of identity. We chose to give our absentee voters the opportunity to show proof of identity.

In our election, the election-day vote difference between the two candidates was greater than the number of absentee votes cast. So regardless of how the absentee voters voted the outcome remained the same. But on the horizon are our 2014 primary and general elections. And in these elections, it's foreseeable that absentee voters could decide some contested races. If so, who—the Board or the Secretary—expresses the correct legal interpretation of the General Assembly's intent? Without clarification, Arkansas's 75 county election commissions are left to decide. And if they aren't uniform in their interpretations, absentee ballots in different counties could be treated differently.

To treat voters from different counties differently is wrong. This is a foreseeable problem. But fortunately it's a preventable problem too. We urge a brief special legislative session to take place at the end of the upcoming fiscal session to adopt legislation to solve this problem.
We believe that proof of identity should be presented at the time the absentee ballot is applied for. It can be done in person, by bearer, or by mail. This process gives the voter the opportunity to remedy any failure to provide proof of identification before a vote is cast. This will minimize confusion. And with minimized confusion comes greater public confidence and quicker election results.

Respectfully,

CRAIGHEAD COUNTY ELECTION COMM'N

Erika Kremerich Chudy,\nMajority Party

Scott McDaniel, Chair

Keith L. Christman,\nMinority Party

cc: Jonesboro Sun