

# BENTON COUNTY ELECTION COMMISSION

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Chairman

Russell J. Anzalone  
Secretary



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## MINUTES OF THE BENTON COUNTY ELECTION COMMISSION

February 1, 2012

Commission members present: John Brown, Jr., Robbyn Tumey, and Russ Anzalone

Others present: Tena O'Brien, Christine Southard, Sharon Rose, Dana Ferguson, Jim Hall, and Gwen Millegar

Media: Tom Sissom, Benton County Daily Record

Commissioner John Brown called the meeting to order at 1:00 P.M. and welcomed everyone. Chairman Brown asked that Mr. Jim Hall, Executive Director for Union Government Relations at Northwest Arkansas Community College, be allowed to address the commission before any other business is conducted.

### **Public Comment:**

Chairman Brown introduced Mr. Jim Hall, Executive Director for Union Government Relations at Northwest Arkansas Community College. Mr. Hall stated that he is in charge of elections for the NWACC Board of Trustees, and that NWACC is scheduled to have a trustee election this fall. Mr. Hall stated that every other year, three (3) of the nine (9) member board are elected for six (6) year terms and every other year, three (3) members are up for election. Mr. Hall stated that state statute §6-61-529 regulates the community colleges trustee positions like the public schools. After each census, the community college looks at the percentage of any one minority in the Rogers and Bentonville School Districts and that the 2010 census reflects a 17% Hispanic Latino minority in these taxing district and that state statute states to draw nine (9) zones; six (6) positions for Rogers and three (3) positions for Bentonville. Mr. Hall stated that Jeff Hawkins with the Northwest Arkansas Regional Planning Commission assisted him in looking at past census tracts and precincts, and that approximately 17,300 residents live in each zone. This information was presented to the Board of Trustees in January, 2012. Mr. Hall stated that there were a number of questions asked by the Board of Trustees, which are not addressed by State Statute §6-61-529. Mr. Hall stated that their attorney Glen Kelly is asking a state legislator to take a letter to the Attorney General's office to give clarity on the questions and that they hope to have this answered within ninety (90) days before the election. Mr. Hall also stated that the statute states to work with the Election Commission on getting resolution and the Election Commission will need to approve the zones that NWACC presents. Commissioner Tumey confirmed that Mr. Hall is not certain if the election would be in September or November. He responded that is correct. Commissioner Tumey stated that if the election is held in September, then counting back 90 days would be cutting it close. Mr. Hall stated that if the questions that the Board of Trustees have are not resolved, then

their elections are regulated by state statute §6-61-530, which is a Board of Apportionment. Commissioner Tumey asked Christine Southard what is the latest date to have materials back from ES&S, for a September election. Christine responded at least forty-five (45) days.

### **Minutes:**

Chairman Brown asked if there were any additional corrections to be made to the minutes of December 14, 2011. County Clerk Tena O'Brien explained that Commissioner Sevak had questioned the verbiage in the original minutes that was submitted to the commissioners and that she requested that Sharon Rose listen to the recording of that meeting again, and make corrections where needed. There being no further comments, Chairman Brown made motion to approve the December 14, 2011 minutes as amended and the December 20, 2012 minutes as submitted, seconded by Commissioner Russ Anzalone. Motion carried by voice vote.

### **New Business:**

- A. **Poll Worker Training with SBEC:** Chairman Brown stated that two (2) trainers are allowed to be paid \$100 plus mileage. Chairman Brown stated that Dana Ferguson and Sharon Rose should be the trainers and anyone else that the commissioner's would like to send, but there is no reimbursement for more than two (2) trainers. Commissioner Brown suggested that Jeremy Akins also be certified. Commissioner Anzalone asked when the training is scheduled. Chairman Brown asked Commissioner Tumey if she wanted to attend the training. Commissioner Tumey responded that she was unable to go. County Clerk Tena O'Brien and Russ Anzalone stated that they would like to attend the training. Commissioner Tumey stated she would like someone from the Advisory Committee to attend. Chairman Brown responded that he would ask them. Commissioner Tumey stated that the commissioners had previously discussed having a refresher course for all the poll workers before the Primary Election. Christine Southard stated that the state will only reimburse for poll worker training before the Primary Election. Christine stated that the General Election is paid for by the county and cities. Chairman Brown asked Commissioners Tumey and Anzalone if it was agreeable to send Sharon Rose, Dana Ferguson, Tena O'Brien, Christine Southard, and Jeremy Akins. Along with Commissioners Anzalone, Tumey, Chairman Brown, and someone from the advisory committee. Commissioner Tumey asked Chairman Brown if the commissioners have their own training. Chairman Brown responded, yes, and that this is additional training. Chairman Brown stated he would get the forms filled out and emailed.

