

# BENTON COUNTY ELECTION COMMISSION

E. J. Miller  
Chairman

M.W. Sevak  
Secretary



Bill Williams  
Member

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## MINUTES OF THE BENTON COUNTY ELECTION COMMISSION

July 27, 2011

Commission members present: E. J. Miller, Chairman, Bill Williams, Member, and Mike Sevak, Secretary

Others present: County Clerk Tena O'Brien, Christine Southard, Sharon Rose, Duane Neal, Cathy Bolte, Robbyn Tumey, Gwen Millager, Joe N. Chappelle, John Brown, Jim McCarthy, Vivian Michaels, Barbara McCoy, Jason Trenary, Willie Cowgur, John Ekstrand, Chuck Hyde, and Kathy Mahmens.

Media: Tom Sissom, Benton County Daily Record

Chairman E. J. Miller called the meeting to order and welcomed everyone.

### **Minutes:**

Chairman Miller stated that the agenda showed the meeting at 11:00 A.M. but was changed to 8:00 A.M.

Chairman Miller asked if there were any additions or corrections to the minutes of July 13, 2011.

Commissioner Bill Williams made a motion that the minutes from the July 13, 2011 meeting be approved as submitted, seconded by Commissioner Sevak. Motion carried by voice vote. (3 years)

### **Public Comment:**

None

### **Old Business:**

- (A) Annual School Election (September 20, 2011): Chairman Miller stated that July 27, 2011 at 12:00 noon is the deadline for school write-in candidates to file a notice of write-in candidacy, an affidavit of eligibility, and a political practice pledge with the County Clerk. He stated that it is the deadline for the County Clerk to certify to the Election Commission any write-in candidates who have filed their affidavit of eligibility and political practice pledges, and it is also the deadline for the Election Commissioners to determine by lot, the order in which names are to appear on the ballot. Chairman Miller stated that this meeting will be recessed and reconvened at 12:00 P.M. for the ballot draw. Chairman Miller asked County Clerk Tena O'Brien on the status of the School Election. County Clerk O'Brien reported that the Bentonville School District had five (5) polling locations last year and that they want to use those same polling sites this year; Decatur school district will only have early and absentee voting because of no contested races; Gentry school district will have one (1) polling site at the Gentry Methodist Church; the Gravette school district has a contested race and wants two (2) polling locations opened at the Gravette Civic Center and at the Highlands Church; the Siloam Springs school district has a contested race and will hold their election at the Siloam Springs Community

Building; the Rogers school district had (6) polling locations in 2006 and they want to use those same locations; Pea Ridge school district will have early and absentee voting because of no contested races. County Clerk O'Brien stated that the school districts know that the cost of the election is their burden.

### **New Business:**

- (A) Rogers Bond Issue Election (September 13, 2011): Chairman Miller asked County Clerk Tena O'Brien the status of the Rogers Bond Issue Election. County Clerk O'Brien stated that Christine Southard has set this election up in the system and asked Christine to give a report. Christine stated that in 2010, when this bond issue was first voted on, there were twenty (20) polling locations and that she is asking the City of Rogers to consolidate some of the locations due to the number of voters in those precincts. Chairman Miller asked Christine the number of potential sites she is proposing. Christine responded ten (10) polling locations. County Clerk O'Brien stated that with this Special Election being held on September 13, 2011, there is a time crunch in getting information and materials to ES&S. Christine reported that she has completed all the required information into the portal and gave the commissioners a copy of that information. Chairman Miller stated that he has concerns that when the actual ballot proofs are returned, that all of the lines do not line up correctly and must be checked carefully.

Chairman Miller stated he would like to postpone items #7 and #8 on the agenda until the commission reconvenes at 12:00 P.M. Chairman Miller asked that everyone return by 11:45 A.M. and the ballot draw would be at 12:00 P.M. and items #7 and #8 would continue after the ballot draw. Chairman Miller recessed the meeting at 8:15 A.M.

Meeting called back into session at 11:45 A.M.

### **Other Business:**

Chairman Miller welcomed everyone.

