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Summary of Revisions to the

RULES FOR VOTER INTENT

The State Board of Election Commissioners met on June 23, 2015 and approved for public comment revisions to the "Rules for Voter Intent". The public comment period ended on August 10, 2015. The State Board of Election Commissioners met again on October 30, 2015 to approve revisions to the "Rules for Voter Intent".

Below is a summary of the rules that were approved by the Board on June 23, 2015 for the public comment period, followed by a list of persons commenting on the rule, a summary of the comments, the agency's response to the comments, and the changes to the rules as a result of the public comments.

Initial changes include: 1) Section 300: amending the definitions of "Marking Device" and "Voting Machine" as a result of Act 1218 of 2015; and 2) Section 301: removing the requirement that the name of a write-in candidate must be hand written on a paper ballot pursuant to Act 1218 of 2015.

PERSONS COMMENTING ON THE RULE

Dennis Bosch – Garland County Election Commissioner (via email on August 7, 2015)

SUMMARY OF COMMENTS

§ 301: Commenter states that section 302 uses the phrase "if known" when describing the steps to document an abandoned electronic ballot. The same phrase should be used for documenting paper-abandoned ballots in section 301.

AGENCY'S RESPONSE TO COMMENTS

§ 301: The relevant part of the proposed rule states:

§ 301 Paper Ballots

...

*15. If a paper ballot that is fed by a voter into an electronic vote tabulating device is rejected by the device but is in the receiving part of the counter, and the voter has departed the polling site without instructing a poll worker to cancel or replace the ballot, then two (2) poll workers shall override warnings and complete the process of casting the ballot. The poll workers shall document the time they completed the process of casting the ballot, **the name of the voter, the names of the poll workers completing the process, and all other circumstances surrounding the abandoned ballot.***

§ 302 Direct Recording Electronic Voting Machine

*Voting machines are constructed to notify a voter when more than the maximum allowable number of selections in any one (1) contest are made, thus preventing the voter from over-voting any contest on the ballot. Voting machines can be programmed to alert the voter of any undervoted contest.¹⁷ If a voter fails to complete the process of casting an electronic ballot on a voting machine and departs the polling site without notifying a poll worker of his or her desire to cancel the ballot prior to departing, two (2) poll workers shall take action to complete the process of casting the ballot. The poll workers must document the time, **the name of the voter, if known**, the names of the poll workers completing the process of casting the ballot, and all other circumstances surrounding the abandoned ballot.*

The board agrees with the commenter's suggestion. It is noted that § 302 was not subject to the rulemaking process that is the subject of the comment period. As such, although the proposed change is a de minimis clarification of the rule, to make the proposed change would require a new rulemaking process.

RULE CHANGES AS A RESULT OF PUBLIC COMMENTS

None