### **Old Business:**

- A. **Update on the February 14, 2012 Gravette School District Special Election:** Chairman Brown stated that early voting starts February 7, 2012. Election Coordinator Dana Ferguson reported: (1) L&A testing is complete; (2) the PEB's would be cleared on Thursday, February 2, 2012; (3) early voting machines will be delivered and set-up on Thursday, February 2, 2012 at the County Clerk's office; and (4) bags with voting materials for the precinct sheriffs will be packed by Friday, February 3, 2012. County Clerk O'Brien asked Dana to explain "clearing PEB's" to Commissioner Anzalone. Dana stated that the Logic and Accuracy (L&A) is tested on all PEB's and media for each election to determine that the voting system will correctly count the votes cast for all offices and on all measures. After completing the test, the PEB's are cleared to show a zero vote count and are ready to be delivered to the precincts. Sharon reported what items and materials are packed in the blue bags. Commissioner Anzalone stated that after the meeting, he would like to see the contents that go into the bags. Dana stated that the second publication of the public notice of the election had been sent to the newspaper to be printed on Tuesday, February 7, 2012. Chairman Brown asked if Gravette School District is also publishing the election. Dana responded that she was not sure. County Clerk O'Brien suggested that Dana check with the school district to confirm that they would be publishing their election. Christine stated that she felt they would be publishing the election because a representative from the school district had called for a copy of the publication that we prepared.

**B. Discussion on May 22, 2012 Preferential Primary and Non-Partisan Judicial General Election:**

Chairman Brown reported that filing for public office starts February 23, 2012. County Clerk O'Brien stated that filing begins at noon February 23, 2012 and ends March 1, 2012 at noon. County Clerk O'Brien stated that her office has "Running for Public Office" handbooks available, and that she and Christine will be going to Little Rock next week and would pick up more books at that time. Commissioner Tumey asked if there are a number of contested primary races. County Clerk O'Brien stated that some have announced their candidacy for County Judge, Justice of the Peace, and Assessor. Commissioner Tumey asked the County Clerk if the Treasurer has opposition. County Clerk O'Brien stated that she had not heard of any opposition for the office of Treasurer. Chairman Brown stated he had noticed several political signs posted in Rogers. County Clerk O'Brien reported that Benton County has State District Judges and not Municipal Judges, so, there was a little bit of confusion as to where they were supposed to file their Statement of Financial Interest. The election law book states that the candidates shall file with the state, but that she contacted the Secretary of State's office and they stated that the candidates are to file with the county. County Clerk O'Brien stated that this may be what happened in the Community College laws, where one section of the law was changed and not the other.

Chairman Brown asked if Mr. Hall is working with County Attorney George Spence. Christine stated that Mr. Hall had contacted her and she had forwarded his email to County Attorney Spence. County Attorney Spence was going to contact the college's attorney to determine which law to follow. Chairman Brown asked Christine to let the commissioners know when she has any additional information.

Chairman Brown asked if there had been any information or inquiries for the May 22, 2012 election, from the news media wanting to have exit polling. Christine commented that she had been contacted by Persia, with the Election Center, and that Persia will wait until after redistricting is complete before obtaining a list of the polling sites.

**Announcements:**

County Clerk O'Brien asked the commissioners if it is ok to add to future agendas a "Coordinator's Update" section. Chairman Brown thought that would be a great idea. County Clerk O'Brien stated that the coordinator could report on what and when events need to occur. Chairman Brown asked when Dana would be at the Election Commission full-time. Dana stated that she should be finished with redistricting soon. Dana reported that Rogers revised their wards and corrections will have to be made and that the remainder of the cities will have to be completed by June 22, 2012. Christine asked Dana if the wards for Siloam Springs had been filed. Dana responded, yes. Dana stated that she has not received any documentation from Bella Vista and that the last she heard was that Bella Vista is not going to change their wards and that Bentonville is still working on theirs. Dana stated that the City of Rogers has not yet sent her a copy of their ordinance but that they did erroneously filed their ordinance with the circuit court.

County Clerk O'Brien stated that the City of Avoca had contacted her inquiring on the process for increasing their fire district dues and that she told them that they would first have to submit a request to the Quorum Court to authorize a special election.

Commissioner Tumey stated that in the near future, the commission needs to discuss the early voting sites for the May 22, 2012 election. Christine said she would sit down with Commissioner Tumey after the Gravette School District Special Election and discuss early voting sites and locations. Commissioner Tumey stated she has concerns about being able to contact the locations selected in ample time.

Chairman Brown reported that on February 22, 2012 the commissioners will be attending “Commissioners Training” in Clarksville. County Clerk O’Brien stated she had made arrangements for them to have a county vehicle to use for this trip. Chairman Brown thanked the county clerk.

Gwen Millegar asked when the voters could expect their new voter registration cards. County Clerk O’Brien stated with the redistricting, the voter registration cards will all be mailed out.

**Adjournment:**

Chairman Brown made a motion to adjourn, seconded by Commissioner Tumey. The meeting adjourned at 1:35 P.M.

Respectfully submitted,

Russell J. Anzalone, Secretary  
Prepared by Sharon Rose  
Benton County Election Commission