

**PULASKI COUNTY ELECTION COMMISSION
BOARD MEETING
MONDAY, MAY 5, 2010
12:15 P.M.**

COMMISSIONERS PRESENT

Kent Walker, Chairman
Ozell Snider, Commissioner
Phil Wyrick, Commissioner

STAFF PRESENT

Melinda Allen
Tonya Washington
Bryan Poe

VISITORS: Karla Burnett, County Attorney; Scott Price, Bobbie Cox, Amanda Dickens, Count Clerk's Office

The meeting was called to order by Chairman Kent Walker. A quorum was determined; all commissioners present.

Chairman Walker requested the board to hold all previous meeting minutes in advance in order to allow sufficient time to review before approval.

Chairman Walker asked Ms. Karla Burnett to give a brief summation of the Arkansas Supreme Court case involving former Pulaski County Circuit Judge Willard Proctor. Chairman Walker stated his understanding that Mr. Proctor has now filed brief and appeal with the United States Supreme Court.

Ms. Burnett stated that in the Proctor case the county appeared before the trial court, and on behalf of the Election Commission, the county took no real position with regard to the constitutionality of the law in question and Mr. Proctor's ability to have the votes counted on the ballot. The county only addressed the issue to the judge what the proper remedy at that point and time. He had originally asked

that the ballots be amended. The county informed the court that it was too late to make changes to the ballot and asked that the order be to count or not count the votes. Judge Mackie Pierce ruled that the statute ACA§ 16-10-410(d) was in fact constitutional and ordered the Election Commission not to count any votes cast for Willard Proctor. He appealed to the Arkansas Supreme Court and the Attorney General's office represented the Secretary of State's office in an expedited manner, as far as the constitutionality of the law. The Arkansas Supreme Court upheld the decision in part and reverse it part. What the court essentially said is that under Amendment 66, it provides for the suspension or removal of a judge from office. While they found that the statute was unconstitutional, because it did set a qualification on one's ability to run for office, the court found that the terms "suspension" and "removal", within the Constitution itself, provided for the permanent removal of a judge from office. And if it was permanent removal, that precluded a judge from running again. If you could suspend someone from the remainder of their office, then suspension and removal were redundant. After hearing the appeal in an expedited manner, there was no oral argument ruled that while the statute was unconstitutional, the Constitution provided for permanent removal, and the Election Commission is not to count the write-in votes for Willard Proctor.

POLLING LOCATION CHANGE (TEMPORARY)

Pleasant Valley Church of Christ cannot be a polling location for the June 8, 2010 Primary Runoff because an event previously scheduled. For the runoff, this location will be combined with First Baptist Church of Little Rock, Precinct 69. Because this is a temporary site, the county clerk's office will send postcards notifying voters in this precinct. The Election Commission will post signs at Pleasant Valley Church of Christ to direct voters to the temporary location for the runoff. Voters will return to their normal polling location for the November General Election. Mrs. Allen suggested to the county clerk's office to send a letter notifying voters of the temporary change because the postcard denotes to the voter a permanent change.

Motion to temporarily move Precinct 70 to Precinct 69 for the Primary Runoff on June 8, 2010 made by Commissioner Wyrick; seconded by Commissioner Snider. All in favor; motion carried unanimously.

Early vote totals as of closing on Tuesday, May 4, 2010: 2000. No long lines have been experienced at any of the early voting locations. Chairman Walker stated that he would make efforts to visit all of the early voting locations this week.

Mrs. Allen sent notices to the Democrat and Republican Parties asking for assistance with recruiting poll workers to fill the remaining Election Day locations in need of election officials. Mrs. Allen asked Tonya Washington if calls received were coming from the Parties. Mrs. Washington stated that she has received several inquiries and believes they have been the result of recruitment from the Parties. None of the callers specified that they were referred by either Party. At this point, about 15 election officials are needed to fill vacant positions. One Chief Judge position, that had been vacated unexpectedly, has been filled.

OTHER BUSINESS

For clarification, Mrs. Allen asked if the board had requested, in a previous meeting, not to attach the election proclamation for the City of Alexander to the minutes to be filed with the county clerk's office upon approval. Chairman Walker stated that it would be fine to include the document.

Scott Price stated there will be 50 clerks answering calls in voter registration on Election Day.

The next scheduled meeting is Thursday, May 13, 2010.

Motion to move into executive session made by Commissioner Wyrick; seconded by Commissioner Snider. All in favor; motion carried unanimously.

EXECUTIVE SESSION

The board recessed to enter into executive session.

BOARD MEETING RESUMED

The board returned from executive session with no formal action taken.

Motion to adjourn made by Commissioner Wyrick; seconded by Commissioner Snider. All in favor; motion carried unanimously.

Meeting adjourned.