Chairman Miller explained how the ballot draw would be conducted. The election commissioners drew for the positions of all of the school board candidates with the exception of Willie Cowgur, Susan Santos, Chuck Hyde, John Ekstrand, and Jason Trenary who were present and drew for their own position on the ballot. After all of the positions were drawn, the commissioners signed the ballot draw document. Chairman Miller asked for comments. Barbara McCoy stated that she has concerns about how voters would be informed about write-in candidates. Chairman Miller stated that there were two ways: (1) paper ballots where there would be a line for the write-in candidate and (2) the I votronic where a voter can select the write-in button and a keyboard appears on the screen, for the voter to type the write-in candidate's name. County Clerk Tena O'Brien stated that she is seeking a legal opinion as to if a poll worker can give the name of the write-in candidates, if a voter asks. Barbara McCoy asked if you must know how to spell the name. Chairman Miller stated that a poll worker cannot influence or tell a voter about a write-in candidate. Ms. McCoy asked if there could be something posted at the polling site on how to do a write-in. Chairman Miller stated that would be regarded as campaigning. Christine Southard stated that it is the responsibility of the candidate to get his/her name out to the voters. Gwen Millegar asked if stickers could be used on paper ballots. Chairman Miller and Commissioner Williams stated that was not allowed. Duane Neal asked if a write-in candidates name must be spelled correctly on the ballot to count and Chairman Miller said that was correct. Joe Chappel also commented that the entire name must be spelled out on the ballot to count. Jim McCarthy commented that the state says the commission has the right to use voter intent for a write-in candidate because some voters do not spell well and that is up to the commission to determine the intent. Chairman Miller stated that is the process when counting absentee ballots. Gwen Millager stated that it is up to the commission and the states to make it absolutely clear to the voters how to vote for the write-in candidate. Commissioner Williams stated this is a valid question and can be resolved and the new commissioners have heard the concerns and will make the appropriate decisions. Vivian Michaels asked where candidates could post posters and signs. Chairman Miller stated it must be at least 100 feet from a polling site and it is up to candidates to get their information out to the public. Susan Santos asked when will the polling locations be

posted and how can that information be obtained. Chairman Miller stated the polling locations will be identified and published in the newspaper. County Clerk O'Brien stated it will be published in August because the locations have to be confirmed and poll workers must be established. She stated that an order must be signed by the commissioners establishing polling locations and election officials that will be working the polls. This information will be available in the county clerk's office and will be posted on the county clerk's website.

**Announcements:**

(A) Commissioners Comments: Commissioner Williams commented that this was his last meeting as a commissioner and stated that he was raised in a household where the opportunity for service to the community was an important responsibility. For two and half years, it has been his personal honor as well as his collective responsibility to serve the citizens of Benton County. Commissioner Williams stated that he was proud that the commission has gone from one part-time employee to two full-time and one part-time staff. Commissioner Williams stated that the commission has responsibilities for policies that are in the hands of the commission and the operational procedures through the county clerk's office. This is political bravery of the part of the county judge and the county clerk. Commissioner Williams wished the new commissioners luck on the commission.

Chairman Miller thanked the voters, the central committee, the citizens of Benton County, and the state for the opportunity to serve as commissioner and chairman. He stated the job of commissioner and chairman is not an easy task and he has enjoyed serving the people and serving with the other commissioners.

Chairman Miller stated this is his last meeting and introduced John Brown and Robbyn Tumey as the commissioner's replacements. Chairman Miller welcomed the two new commissioners. John Brown and Robbyn Tumey stated their appreciation to Chairman Miller and Commissioner Williams for their service and they should not go unmentioned and that they look forward to working on the commission.

Commissioner Sevak stated that public service comes with the good and bad. He has served the public in different capacities and it is a difficult job. He stated that Commissioner Williams and Chairman Miller have done an excellent job serving the citizens of Benton County. He stated that there has to be room for new ideas and new blood and that their service to the county should not go unrecognized by anyone. Commissioner Sevak personally thanked Commissioner Williams and Chairman Miller.

**Adjournment:**

Chairman Miller made a motion to adjourn, seconded by Commissioner Williams. The meeting adjourned at 12:35 P.M.

Respectfully submitted,

Mike Sevak, Secretary  
Prepared by Sharon Rose, Election Commission Staff